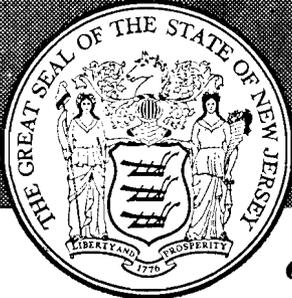


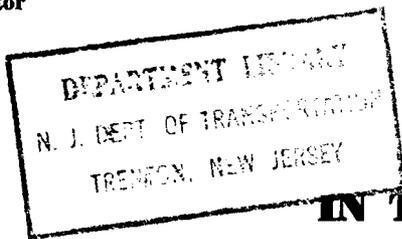
# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor  
Albert E. Bonacci, Director of Administrative Procedure  
Peter J. Gorman, Rules Analyst  
John K. Barnes, Editor

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DEPT OF TRANSPORTATION  
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(a)

## BANKING

### DIVISION OF ADMINISTRATION

#### Revisions In Procedural Rules

On August 9, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1B-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions in procedural rules, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 76(c).

Such revisions may be cited as N.J.A.C. 3:1-2.9 through 3:1-2.13. The rules currently cited as N.J.A.C. 3:1-2.9 through 3:1-2.20 will later be renumbered in the Administrative Code and cited as N.J.A.C. 3:1-2.14 et seq. The latter's text is to remain unchanged.

An order adopting these revisions was filed and effective August 9, 1973, as R.1973 d.217.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions Concerning Athletics Personnel

On August 8, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15, 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rule concerning athletics personnel.

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

N.J.A.C. 6:29-6.3(c) School districts shall be permitted to employ certified, full-time employees of their constituent [districts] or sending districts, or of a vocational school within the same county as designated in N.J.S.A. 18A:54-11,

to work on a part-time basis in the inter-scholastic program, providing the superintendent of schools of the receiving district certifies an emergency exists to the county superintendent, upon whose approval the individual may be employed for one year.

An order adopting these revisions was filed and effective August 10, 1973, as R.1973 d.223 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Rules On Noise Control

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1G-1 et seq., proposes to adopt new rules concerning noise control.

Full text of the proposed rules follows:

#### CHAPTER 29. NOISE CONTROL

##### SUBCHAPTER 1. GENERAL PROVISIONS

###### 7:29-1.1 Definitions

"Ambient sound level" means that level which exists at any instant in a given environment, regardless of source.

"Commercial operation" means any facility or property on which the public does or may enter to buy or utilize goods, services or land or its facilities, including but not limited to:

1. Agriculture, property used for the production of crops or livestock, (that is, livestock and products; field, truck and orchard crops; fruits, nursery and greenhouse stock, fur products and wildlife preserves);
2. Commercial dining establishments (restaurants, diners, luncheonettes, snack bars, drive-ins, ice cream bars and night clubs);
3. Commercial living accommodations;
4. Motor vehicle services (auto dealers-sales and service, service and gas stations, auto body, tire shops, car wash, and parking garage and lots);

## NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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Subscriptions to the official New Jersey Administrative Code containing all State rules in loose-leaf, updated volumes are also available from the Division or by using the official order form on the last page.

5. Retail services (shopping centers, retail outlets and supermarkets);

6. Wholesale services (distributors and jobbers of goods);  
7. Banks and office buildings;

8. Recreation and entertainment (theaters, drive-ins, stadiums, racetracks, fairgrounds, amusement parks, game farms, firearms shooting ranges, skating rinks, golf courses, riding stables, beaches, and parks, camps, campgrounds, resorts);

9. Community services (educational, religious, governmental, cultural, recreational facilities, cemeteries, benevolent associations, hospitals, health and correctional facilities);

10. Public services, property used to provide services to the general public (gas and electric, water treatment and distribution and waste disposal services);

11. Other commercial services (funeral homes, dog kennels, veterinary clinics and greenhouses).

"Continuous airborne sound" means sound that reaches the point of measurement propagation through air and can be detected by slow response setting of sound level meter.

"Decibel" means a unit for measuring the volume of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrary chosen standard sound; abbreviated "dB".

"dBA" means measured level in sound expressed in dB when using a sound level meter with an "A" weighting network activated.

"Emergency energy release device" means emergency safety devices expressly used to release excess energy. Process control devices are not to be considered emergency devices.

"Frequency" means the number of oscillations per second, now expressed in hertz (abbreviation Hz), formerly in cycles per second (abbreviation cps).

"Impulsive sound" means impulsive sound characterized by brief excursions or sound pressure (acoustic impulses) which exceed the ambient sound pressure by five dB or more. The duration of a single impulse is usually less than one second.

"Industrial operation" means any operation used for the following:

1. Storage, warehouse and distribution facilities, property used for storage, distribution (gasoline storage and/or distribution, grain elevators, lumber yards, coal yards, boat piers);

2. Property used for the production and fabrication of durable and non-durable man-made goods (manufacturing, mining, refining, quarrying, and wells);

3. Activities carried out on the property.

"Octave band" means a frequency band whose upper band-edge frequency is twice the lower band-edge frequency. The octave band is typically identified by the geometric mean frequency called the octave band center frequency.

"Octave band selector" means a selector which is part of, or attached to, a sound level meter that provides selection of each octave band.

"Octave band sound pressure level" means the integrated sound pressure level of only those sine-wave components in a specified octave band for sound having a wide spectrum.

"Peak sound pressure level" means the maximum instantaneous sound pressure level for a transient or impulsive sound of short duration.

"Person" means any individual, public or private corporation, political subdivision, governmental agency, de-

partment or bureau of the state, municipality, industry, copartnership and association.

"Residential property" means property used for human habitation (year-round residences, rural residences with acreage, estates, seasonal residences and individual mobile homes):

1. Commercial living accommodations, commercial property used for human habitation (hotels, motels, apartments, mobile home parks, camps, cottages, bungalows, inns, lodges, boarding and rooming houses, tourist homes, and dormitories);

2. Recreational and entertainment property used for human habitation (camps, camping facilities, resorts, parks, and nature areas);

3. Community service, property used for human habitation (orphanages, benevolent and moralae associations, homes for the aged, hospitals, health and correctional facilities).

"Sound level" means the measured level of a sound, expressed in dB re 0.0002 microbar, obtained using a sound level meter. Sound levels include all factors inherent in measuring with a sound level meter including microphone frequency response, amplifier characteristics, meter damping, observer effects and weighting networks.

"Sound pressure level" means sound pressure level, in decibels, of a sound is 20 times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure. Unless otherwise specified, the effective (rms) pressure is to be understood.

"Stationary emergency signaling device" means any device not attached to a moving vehicle, used to alert persons engaged in emergency operations. These include but are not limited to fire fighters, first aid squad members and law enforcement officers, whether paid or volunteer.

7:29-1.2 Industrial and commercial operations

(a) No person shall cause, suffer, allow or permit sound from any industrial or commercial operation which when measured at any residential property line is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

i. Continuous airborne sound which has sound level in excess of 65 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands.

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 100 decibels.

2. From 10:00 P.M. to 7:00 A.M.:

i. Continuous airborne sound which has a sound level in excess of 50 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	67
63	61
125	55
250	50
500	47
1000	44
2000	41
4000	38
8000	35

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

3. No person shall cause, suffer, allow or permit sound from any industrial or commercial operation, which when measured at the property line of any commercial operation is in excess of any of the following:

- i. Continuous airborne sound which has a sound level in excess of 65 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	80
63	79
125	74
250	69
500	63
1000	57
2000	52
4000	48
8000	45

iii. Impulsive sound in air which has a peak sound pressure level in excess of 100 decibels.

7:29-1.3 Exceptions

(a) The operational performance standards established in this Chapter shall not apply to any of the following:

- 1. Public roadways;
- 2. Airports, noise directly related to aircraft flight operations, (taxing, landing, takeoff and flight). This exemption does not apply to aircraft maintenance or any other activities conducted at the airport which are not directly related to flight;
- 3. Emergency work to provide electricity, water or other public utilities when public health or safety are involved;
- 4. Bells, chimes or carillons while being used in conjunction with religious services;
- 5. Surface carriers engaged in commerce by railroad;
- 6. Motor carriers engaged in commerce;
- 7. Emergency energy release devices;
- 8. Public celebrations;
- 9. Motor vehicle race tracks;
- 10. The unamplified human voice;
- 11. Use of explosive devices - These are regulated by the New Jersey Department of Labor and Industry under the 1960 Explosive Act (RS-21:1A-27).
- 12. Stationary emergency signaling devices:
  - i. Upon the effective date of this rule:
    - (1) No testing of stationary emergency warning devices shall occur at other than 12:00 P.M.
    - (2) Any such testing shall only use the minimum cycle test time. In no case shall test time exceed five seconds.
  - ii. Starting January 1, 1975, no warning device shall

emit into the air between 10:00 P.M. and 7:00 A.M. sound exceeding the requirements of N.J.A.C. 7:29-1.2(a) 1. i., ii. and iii.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be held:

Thursday, October 25, 1973, 10:00 A.M.  
 Mercer County Community College  
 Theater Building  
 Mercerville-Edinburgh Road  
 West Windsor Township, New Jersey

Written comments regarding the proposed regulations may be filed on or before Nov. 25, 1973, with the Department of Environmental Protection, Division of Environmental Quality, P.O. Box 1390, Trenton, New Jersey 08625.

After full consideration of all submissions respecting the proposal the Commissioner of the Department of Environmental Protection, upon its own action or at the instance of any interested party, may thereafter adopt these proposed rules substantially as proposed without further notice.

Richard J. Sullivan  
 Commissioner  
 Department of Environmental Protection

(a)

**ENVIRONMENTAL PROTECTION  
 THE COMMISSIONER**

**Proposed Rules for Pesticides Control**

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1F-1 et seq., proposes to adopt new rules concerning pesticides control.

Full text of the proposed rules follows:

CHAPTER 30. PESTICIDES CONTROL

SUBCHAPTER 1. GENERAL PROVISIONS

7:30-1.1 Definitions

"Act" means the Pesticide Control Act of 1971 (N.J.S.A. 13:1F-1 et seq.).

"Commissioner" means the Commissioner of Environmental Protection in the State Department of Environmental Protection.

"Department" means the State Department of Environmental Protection.

"Person" means and shall include corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

"Pesticide" means and includes any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. The term "pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant, or plant regulator.

"Listed number" means the number assigned by the Department to a prohibited, restricted or specially restricted pesticide.

7:30-1.2. Prohibited pesticides

(a) No person shall sell, offer for sale, purchase or use any of the following pesticides:

Listed

Number	Prohibited Pesticides
101.	Benzene hexachloride - mixed isomers (BHC);
102.	DDD, TDE (dichloro diphenyl dichloroethane);
103.	DDT (dichloro diphenyl trichloroethane);
104.	Endrin (Hexachloroexoxyoctacydro-endo);
105.	Mercury compounds (except those used as drugs as defined in N.J.S.A. 24:21-2);
106.	Polychlorodichylopentadiene isomers-(Bandane);
107.	Selenites and selenates;
108.	Strobane [terpene polychlorinate (65-66% cl)];
109.	Thallium;
110.	Sodium fluoroacetate (1080) (1081);
111.	Toxaphene.

7:30-1.3 Restricted pesticides

(a) The following pesticides are restricted pesticides. Unless otherwise provided, all concentrations of the following pesticides are restricted:

1. Fungicides, nematocides, fumigants and related materials:

Listed

Number	Restricted Pesticides
201.	Acrylonitrile;
202.	Aluminum phosphide;
203.	Cadmium products (containing salts or metal complexes);
204.	Carbon disulfide;
205.	Carbon tetrachloride;
206.	Chloropicrin;
207.	Cyanides - Calcium and inorganic cyanides and liquid hydrogen cyanide;
208.	Dichloropropane;
209.	Dichloropropine;
210.	0,0-Diethyl 0-[p-Methylsulfinyl phenyl] phosphorothioate;
211.	0,0-diethyl 0-2-pyrazinyl phosphorothioate;
212.	4,6-dinitro-0-sec-butylphenol and salts;
213.	4,6-dinitro-0-cresol and salts;
214.	4,6-dinitro-0-cyclohexyphenol and salts;
215.	Ethylene dibromide;
216.	Ethylene dichloride;
217.	Methyl bromide;
218.	Methylene chloride;
219.	Pentachlorophenol - all concentrations above five percent;
220.	Prophos;
221.	Sulfuryl fluoride;
222.	Tetrachlorothiophene;
223.	Vorlex.

2. Herbicides and related materials:

Listed

Number	Restricted Pesticides
301.	Acrolein;
302.	Allyl alcohol;
303.	Calcium cyanamide;
304.	2,4-D (high volatile esters);
305.	Endothall - all concentrations above 20 per cent;
306.	Paraquat - all concentrations above two percent cation;
307.	Picloram;
308.	Polychlorobenzoic acid;
309.	Sodium chlorate;
310.	2,4,5-T;
311.	2,3,6-Trichlorobenzoic acid.

3. Insecticides and related materials:

Listed

Number	Restricted Pesticides
401.	Carbophenothion - all concentrations above five per cent;
402.	Chlordane - all concentrations above 5 per cent G. in packages larger than 20 lbs., 5 per cent dust in packages larger than 5 lbs., 50 per cent E.C. (liquid) in packages more than 32 oz.;
403.	Cycloheximide — all concentrations above 1.3 per cent;
404.	Demeton;
405.	2,2-dichlorovinyl dimethyl phosphate — all concentrations above 1 per cent, all resin strips not restricted if Federally registered;
406.	0,0-Diethyl S-(6-chlorobenzoxaxozlone-3-yl methyl) phosphorodithioate;
407.	0,0-diethyl 0-3-chloro-4-methyl-2-oxo-2H-1 benzo-pyran-7-yl;
408.	0,0-Diethyl-0-(2-isoproryl-4-methyl-6-pyrimdyl) phosphorothioate - all concentrations above 5 per cent liquid or 25 per cent dry;
409.	2,3-Dihydro-2,2-dimethyl-7-benzofuranyl methyl-carbomate all concentrations above 10 per cent G.;
410.	3-(Dimethoxy-phosyphinyloxy)-N,N-dimethyl-cis-crotonamide;
411.	4-Dimethylamino-M-Tolyl methylcarbamate;
412.	4-Dimethylamino-3,5-xylyl N-methylcarbamate;
413.	0,0-Dimethyl 0-p(dimethylsulfamoyl) phenylphosphorothioate;
414.	0,0-Dimethyl 0 (and S)-[2(ethylthio) ethyl] phosphorothioates (I and II) - all concentrations above 13.5 per cent;
415.	Dimethyl 3-hydroxyglutaconate dimethyl phosphate;
416.	0,0-Dimethyl S-(2-methoxy-1,3,4-thiadiazol-5(4H)-onyl-4-methyl phosphorodithioate;
417.	0,0-Dimethyl 0-4(methylthio)-m-tolyl phosphorothioate;
418.	0,0-Dimethyl S-(4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl) phosphorodithioate - all concentrations above 12.4 per cent;
419.	Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide;
420.	Dimethyl phosphate of methyl-3-hydroxy-cis-crotonate (principal constituent);
421.	Dioxathion—all concentrations above 25 per cent;
422.	Disulfotan—all concentrations above 2 per cent G.;
423.	Endosulfan—all concentrations above 4 per cent dry;
424.	Ethion—all concentrations above 6 per cent G.; 3 per cent all others;
425.	0-Ethyl 0-p-nitrophenylphenylphosphonothioate;
426.	0-Ethyl-S-phenylethylphosphonodithioate - all concentrations above 10 per cent;
427.	0-Isopropoxyphenyl-methylcarbamate - all concentrations above 2 per cent;
428.	Lindane—all concentrations above 25 per cent liquid or 25 per cent dry;
429.	S-Methyl-N-[(methylcarbamoyl)oxyl] thioacetimide;
430.	2-methyl-2-(methylthio) propionaldehyde O-(methyl-carbamoyl) oxime;
431.	Nicotine alkaloid;
432.	Nicotine, salts—all concentrations above 40 per cent nicotine expressed as alkaloid;
433.	Octachlorhexahydromethanoisobenzofuran;
434.	Paraoxon;

- 435. Parathion (methyl-ethyl);
- 436. Phorate—all concentrations above 10 per cent G.;
- 437. Phosphamidon;
- 438. Schradan;
- 439. 0,0,0,0,-Tetraethyl dithiophosphosphate;
- 440. Tetraethyl pyrophosphate.

4. Rodenticides and related materials;

Listed

Number Restricted Pesticides

- 601. 3-(alpha-acetylfurfuryl)-4-hydroxycoumarin - all concentrations above 3 per cent;
- 602. Alpha-Naphthylthiourea - all concentrations above 29 per cent;
- 603. 4-Aminopyridine;
- 604. 2-Chloro-4-dimethylamino-6-methylpyrimidine;
- 605. 0,0-bis (p-chlorophenyl) acetimidoylphosphorami-  
dothioate;
- 606. Diphacinone—all concentrations above 3 per cent;
- 607. Phosphorus (yellow, white);
- 608. 2-Pivalyl-1,3-indandione - all concentrations above  
3 per cent;
- 609. Strychnine and its salts;
- 610. Warfarin—all concentrations above 3 per cent;
- 611. Zinc Phosphide—all concentrations above 2 per  
cent.

7:30-1.4 Specially restricted pesticides

(a) The following pesticides are specially restricted pesticides:

Listed

Number Specially Restricted

- 701. Aldrin;
- 702. Arsenious oxide;
- 703. Calcium arsenate;
- 704. Dieldrin;
- 705. Heptachlor;
- 706. Lead arsenate;
- 707. Magnesium arsenate;

(b) The following specified concentrations or uses of specially restricted pesticides shall be considered, for the purposes of this regulation, to be restricted pesticides:

1. 701. Aldrin - allowable for control of termites within or adjacent to structures or beneath the surface of the ground - for soil application for control of northern corn rootworm, cabbage maggot and other soil insects.
2. 702. Arsenious oxide - allowable for formulating baits which shall contain not more than 2.4 per cent of the compounds for commercial areas or 1.5 per cent of the compound for home areas to control rodents.
3. 703. Calcium arsenate - allowable in concentrations above 6% active ingredient expressed as tricalcium arsenate allowable for use only in prescription programs for control of *Poa annua* in turf. Concentrations under six per cent unrestricted.
4. 704. Dieldrin - allowable for control of termites within or adjacent to structures or beneath the surface of the ground; for application to lumber, to wooden structures and in laminating glues to prevent and control the powder post beetle; for application to surface soil for shipment of nursery soil and salable sod, and treated seed intended for subsurface planting.
5. 705. Heptachlor - allowable for control of termites within or adjacent to structures or beneath the surface of the ground; for soil application for wireworms, white grubs and other soil insects in non-food and non-feed crops.
6. 706. Lead arsenate - allowable for use in peach and apple insect control programs to control fusicoccum canker, plum curculio, codling moth, apple maggot and other chewing insects.
7. 707. Magnesium arsenate - and other inorganic ar-

senicals not specifically covered, allowable for use by permit and only upon review for determining acceptability of proposed use. (Soluble arsenics, including arsenic trioxide (above 1.5%), and sodium arsenate (above 2%) and sodium arsenite (above 5%) shall be restricted with permits granted only after review of the specific use proposed.

(c) No person shall purchase or use any specially restricted pesticide in any concentration, or for any use not listed in this Section without first obtaining a special use permit from the Department.

(d) A special use permit shall be valid for a period not to exceed one year and shall not be transferable. The issuance of a special use permit shall in no way affect the other powers granted to the Department pursuant to the Pesticide Control Act.

1. Application for a special use permit shall be made on such forms as the Department may provide.

2. Applicants shall be required to give the following information when applying for a special use permit:

- i. The type of area or areas to which the specially restricted pesticide will be applied.
- ii. The purpose or purposes for which the specially restricted pesticide will be used.
- iii. The reasons that a specially restricted pesticide was selected for this use or uses.
- iv. A listing of alternative pesticides and the reason or reasons that these were not selected for the use or uses contemplated.
- v. Such other information as the Department may determine to be necessary to promote the public health, safety, and welfare and to protect man or the environment.

(e) The Department may impose such additional conditions on the issuance of a special use permit as it deems necessary to promote the public health and welfare and to protect man and the environment.

7:30-1.5 Dealers in restricted pesticides

(a) No person shall sell or offer for sale any restricted or specially restricted pesticide until he has first registered as a dealer in restricted pesticides with the Department.

(b) No person shall sell a restricted or specially restricted pesticide unless the purchaser presents a valid pesticide applicator's certificate or if applicable, a special use permit.

(c) A dealer in restricted pesticides shall keep records of all sales of restricted or specially restricted pesticides for a period of two years and shall make them available to the Department upon request. Such records shall include:

1. Name and address of purchaser;
2. Listed number and quantity of restricted pesticide sold;
3. Date of sale;
4. The purchaser pesticide applicator's certificate number;
5. If applicable, the special use permit number.

(d) No person shall sell, offer for sale, or hold for sale any restricted or specially restricted pesticide in the immediate vicinity of or in a manner that food for human consumption, animal feeds or fertilizers may become contaminated.

(e) A restricted pesticide dealer shall post a list of persons to contact in case of a pesticide accident. Such a list shall be displayed on such forms as the Department may provide.

(f) The registration of a dealer in restricted pesticides is not transferable.

(g) A dealer in restricted pesticides shall notify the De-

partment within ten days if he changes the name of his business, his place of doing business or is no longer engaged in the business of selling restricted or specially restricted pesticides.

(h) A dealer in restricted pesticides shall renew his registration annually.

(i) The Department, in addition to any penalties authorized by the Act, may suspend or revoke the registration of a dealer in restricted pesticides for any violation of the Act or these regulations. Such action shall be taken in accordance with provisions of the Administrative Procedure Act (N.J.S.A. 52:42B-1 et seq.)

#### 7:30-1.6 Applicators of restricted pesticides

(a) No person shall purchase or engage in the use or application of restricted or specially restricted pesticides without first registering as an applicator of restricted pesticides with the Department.

(b) An applicator of restricted pesticides shall keep records of his use and application of restricted and specially restricted pesticides for a period of two years from the date of application and shall make them available to the Department upon request. Such records shall include:

1. The listed number and quantity of pesticides applied;
2. Location of application;
3. Date of application;
4. Purpose and method of application;

(c) An applicator of restricted pesticides engaged in the application of restricted or specially restricted pesticides for profit or as a business shall upon request provide his customer with a record of each application of pesticides.

(d) The registration of an applicator of restricted pesticides is not transferable.

(e) An applicator of restricted pesticides shall notify the Department within ten days if he changes the name of his business, his place of business or is no longer engaged in the application of restricted or specially restricted pesticides.

(f) An applicator of restricted pesticides shall renew his registration annually.

(g) The Department, in addition to any penalties authorized by the Act, may suspend or revoke the registration of an applicator of restricted pesticides for any violation of the Act or these regulations. Such action shall be taken in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.)

#### 7:30-1.7 Control of use, application, storage, transportation and disposal of pesticides

(a) No person shall apply any pesticide on a community or area-wide basis for the purpose of controlling adult mosquitoes or flies. Provisions of this Subsection do not apply to applications for agricultural purposes, aggregate areas of less than three acres or controlled programs approved by the Department.

(b) Restricted or specially restricted pesticides and containers contaminated by residues of restricted or specially restricted pesticides when unattended shall be stored in a secure, locked enclosure. Such an enclosure shall bear prominently displayed warnings in English and Spanish and/or any other language or languages as may be designated by the Department.

(c) No person shall use or apply a pesticide in a manner inconsistent with its Federal or State registered label or restrictions as provided for in these regulations.

(d) No person shall store, transport or otherwise possess any pesticide, except in its original container, that is not adequately labeled as to name and concentration of the pesticide and bears proper warnings. The provisions of this Subsection shall not apply to those pesticides in the

process of manufacturing, formulating, direction application or experimentation.

(e) No person shall transport, handle, store, load or dispose of any pesticide or pesticide container in a manner that causes unreasonable adverse effects on man or the environment.

(f) No person shall apply or use pesticides either in a manner that causes unreasonable damage to non-target areas, or in a manner which brings the pesticide into contact with persons in or near the area of application.

(g) All persons responsible for the use, application, storage and transportation of restricted or specially restricted pesticides shall make available necessary safety equipment in good working order to employees who use or apply any restricted or specially restricted pesticide, and shall train such employees in the proper operation of such safety equipment.

#### 7:30-1.8 Experimental and other restrictions

(a) The holder of a Federally-issued temporary use permit of an experimental pesticide shall notify the Department of:

1. The temporary permit number;
2. Where in New Jersey the pesticide will be used;
3. The amount that will be used in each location;
4. A copy of the quarterly report required under Federal regulation.

(b) The Department may require that any person who manufactures or formulates any pesticide for sale or use in New Jersey submit such information as the Department deems appropriate to promote the public health, safety and welfare and to minimize adverse effects on man and the environment. In submitting data required by this Subsection, the person submitting data may clearly mark any portions thereof which, in his opinion, are trade secrets. The Commissioner shall not make public information which in his judgment contains or relates to trade secrets.

(c) The Department may authorize the sale or use of any pesticide upon request by the Commissioner of the Department of Health or the Secretary of the Department of Agriculture, and when the Commissioner of the Department of Environmental Protection determines that such action will serve the interest of the public health, safety or welfare.

#### 7:30-1.9 Orders

(a) The Department may in its discretion issue an order directing the recipient to cease and desist from violating any provision of these regulations.

(b) This Section shall in no way be construed to require the issuance of such an order before proceeding with such other remedies as provided by law.

#### 7:30-1.10 Effective dates

(a) Any pesticide prohibited or specially restricted pursuant to Sections 2 and 4 of this Subchapter may be used as a restricted pesticide in accordance with Federal and State regulations for a period not to exceed 12 months after the date of adoption of this regulation or until supplies on hand in New Jersey are exhausted, whichever first occurs.

(b) Provisions of Sections 5 and 6 of this Subchapter shall become effective on January 1, 1974.

(c) All other Sections shall become effective immediately upon adoption of these regulations.

(d) Provisions of these regulations do not apply to pesticides intended solely for export to any place outside the borders of the State of New Jersey.

Interested persons may present statements orally or in writing relevant to the proposed action at public hearings to be held as follows:

Tuesday, October 16, 1973 at 10:00 A.M.

Food Sciences Building

Rutgers University

College Farm Road

New Brunswick, New Jersey

Thursday, October 18, 1973 at 10:00 A.M.

Vineland City Hall

Council Chambers

Vineland, New Jersey

Written comments regarding the proposed regulations may be filed on or before November 16, 1973, with the Department of Environmental Protection, Division of Environmental Quality, P.O. Box 1390, Trenton, New Jersey 08625.

After full consideration of all submissions respecting the proposal the Commissioner of the Department of Environmental Protection, upon his own motion or at the instance of any interested party, may thereafter adopt these proposed rules substantially as proposed without further notice.

Richard J. Sullivan

Commissioner

Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Proposed Rules for Controlled Hunting in Certain Areas

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, proposes to adopt new rules concerning controlled hunting on the Black River, Assumpink and Port Republic Fish and Wildlife Management Areas.

Full text of the proposed rules follows:

7:25-2.15 Controlled hunting

(a) The wildlife management areas selected for limited hunter density are Black River in Morris County, Assumpink in Monmouth County, and Port Republic in Atlantic County. Hunter numbers will be controlled on four Saturdays—November 17, November 24, December 1 and December 8, and on Thanksgiving Day, 1973.

(b) The 3,000-acre Black River area will be limited to 375 hunters at one time on the above dates; the Assumpink area of 3,800 acres is limited to a maximum of 465 hunters; the quota for the 750-acre Port Republic area is 100 hunters. Additional hunters will be accommodated as registrants complete hunting and check out for the day.

(c) Hunters will be admitted on a first-come, first-served basis at the three tracts. Registration will begin at 5:00 A.M. No reservations will be accepted and hunters must register in person. Registration booths for the Black River area will be located at each of the four parking lots. The Assumpink registration station will be at the field trial clubhouse on East Branch Road. Location directions will be posted in the area. Port Republic registration station will be located at the main entrance.

(d) The procedure for registration will be to exchange the motor vehicle operator's license for a special self-attachable back tag and car windshield tag. The special

back tag is good only for hunting on the associated wildlife management area and must be displayed in addition to the regular hunting license. The check-in procedure is reversed at the conclusion of the day's hunt. Bag checks and other pertinent information will be collected during the check-out procedure.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973 to: Fish and Game Council, Division of Fish, Game and Shellfisheries, P.O. Box 1809, Trenton, New Jersey 08625.

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

Russell A. Cookingham

Director, Division of Fish, Game and Shellfisheries

Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Amendment to 1973-74 Game Code

On August 15, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the 1973-74 Game Code concerning hunting in the Great Swamp National Wildlife Refuge, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 221(a).

Such amendment may be cited as N.J.A.C. 7:25-5.20(f).

An order adopting this amendment was filed August 15, 1973, as R.1973 d.226 to become effective September 1, 1973.

Albert E. Bonacci

Director of Administrative Procedure

Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions to Rules for Certified Health Services Personnel and Program Standards

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2F-3, proposes to delete portions of the rules in Chapter 49 of Title 8 of the New Jersey Administrative Code concerning the certified health services personnel and program standards.

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

8:49-1.2(a)2. [Develop and maintain a health advisory committee when there is no separate, autonomous local board of health.] **Reserved.**

8:49-1.6 [Laboratory services] **Reserved.**

Note: The entire text of this Section is proposed to be deleted in its entirety.

8:49-2.2(b) Personnel standards. Health officer and/or Director of Air Pollution Control; air pollution inspector and/or sanitary inspector, first grade [, who is certified by the State Department of Health as qualified to perform smoke control activities].

8:49-2.5(b) Personnel standards. Sanitary inspector, first grade [, who is also certified by the State Department of Health to accomplish the above activities].

8:49-2.7(b) Personnel standards. Housing inspector and/or sanitary inspector, first grade [, who possesses a certificate issued by the Bureau of Government Research, Rutgers—The State University].

8:49-2.11(b) Personnel standards. Sanitary inspector, first grade [, who is in addition certified by the New Jersey State Department of Health as qualified for mobile home park inspection activities].

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

John Harrison, Director  
Health Aid Services  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

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

Watson E. Neiman  
Acting Commissioner  
Department of Health

(a)

## HEALTH

### LOCAL HEALTH SERVICES

#### Proposed Revisions to Administrative Manual Concerning Certified Health Services

Watson E. Neiman, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:2F-3, proposes to revise portions of the administrative manual included in Chapter 49 of Title 8 of the New Jersey Administrative Code concerning certified health services.

The proposed revisions concern full-time health officers, annual expenditures for health purposes, annual report, determining State health aid, applying for State health aid, general policies regarding State health aid, instructions for completing required forms, contract and accounting guidelines for certified health services and between local health agencies, and allocation of basic State health aid.

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

John Harrison, Director  
Health Aid Services  
Division of Community Health Services  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to the Department of Health at the above address.

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

Watson E. Neiman  
Acting Commissioner  
Department of Health

(b)

## INSTITUTIONS AND AGENCIES

### DEVELOPMENTAL DISABILITIES COUNCIL

#### Proposed 1974 State Plan Annual Revision

The New Jersey Developmental Disabilities Council in the Department of Institutions and Agencies, pursuant to authority of Executive Order Number 20 of 1971 and Number 49 of 1973, proposes to adopt the 1974 State Plan Annual Revision under the Developmental Disabilities Services and Facilities Construction Act of 1970.

Submission of the New Jersey Annual Plan Revision for planning, administration and provision of services for persons with developmental disabilities to the New York Regional Office of the U.S. Department of Health, Education and Welfare is a condition to the certification of Federal funds under P.L. 91-517 of 1970.

For the purpose of the 1974 State Plan Annual Revision, developmental disabilities are limited to those cases where mental retardation, cerebral palsy or epilepsy, originating prior to age 18 and constituting a substantial handicap, is the primary handicap.

The proposed revision if adopted will be included in Chapter 140 of Title 10 in the New Jersey Administrative Code.

Copies of the full text of the State Plan Annual Revision is available for review at the office of:

New Jersey Developmental Disabilities Council  
169 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 6, 1973, to the New Jersey Developmental Disabilities Council at the above address.

The New Jersey Developmental Disabilities Council, upon its own motion or at the instance of any interested party, may thereafter adopt the State Plan Annual Revision substantially as proposed without further notice.

Catherine Rowan  
Executive Director  
New Jersey Developmental Disabilities Council  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Manual of Administration

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 2101., Definitions, and 2330., Reporting Total Recipient Count in ADC Grant, of the Manual of Administration. The current Section 2330. is to be deleted in its entirety and the text below adopted in place thereof.

Such revisions, if adopted, will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

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

#### 2101. Definitions

.2 c. When both natural or adoptive parents, [or a parent and stepparent,] are living in the home the term "applicant" means both parents [or a parent and stepparent,] and both shall be required to execute the formal written application unless one such parent [or stepparent] is physically or mentally unable to execute the form.

d. When a parent and a stepparent are living in the home, the term "applicant" means both parents if the stepparent is to be included in the grant and both, in such a situation, shall be required to execute the formal written application unless one such parent or stepparent is physically or mentally unable to execute the form.

When the child(ren) lives with a parent-person(s) the application shall be executed by the parent-person who is to be designated payee, and by any parent-person(s) who is to be included in the grant.

#### 2330. REPORTING TOTAL RECIPIENT COUNT IN ADC GRANT

##### .1 Definition

Total recipient count is the number of adults and the number of children on which the money payment is based; that is, two adults and four children would be reported as 2/4.

##### .2 Reporting

For purposes of statistical and financial reporting to the Division, show the number of persons included in the grant in accord with current instructions in Ruling Number 12 (Accounting Manual). See Financial Assistance Manual 122. for persons eligible to be included.

##### .3 Worker's responsibility

It is the responsibility of the worker to determine the correct "total recipient count" for entry on Form PA-3A, Worksheet and Authorization for Public Assistance, as instructed in Financial Assistance Manual 201.

In addition, whenever two adults are included in the grant, the names of both such adults are to be entered on Form PA-3A.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

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

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Proposed Revisions to Staff Development in State Plan for Services to Families and Children

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:14-1 et seq., proposes to delete in its entirety the current Section 2.9, Staff Development, of the State Plan for Services

to Families and Children and adopt in place thereof a new Section 2.9.

Take notice that, in the August 9, 1973, issue of the New Jersey Register at 5 N.J.R. 279(a), similar revisions were proposed. However, since substantive changes were recommended to be made to those revisions, the Department is republishing the Notice of proposal of such revisions.

The substantive changes concern the applicability to all Titles of the Social Security Act which are administered by the Department of Institutions and Agencies (that is, Titles I, IVA, IVB, X, XIV, XVI and XIX) and a broadening of the policies to the full extent authorized by Federal regulations.

Full text of the proposed revised rules follows:

#### 2.9 STAFF DEVELOPMENT

(A) Staff development will be provided on a continuing, progressive and comprehensive basis for all staff responsible for the development and provision of services.

The aim of the staff development program is to improve agency service delivery by improving staff performance. Staff competence and skill are not static. As varying areas of human need are identified and the necessity of raising standards of service is recognized, the emphasis in staff development will shift. Depending on the assistance to be rendered, the agency may employ staff members of varying levels of formal education for whom the staff development program will provide both in-service training and the opportunity to enhance abilities through formal education. In the final analysis, the staff's need for knowledge and skill in carrying responsibilities for which they are not adequately prepared sets the dimensions of the staff development program.

As an essential component of its administrative support function, the State agency carries responsibility for making available a continuous program of staff development that will effect the performance of workers in all operating units throughout the State. This will involve all personnel in different degrees and in different ways.

The overall purpose of staff development, therefore, is to increase the competence of staff in order to assure the highest quality of service delivery. This purpose is a continuing one.

(B) Improvement of staff performance is most effectively accomplished by:

1. Providing in-service training for all classes and levels of State and county welfare board staff employed by public and private vendors from whom the State agency has purchased service.
2. Providing State and county welfare board employees with opportunities for continued education.

#### IN-SERVICE TRAINING

In-service training is that part of the staff development program that is agency based and job-focused, relating specifically to the purpose and function of the overall agency program. It provides learning opportunities for all staff (State and county) and encompasses different types of activities appropriate to various phases of work experience. Both orientation and continuous training programs will be offered by the State agency. Training programs will be conducted by staff or by outside experts employed to conduct special programs. The State agency staff development program will direct its efforts toward training State staff and toward supervising and assisting local staff development units.

In order to exercise its supervisory role in relation to local units, the State agency will promulgate standards relating to staffing requirements, qualifications, and job

descriptions for staff development personnel, annual plans and such reports as are needed.

The State agency provides consultation, instruction and supervision to training personnel, develops training materials and monitors the training in the local units.

If staff development functions are administered in more than one Division, the State agency will assure program and policy consistency and coordination.

Orientation will be provided for all personnel at the time of entrance into agency service, and for personnel undertaking new assignments which represent a significant change in responsibility. Orientation may be provided by approved local agencies having their own training supervisor, or at a centralized location under the supervision of the State staff development unit.

Orientation will also be available to staff employed by public and private vendors from whom the State agency has purchased services.

**Beginning workers (State employees, county welfare board workers, volunteers)**

Orientation for beginning workers will consist of all or a portion of the following programs:

1. A centralized induction period with focus on the background of public welfare, agency philosophy, organization for the administration of human service delivery and the role of the worker;

2. An introductory work experience at the employing agency, with focus on basic documentary and manual materials particularly as they relate to the nature and scope of worker responsibilities; and

3. A period of centralized study with focus on the major areas of practice, on the use of regulations and procedures as instruments for providing services and on the techniques and skills required for acceptable performance.

The centralized elements of orientation will be scheduled as required by employment practices of the agency.

**Employees assuming new responsibilities**

Orientation will be provided for employees at times of significant change in job responsibilities, whether effected through line promotion or through specialized assignment. The plan for orientation will include material relevant to the nature of the new responsibilities, and the knowledge, attitudes and skills required for acceptable performance.

**Staff employed by service vendors**

In order to assure effective service delivery from a service vendor, orientation consisting of but not limited to the following will be provided to the vendor agency's staff:

1. A description of quality of service expected;
2. An introduction to the use of regulations and procedures as instruments for providing services;
3. A period of study with focus on techniques and skills required for acceptable performance.

**Prospective employees or volunteer workers**

A general orientation describing job responsibilities and techniques and skills necessary for effective performance will be provided to groups of prospective employees or prospective volunteers when this seems necessary or beneficial. This is often an effective device in screening applicants for both interest and aptitude.

Continuing training programs will be provided at suitable intervals to reinforce basic knowledge and develop required skills in performance of specified job functions, problems experienced by groups of staff. The State agency will accomplish these goals by providing any or all of the following:

1. On-the-job training which involves the supervisor and the persons supervised in a continuing teacher-learner re-

lationship. This includes individualized training through regularly-scheduled conferences with the supervisor around actual case situations and group training through participation in conferences and staff meetings of the supervisory unit. In both processes, the purpose of supervision is to enable the employee to increase his knowledge and skills to learn how to relate himself helpfully to others, to develop his capacity to render effective service in accordance with need and eventually to become a self-directing worker.

2. Developing a specialized in-service training staff, with the capacity for leading self-development and group sessions, utilizing role playing, simulated sessions and group criticism of taped sessions.

3. Utilizing special courses and training institutes and seminars on group work, casework, supervisory and administrative techniques while at the same time paraphrasing basic technical behaviors in terms of organizational requirements, reporting and policy, appreciation of the types of problems of people served and human relationship skills in all areas of responsibility.

## EDUCATION

Educational opportunities are available on a selective basis to employees at both State and local levels or to persons preparing for employment. The purpose of the educational program is to improve the value of the employee to his agency in the performance of his current or anticipated duties. Opportunities for education and advance study and training will be made available in all disciplines and skill areas related to agency functions and objectives. It is the goal of the State agency to create a full range of educational programs in cooperation with the various academic institutions. These will include:

1. Programs requiring full-time educational leave. Para-professional, technical and professional employees may be granted educational leave by the employing agency for study in an accredited school as a candidate for an associate degree, baccalaureate degree and for graduate professional education on a masters or doctoral level.

Educational leave may be granted with financial support up to the maximum amount allowed in Federal regulations.

Educational leave may also be provided to employees in worker-in-training classifications. The tenure of these employees is limited to the period of education. Upon successful completion of the educational program these persons will be promoted to an appropriate regular classification.

The number of educational leaves for professional training of State staff and county welfare board staff shall be increased each year to assure an adequate number of professional staff for the services programs. No limitation, except as dictated by available appropriations, has been imposed on the number of educational leaves for professional training that may be granted each year by either State or local agency staff. The number of such leaves is increasing each year.

2. Work study programs. Arrangements may be made first with nearby schools in relevant disciplines to enroll students in work study programs. Work study will give less affluent workers (paraprofessional, technical and professional employees) opportunities to enter professional development programs as the employing agency will maintain them on a salary while they are enrolled in degree programs on a part-time basis.

3. Extension and other courses. Arrangements will be made with educational institutions to develop courses and to utilize those courses previously established in significant areas of social service or related disciplines. These courses

are not degree oriented, but are geared toward enhancing basic knowledge and sharpening skills for dealing with problems.

Courses may include, but will not be limited to, instruction in particular methodologies, field work placements, broad surveys of human service techniques, traditional course offerings at the college facility, courses involving workers in intensive study of services relevant to their functional position, on courses organized around research issues (that is, a study of the differential impact of certain types of foster care parent education).

4. Training leave. Excused absence from normal duties for short periods of time without discontinuance of salary will be granted to all levels of employees for participation in short-term courses, seminars, institutes, workshops and similar programs which have particular educational value. Training leave may be supplemented by training leave expenses, and maintenance when a particular activity is organized on a residential basis.

For all types of educational programs, criteria are established for selection of participants. Procedures for processing applicants for approval by the Department are also established.

The State agency and its local units will cooperate with educational institutions whenever possible in order to facilitate both in-service training and educational programs. The State agency will especially support educational institutions whose programs emphasize recruitment and training of minority group students for employment by human service agencies.

Training grants may be made to educational institutions for expanding and enriching existing educational programs or initiating new programs required by the State agency for effective administration of its program and to prepare its personnel for job related functions. Such grants will be made in conformity with SRS training grant guidelines and grants management policy.

Such grants will be made, for example, for:

1. Curriculum development. Grants may be made to expand and enrich existing educational programs necessary to prepare persons for administration of the agency's program and to initiate new programs.

2. Student financial support. Institutional administration of student support programs will be consistent with SRS policies. Criteria are established for selection of participants and procedures for processing the applicants are also established. Stipends will be directed to students with inherent and career interest objectives to seek employment in SRS-related services. Funds may be available for tuition and educational fees, living allowances, student field travel allowance and dependency allowance.

3. Materials development. Grants may be made for purchase and development of useful instructional materials and equipment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

Division of Youth and Family Services  
Department of Institutions and Agencies  
One South Montgomery Street  
Trenton, New Jersey 08625

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF YOUTH AND FAMILY SERVICES

#### Rules on Subsidized Adoptions

On July 25, 1973, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J. S.A. 30:4C-45 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning subsidized adoptions, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 223(e).

Such rules may be cited as N.J.A.C. 10:121-1.1 et seq.

An order adopting these rules was filed and effective July 31, 1973, as R.1973 d.213.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Rules for Fair Hearings Under Health Services Program

On August 7, 1973, Maurice G. Kott, Acting 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 rules for fair hearings under the New Jersey Health Services Program, substantially as proposed in the Notice published May 10, 1973, at 5 N.J.R. 145(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The substantive changes eliminate the required executed agreement for eligibility for a fair hearing and the agency conference and extends by 30 days the time allotted for final action.

Such rules will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective August 10, 1973, as R.1973 d.221.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Manual of Administration

On August 14, 1973, Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Manual of Administration concerning responsibilities of County Welfare Boards and photo identification cards, substantially as proposed in the

Notice published June 7, 1973, at 5 N.J.R. 189(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

Such revisions will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

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

2102. Responsibilities in the Application Process

2. Responsibilities of the county welfare board

g. Promptly issue a photo identification card to a person who is to receive a money payment and is named as payee, for the purpose of identification to facilitate the cashing of the public assistance check only; and

h. [g.] Account to the Division of Public Welfare for all applications.

2202. Photo Identification Cards

Effective July 1, 1973, or as soon thereafter as possible but in no event later than January 1, 1974, the county welfare board shall issue to each client who is receiving a money payment and who is the named payee, an all-photo identification card to assist him in cashing the public assistance check.

Exception to the above may be made in those instances where the recipient is living in a nursing home, intermediate care facility, public institution or is homebound. In those cases where a person is named as payee on behalf of a recipient, it is not mandatory that the recipient or the payee be provided an all-photo I.D. card; however, the card shall be provided if in the judgment of the county welfare board the issuance of such a card is indicated.

The county welfare board must establish a procedure for completion of the all-photo I.D. card that will insure that the client need make only one visit to the agency for that purpose. Should the recipient fail to keep his appointment for photographing and completion of the I.D. card without just cause and a reasonable effort has been made to elicit cooperation of the client, such recipient's public assistance check shall be held until he reports to the agency for completion of the I.D. card.

Photo I.D. cards must contain at least the following:

1. Name of county welfare board.
2. Color photograph of recipient.
3. Signature of recipient.
4. Case number and recipient's name.
5. Social Security number.
6. The following statement:

"This card is issued by the county welfare board for the sole purpose of assisting welfare recipients in negotiating welfare checks.

If this card should be found, please mail it to the:

County Welfare Board

All postage guaranteed."

The card must be an all-photo I.D. card conforming to the following specifications:

1. Plastic lamination—95 per cent bond.
2. Overall dimensions — approximately 2½ inches by 3¾ inches.
3. Color photograph — no smaller than 1¼ inches by 1¼ inches.

An order adopting these revisions was filed and effective August 15, 1973, as R.1973 d.225.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules On Mass Marketing Of Property and Liability Insurance

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning the mass marketing of property and liability insurance.

Full text of the proposed rules follows:

#### SUBCHAPTER 12. MASS MARKETING OF PROPERTY AND LIABILITY INSURANCE

##### 11:2-12.1 Introduction

Purpose of this regulation is to prescribe rules to prevent abuses in connection with the sale of property-liability insurance in this State pursuant to mass marketing plans, while preserving for consumers the potential benefits of this form of marketing.

##### 11:2-12.2 Definitions

As used in this regulation:

"Mass marketing plan" means a method of selling property-liability insurance wherein: 1. Such insurance is offered to employees of particular employers or to members of particular associations or organizations or to persons grouped in other ways and 2. The employer, association or organization if any, has agreed to or otherwise affiliated itself with, the sale of such insurance to its employees or members; and

"Property-liability insurance" means insurance to which Section 17:29C-6 of the insurance law applies.

##### 11:2-12.3 Applicability

(a) This regulation shall be applicable only to insurance policies issued or renewed in this State after November 1, 1973, and is in addition to, and not in substitution for, other applicable requirements of the Insurance Law and Department regulations.

(b) The requirements of this regulation are not applicable to methods of marketing other than mass marketing plans.

##### 11:2-12.4 Fictitious arrangement prohibited

No insurer shall, without the approval of the Commissioner, sell insurance pursuant to a mass marketing plan to members of any association or organization formed principally for the purpose of obtaining such insurance.

##### 11:2-12.5 Premium rates

(a) Premium rates under a mass marketing plan shall comply with the standards in the insurance law, including the standards that rates not be excessive, inadequate or unfairly discriminatory.

(b) Rates shall not be deemed to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the differences with reasonable accuracy.

(c) Rates shall not be deemed to be unfairly discriminatory if they are averaged broadly among persons insured under a mass marketing plan.

##### 11:2-12.6 Statistics

An insurer selling insurance pursuant to mass marketing

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# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly index is a special service for subscribers to the New Jersey Administrative Code, providing an up-to-date check-list of new rules adopted by the various State Departments.

The index is current, being adjusted each month following the mailing to Code subscribers of update pages for all Titles.

First publication and update services have been distributed for 17 of the 19 Departmental Titles, excepting only Title 10—Institutions and Agencies and Title 12—Labor and Industry.

Since the most recent update, these 17 Departments have adopted the following additional rules, which are not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
<b>AGRICULTURE — TITLE 2</b>			
2:1-2.3(a)1.i.	Functions of Departmental units	R.1972 d.260	5 N.J.R. 31(a)
2:2-2.13	Conditions for quarantine release	R.1972 d.251	5 N.J.R. 3(d)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.39	Authority of Secretary or his agents	R.1972 d.242	5 N.J.R. 3(a)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-1.7(c)	Release of embargo	R.1972 d.208	4 N.J.R. 260(e)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.231	4 N.J.R. 299(a)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.227	4 N.J.R. 298(b)
2:5-1.8(d)&(e)	Release of quarantine	R.1973 d.51	5 N.J.R. 76(b)
2:5-1.9	Quarantine; various counties	R.1972 d.235	5 N.J.R. 2(a)
2:5-1.10	Quarantine; entire State	R.1972 d.237	5 N.J.R. 2(b)
2:5-1.10(d)&(e)	Release of quarantine	R.1973 d.21	5 N.J.R. 32(a)
2:5-1.11	Quarantine; swine movement	R.1972 d.246	5 N.J.R. 3(b)
2:5-1.12	Quarantine continued, entire State	R.1972 d.259	5 N.J.R. 30(b)
2:5-1.13	Lifting of quarantine	R.1972 d.263	5 N.J.R. 31(b)
2:5-1.14	Quarantine; Egg Harbor Township	R.1973 d.4	5 N.J.R. 31(c)
2:5-1.14(d)&(e)	Release of quarantine	R.1973 d.41	5 N.J.R. 76(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:52-5.1 et seq.	Information required of applicants	R.1973 d.39	5 N.J.R. 75(a)
2:53-2.1 et seq.	Rules on refrigeration equipment	R.1972 d.250	5 N.J.R. 3(c)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-4.1 et seq.	Advertising milk and milk products	R.1972 d.215	4 N.J.R. 298(a)
2:69-1.11	Revisions concerning commercial values	R.1973 d.198	5 N.J.R. 255(c)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Interest rate	R.1973 d.191	5 N.J.R. 258(b)
3:1-2.9 et seq.	Revise procedural rules	R.1973 d.217	5 N.J.R. 296(a)
3:1-2.13	Financial reports of bank incorporators	R.1973 d.202	5 N.J.R. 258(e)
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:6-7.1	Banking offices notation	R.1973 d.201	5 N.J.R. 258(d)
3:8-3.1	Required reserve (Banks not members of Federal Reserve)	R.1972 d.223	4 N.J.R. 300(a)
3:8-3.2	Reports (Banks not members of Federal Reserve System)	R.1972 d.223	4 N.J.R. 300(a)
3:8-5.1	Reserves required (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:8-5.4	Reports (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:10-1.1	Limitation on mortgage loans	R.1973 d.174	5 N.J.R. 258(a)
3:10-6.1 et seq.	Out-of-State mortgages	R.1973 d.200	5 N.J.R. 258(c)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(b)
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:18-5.1 et seq.	Legal fees; mortgages	R.1973 d.32	5 N.J.R. 33(a)
3:18-7.1 et seq.	Advertising rules	R.1973 d.133	5 N.J.R. 183(a)
3:31-2.1	Minimum requirements	R.1973 d.124	5 N.J.R. 183(b)
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5:10-9.9	Safety glazing requirements	R.1972 d.197	4 N.J.R. 261(c)

5:11-1.1 et seq.	Relocation assistance program	R.1972 d.190	4 N.J.R. 261(a)
5:16-1.1 et seq.	Amendments to Plumbing Code	R.1972 d.149	4 N.J.R. 182(a)
5:19-1.7	Safety glazing materials	R.1972 d.196	4 N.J.R. 261(b)
5:19-1.7	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:20-1.1 et seq.	Uniform Standards Code for Mobile Homes	R.1972 d.248	5 N.J.R. 7(a)

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6:11-1.1 et seq.	Teacher education and certification	R.1972 d.189	4 N.J.R. 262(e)
6:11-3.26	Waiver of student teaching requirement	R.1973 d.55	5 N.J.R. 79(c)
6:11-8.6	Junior high school teaching certification	R.1973 d.19	5 N.J.R. 36(b)
6:11-12.20	Reading specialist certification	R.1973 d.20	5 N.J.R. 36(c)
6:21-1.2	Accident reporting (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-1.3	Remote defined (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-5.11	Color; school bus	R.1973 d.123	5 N.J.R. 185(a)
6:21-6.9	Color; school bus body	R.1973 d.123	5 N.J.R. 185(a)
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6:21-6.24 et seq.	Lamps, signals, seats and drills	R.1973 d.73	5 N.J.R. 104(c)
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6:21-7.3	State aid approval (State aid)	R.1972 d.220	4 N.J.R. 302(a)
6:21-11.1	Requirements for drivers of school buses	R.1973 d.161	5 N.J.R. 220(a)
6:21-11.2	Requirements for drivers of small vehicles	R.1973 d.180	5 N.J.R. 260(a)
6:21-11.5	Seat belts; driver	R.1972 d.188	4 N.J.R. 262(d)
6:21-11.6	Procedures at railroad grade crossings	R.1973 d.98	5 N.J.R. 36(a)
6:21-18.1 et seq.	Pupil transportation—Small van-type vehicles	R.1973 d.18	5 N.J.R. 36(a)
6:27-1.4	Graduation (Secondary education)	R.1972 d.166	4 N.J.R. 213(a)
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6:68-2.10 et seq.	Revisions to library incentive grant programs	R.1973 d.99	5 N.J.R. 139(b)
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7:7A-1.1(a)7	Wetlands order; Atlantic County	R.1973 d.134	5 N.J.R. 186(a)
7:7A-1.1(a)8	Wetlands order; Burlington County	R.1973 d.135	5 N.J.R. 186(b)
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7:7A-1.1(a)11.	Extension of wetlands order to Camden County	R.1973 d.168	5 N.J.R. 222(b)
7:25-1.5	Extension of Wetlands Order to Gloucester County	R.1973 d.204	5 N.J.R. 261(c)
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7:25-7.4	Conservation order effective May 14, 1973	R.1973 d.86	5 N.J.R. 141(a)
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8:30-13.1 et seq.	Record review	R.1972 d.204	4 N.J.R. 265(d)
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13:18-4.1 et seq.	Administration of and compliance with Motor Fuels Tax Act	R.1973 d.215	5 N.J.R. 317(b)
13:18-6.1	Insurance coverage termination	R.1973 d.62	5 N.J.R. 120(b)
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13:21-16.1 et seq.	Counterpart fees	R.1972 d.252	5 N.J.R. 18(a)
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13:37-9.2(c)	Education requirements for practical nursing	R.1973 d.177	5 N.J.R. 290(b)
13:37-10.5	Language comprehension examinations	R.1973 d.143	5 N.J.R. 239(a)
13:39-6.3 et seq.	Prescriptions and pharmacies	R.1973 d.59	5 N.J.R. 120(a)
13:39-9.14	Permits for prescription departments	R.1973 d.115	5 N.J.R. 166(b)
13:45-4.3(b)	Time and place of Consumer Affairs hearing	R.1973 d.207	5 N.J.R. 291(d)
13:45-5.1(b)	Hearing examiner's decision	R.1973 d.207	5 N.J.R. 291(d)
13:45A-1.1 et seq.	Deceptive mail order practices	R.1973 d.176	5 N.J.R. 290(a)
13:45A-2.1 et seq.	Motor vehicle advertising practices	R.1973 d.183	5 N.J.R. 290(d)
13:45A-3.1 et seq.	Retail sales of meat	R.1973 d.169	5 N.J.R. 239(b)
13:45A-4.1 et seq.	Banned hazardous products	R.1973 d.222	5 N.J.R. 317(c)
13:75-1.1 et seq.	Violent Crimes Compensation Board practices and procedures	R.1972 d.261	5 N.J.R. 53(a)
13:75-1.12 et seq.	Violent Crimes Compensation Board revisions	R.1973 d.137	5 N.J.R. 195(c)

**PUBLIC UTILITIES — TITLE 14**

14:1-6.10 et seq.	Valuation of property	R.1973 d.15	5 N.J.R. 57(a)
14:1-17.1 et seq.	Compliance with Economic Stabilization Act of 1970	R.1972 d.264	5 N.J.R. 55(a)
14:2-2.2	Public movers certificates	R.1973 d.186	5 N.J.R. 292(a)
14:3-5.3	Emergency telephone numbers	R.1973 d.187	5 N.J.R. 292(b)
14:3-9.6	Rates different than the filed tariffs	R.1973 d.157	5 N.J.R. 240(a)
14:4-6.1 et seq.	Reimbursement of student fares to autobus operators	R.1973 d.185	5 N.J.R. 291(e)
14:5-4.1 et seq.	Electrical inspection authorities	R.1973 d.106	5 N.J.R. 167(a)
14:5-5.2	Preservation of records; electric utilities	R.1972 d.181	4 N.J.R. 24(b)
14:5-6.1	Electric transmission lines	R.1972 d.236	5 N.J.R. 19(a)
14:6-4.2	Preservation of records; gas utilities	R.1972 d.181	4 N.J.R. 24(b)
14:9-4.1	Certificates for solid waste disposal	R.1972 d.249	5 N.J.R. 19(b)
14:9-5.1	Preservation of records; water utilities	R.1972 d.181	4 N.J.R. 2(b)
14:9A-1.1 et seq.	Uniform system of accounts; solid waste and disposal utilities	R.1972 d.228	4 N.J.R. 310(c)
14:11-2.1 et seq.	Autobus specifications	R.1972 d.226	4 N.J.R. 310(b)
14:17-1.1 et seq.	Rules of practice; cable television	R.1973 d.117	5 N.J.R. 200(a)
14:18-1.1 et seq.	Regulations; cable television	R.1973 d.117	5 N.J.R. 200(a)

**STATE — TITLE 15**

15:15-1.9	Office hours	R.1972 d.247	5 N.J.R. 20(a)
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**TRANSPORTATION — TITLE 16**

16:13-1.1 et seq.	Revisions for local government aid	R.1973 d.56	5 N.J.R. 94(a)
16:24-1.3(d)	Revise executor and distribution	R.1973 d.37	5 N.J.R. 58(b)
16:25-1.1 et seq.	Utility accommodation policy	R.1973 d.205	5 N.J.R. 292(c)
16:26-1.1 et seq.	Transportation operations	R.1973 d.76	5 N.J.R. 123(c)
16:27-1.1 et seq.	Traffic engineering	R.1973 d.76	5 N.J.R. 123(c)

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16:41-8.1 et seq.	Outdoor advertising on interstate system	R.1973 d.100	5 N.J.R. 167(b)
16:62-1.1 et seq.	Contract administration rules now Chapter 65	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq. to			
16:64-1.1 et seq.	Reserved for rules of aeronautics	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq.	Special aircraft operating restrictions	R.1973 d.29	5 N.J.R. 58(a)

## TREASURY GENERAL — TITLE 17

17:1-1.1 et seq.	General administration of pensions	R.1972 d.214	4 N.J.R. 310(d)
17:1-2.13 et seq.	Alternate benefit program	R.1973 d.171	5 N.J.R. 294(a)
17:2-1.1 et seq.	Public employees retirement system	R.1972 d.257	5 N.J.R. 23(a)
17:2-1.4	Election of member-trustees	R.1973 d.118	5 N.J.R. 204(a)
17:3-1.1 et seq.	Revisions to Teachers' Pension and Annuity Fund	R.1973 d.49	5 N.J.R. 95(b)
17:3-1.4(b)	Election of Teachers' Pension member trustees	R.1973 d.196	5 N.J.R. 294(d)
17:4-1.1 et seq.	Revisions to Police and Firemen's Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:5-1.1 et seq.	Revisions to State Police Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:6-1.1 et seq.	Revisions to Consolidated Police and Firemen's Pension Fund	R.1973 d.26	5 N.J.R. 60(b)
17:7-1.1 et seq.	Revisions to Prison Officers' Pension Fund	R.1973 d.45	5 N.J.R. 95(a)
17:8-1.1 et seq.	Revisions to supplemental annuity collective trusts	R.1973 d.46	5 N.J.R. 95(c)
17:9-1.1 et seq.	Revise Health Benefits Program and supplemental annuity trusts	R.1973 d.8	5 N.J.R. 59(b)
17:9-2.14	Effective date of maternity benefits	R.1973 d.148	5 N.J.R. 247(b)
17:9-3.1	Definitions (Dependents and children)	R.1972 d.200	4 N.J.R. 283(c)
17:9-6.1(e) & (f)	Retired employee (Definition)	R.1972 d.200	4 N.J.R. 283(c)
17:15A-1.1 et seq.	Use of state buildings and grounds	R.1972 d.183	4 N.J.R. 250(a)
17:15A-1.8	Distribution of written or printed material, deletion	R.1972 d.205	4 N.J.R. 284(a)
17:16-5.2 et seq.	Amendments concerning classification of funds	R.1973 d.158	5 N.J.R. 247(c)
17:16-5.3	Static group (Classification of funds)	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.3	Static group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-5.3	Static group fund classifications	R.1973 d.70	5 N.J.R. 126(b)
17:16-5.5	Temporary reserve group	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.5(a)	Revise temporary reserve group	R.1973 d.22	5 N.J.R. 60(a)
17:16-5.6	Trust group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-10.4(b)	Deleted	R.1972 d.182	4 N.J.R. 249(b)
17:16-13.5	Legal papers	R.1973 d.125	5 N.J.R. 204(b)
17:16-17.1 et seq.	Revisions concerning permissible investments	R.1973 d.44	5 N.J.R. 94(b)
17:16-19.5	Qualifications of mortgage brokers	R.1972 d.182	4 N.J.R. 249(b)
17:16-19.6(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-20.5(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.1(a)1.iii.	Permissible investments (Pension and annuity groups)	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.2(c)	Limitations (Three party agreements; corporate)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.3(f)3.	Limitations (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.4(a)	Legal papers (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-29.3	Legal papers (Title II FHA insured construction mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-32.2(g)	Permissible investments (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.8(a)1.iv.	Valuation of units (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.12	Limitations (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-33.7	Amend rule on county college capital projects	R.1973 d.9	5 N.J.R. 59(c)
17:16-35.9	Admission date	R.1973 d.126	5 N.J.R. 204(c)
17:16-36.2(f)	Permissible investments (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.8(a)1.iii.	Valuation of units (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.12	Limitations (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:19A-1.1 et seq.	Facilities for physically handicapped in public buildings	R.1972 d.218	4 N.J.R. 310(e)
17:20-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:20-5.10	Agent's compensation	R.1973 d.179	5 N.J.R. 294(c)
17:20-10.1	Consignment or sale of lottery tickets to agent	R.1973 d.178	5 N.J.R. 294(b)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:21-1.4	Provision for special lotteries	R.1973 d.227	5 N.J.R. 322(a)
17:21-10.1 et seq.	Clover Club reservation plan	R.1972 d.94	4 N.J.R. 142(b)

## TREASURY TAXATION — TITLE 18

18:5-2.3	Computation of tax	R.1972 d.258	5 N.J.R. 23(b)
18:5-3.2	Types of stamps available	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.4	Purchase of stamps	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.7	Wholesale dealer's license	R.1973 d.54	5 N.J.R. 96(a)

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plans shall maintain separate statistics as to loss and expense experience pertinent thereto.

11:2-12.7 Producers

No person shall act as an insurance agent or an insurance broker in connection with a mass marketing plan for any kind of insurance unless such person is duly licensed, under Section 17:22-6.9 of the insurance law, as an agent or broker for such kind of insurance.

11:2-12.8 Compulsory participation prohibited

No insurer shall sell insurance pursuant to a mass marketing plan if it is a condition of employment or of membership in an association, organization, or other group that any employee or member purchase insurance pursuant to such plan, or if any employee or member shall be subject to any penalty by reason of his non-participation.

11:2-12.9 Tie-in sales prohibited

(a) No insurer shall sell insurance pursuant to a mass marketing plan if: 1. The purchase of insurance available under such plan is contingent upon the purchase of any other insurance, product, or service, or 2. The purchase or price of any other insurance, product, or service is contingent upon the purchase of insurance available under such plan.

(b) This provision shall not be deemed to prohibit the reasonable requirement of safety devices, such as heat detectors, lightning rods, theft prevention equipment and the like.

11:2-12.10 Disclosure required

Every insurer, agent or broker selling insurance pursuant to a mass marketing plan shall, prior to sale, make full and fair disclosure to prospective insureds of all features of such plan, whether favorable or unfavorable, including but not limited to premium rates, benefits, duration of coverage, policy-holder services, conversion privileges available, and the financial interests in the plan, if any, of the sponsoring employer, association, organization or the group.

11:2-12.11 Underwriting standards

(a) No insurer shall use underwriting standards for individual risk selection in a mass marketing plan which are, on the whole, more restrictive than the standards used by such insurer for individual risk selection in the sale of the same kind of insurance in this State other than pursuant to mass marketing plans.

(b) In the event insurer does not sell such kind of insurance in this State other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in such plans shall, on the whole, be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of such kind of insurance in this State other than pursuant to mass marketing plans.

11:2-12.12 Cancellation and non-renewal

(a) For purposes of Sections 17:29C-6 and 17:29C-7 of the insurance law, limiting the cancellation and non-renewal of insurance policies, the failure of an employer, association, organization or other group to remit premiums when due for any reason (including but not limited to interruption or termination of employment or membership) shall

18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 246(b)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)
18:26-5.4	Classification of property as real or personal	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.14	Federal pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.15	State pensions	R.1973 d.224	5 N.J.R. 321(b)

**OTHER AGENCIES — TITLE 19**

19:1-1.8	Application of loan proceeds, Mortgage Finance Agency	R.1973 d.36	5 N.J.R. 60(c)
19:1-1.13	Purchase of Agency bonds	R.1973 d.36	5 N.J.R. 60(c)
19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:4-1.1 et seq.	District zoning regulations, Hackensack Meadowlands	R.1972 d.221	4 N.J.R. 311(c)
19:7-1.1	Sanitary landfill requirements in Hackensack Meadowlands	R.1973 d.220	5 N.J.R. 322(c)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:20-1.1 et seq.	Sports and Exposition Authority	R.1972 d.212	4 N.J.R. 284(c)

**IN ADDITION —**

First publication—but no update service as yet—has been completed for the two final Titles in the Code, namely, 10—Institutions and Agencies and 12—Labor and Industry.

Rules since adopted by these two Departments are not included in this index; they will be added following initial updating of each of these respective Titles.

not be regarded as "non-payment of premium" by any insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of: 1. Twenty days after such notice, or 2. The due date of such premium remittance under the mass marketing plan.

(b) All mass marketing plans shall provide that upon termination of employment or membership or upon the discontinuance of the mass marketing plan, the insured employee or member may maintain his policy in force for 60 days in the same amount, upon payment of the premium applicable to the class of risk to which he belongs on an individual basis. The option to maintain the insurance in force shall be exercised within 30 days following the date of termination. Any notice of cancellation or non-renewal of any policy of an employee or member insured under a mass marketing plan shall be accompanied by a notice to the employee or member that, at his request, the insurer will afford the employer, association, organization or other group a reasonable opportunity to consult with the insured and to present facts in opposition to cancellation or non-renewal.

11:2-12.13 Compulsory facilities

An insurer, agent or broker selling insurance pursuant to a mass marketing plan shall, with respect to any employees or members who apply for but are denied insurance under such plan, assist such persons in obtaining insurance through any other appropriate voluntary or mandatory insurance plan, such as the New Jersey Automobile Insurance Plan, FAIR Plan or the Crime Indemnity Plan.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

W. Morgan Shumake  
Deputy Commissioner  
Department of Insurance  
201 East State Street  
Trenton, New Jersey 08625

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

Richard C. McDonough  
Commissioner  
Department of Insurance

(a)

**INSURANCE**

**NEW JERSEY REAL ESTATE COMMISSION**

**Revision On Salesman's Age Regarding Licenses**

On July 31, 1973, Frederick A. Organ, Assistant Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6, 45:15-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revision to N.J.A.C. 11:5-1.2 concerning salesman's age regarding licenses, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 228(f).

An order adopting this revision was filed and effective August 2, 1973, as R.1973 d.214.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

**LABOR AND INDUSTRY**

**DIVISION OF WORKMEN'S COMPENSATION**

**Maximum Benefit Rate Set For Workmen's Compensation**

On August 9, 1973, Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-12a, adopted the maximum benefit rate set for workmen's compensation.

Full text of the adopted rule follows:

In accordance with the provisions of Chapter 126, Laws of 1966, the maximum workmen's compensation benefit rate for temporary total disability, permanent total disability and dependency is hereby promulgated as being \$112.00 per week.

This maximum compensation shall be effective as to injuries occurring on January 1, 1974, and thereafter until the Commissioner of Labor and Industry supersedes this determination.

The above rule is not subject to codification in the New Jersey Administrative Code.

An order adopting this rule was filed August 9, 1973, as R.1973 d.218 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

**LABOR AND INDUSTRY**

**EMPLOYMENT SECURITY AGENCY**

**Maximum Weekly Benefit Rate Set for 1974 Under Unemployment Compensation Law and Temporary Disability Benefits Law**

On August 9, 1973, Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the maximum weekly benefit rate set for 1974 under the Unemployment Compensation Law and the Temporary Disability Benefits Law.

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

12:15-1.3 Maximum weekly benefit rates

(a) In accordance with the provisions of [Chapter 30, Laws of New Jersey 1967] N.J.S.A. 43:21-3, the maximum weekly benefit rate for benefits under the Unemployment Compensation Law and the maximum weekly benefit amount for State Plan benefits under the Temporary Disability Benefits Law [is] are hereby promulgated as being [\$81.00] \$85.00 per week.

(b) These maximum benefits shall be effective for the calendar year [1973] 1974 on benefit years and periods of disability commencing on or after January 1, [1973] 1974.

An order adopting these rates was filed August 9, 1973, as R.1973 d.219 (Exempt, Mandatory Rule) to become effective January 1, 1974.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY DIVISION OF MOTOR VEHICLES

### Proposed Rule on Motor Fuels Use Tax

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 54:39A-8 and 54:39A-24, proposes to adopt a new rule concerning the inability of the fuel users to purchase motor fuel in bulk because of the fuel shortage.

Full text of the proposed rule follows:

#### 13:18-4.15 Exceptions

(a) In recognition of the current energy crisis which has made it difficult or impossible for some motor fuels users to purchase motor fuels in bulk quantities, the rule (N.J. A.C. 13:18-4.9) that refund of motor fuels taxes paid to New Jersey on fuel used elsewhere shall be allowed only in the case of bulk fuel purchases is waived for claims applicable to the quarters ended June 30, 1973 and September 30, 1973, subject to the following conditions:

1. The claimant had established bulk fuel storage facilities in New Jersey prior to July 1, 1973, and had been purchasing motor fuel in bulk quantities prior to that date.

2. The claimant certifies to the bureau that he has attempted without success to make any bulk fuel purchases or has been able to make such purchases but in substantially reduced quantities.

3. The claimant has contracted, or otherwise made formal arrangement, with motor fuels vendors to purchase fuel at specified public service stations during the applicable tax quarters. The claimant shall submit a list of said vendors and service stations together with his claim form.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 30, 1973, to:

Ray J. Marini  
Director, Division of Motor Vehicles  
Department of Law and Public Safety  
25 S. Montgomery Street  
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt this sale substantially as proposed without further notice.

Ray J. Marini  
Director, Division of Motor Vehicles  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY DIVISION OF MOTOR VEHICLES

### Rules on Administration of and Compliance With the Motor Fuels Use Tax Act of 1963

On August 2, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 54:39A-8, 54:39A-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the administration of and compliance with the

Motor Fuels Use Tax Act of 1963, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 231(a).

Such rules may be cited as N.J.A.C. 13:18-4.1 et seq. and replace the current rules in Subchapter 4, Chapter 18 of Title 13 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective August 8, 1973, as R.1973 d.215.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Rules on Banned Hazardous Products

On August 8, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on banned hazardous products, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 229(d), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

The changes consist of the addition of the phrase "the prosecution of" after the words "without limiting" in the first line of N.J.A.C. 13:45A-4.3.

Such rules may be cited as N.J.A.C. 13:45A-4.1 et seq. An order adopting these rules was filed August 10, 1973, as R.1973 d.222 to become effective August 15, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions Concerning Prison Officers' Pension Fund

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 43:7-19 and on behalf of the Division of Pensions in the Department of the Treasury, proposes to revise a portion of the rules concerning the prison officers' pension fund.

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

#### 17:7-3.2 Effective date

(a) The date of a retirement application will be recognized if it is earlier than the actual date of receipt by the retirement system, provided, however, it is supported by a signature of a certifying agent or notary.

(b) The earlier of certified date by agent on application, postmark, or date of actual receipt by the retirement office will be recognized for the purpose of satisfying the filing requirement. **Retirements must be effective on the first day of the month following the date the application was filed.**

#### 17:7-3.5 Proof of marriage

(a) The Commission shall not approve any application for a widow's pension without evidence of marriage.

(b) The order for priority of evidence of marriage is as follows:

1. Marriage certificate;
  2. Church record of marriage;
  3. Birth certificate of child;
  4. Certified extract from a family Bible;
  5. Naturalization certificate;
  6. Census record;
  7. Life insurance policy;
  8. Affidavits from older members of both families[;].
- [9. Any other reliable source which will establish that the widow was married to her deceased husband before he retired and before he became 55 years old.]

**17:7-3.11 Survivor benefits**

(a) Eligible beneficiaries of retired members, who qualify for a pension, will commence to receive such pension with a full pension payment for the retired member's month of death. No adjustment will in this instance be made for any part of the retired member's pension for the month of death.

(b) In the instance of an active member who died in the performance of duty (accidental death), the initial pension payment will be for the month following the month in which the member died.

(c) Pensions to widows or widowers will, subsequent to the effective date of N.J.S.A. 43:7-1 et seq., be subject to the annual minimum of \$1,600.

**17:7-3.12 Deferred retirement**

A person electing deferred retirement in lieu of withdrawal will receive the retirement benefit commencing with the month following his 55th birthday.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

Division of Pensions  
Department of the Treasury  
20 West Front Street  
Trenton, New Jersey 08625

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

Norman E. Hardy  
Deputy State Treasurer  
Department of the Treasury

(a)

# TREASURY

## DIVISION OF TAXATION

### Proposed Revisions In Definitions of, Actively Devoted to Agricultural or Horticultural Use, Evidence of Anticipated Yearly Gross Sales, And Rollback

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:4-23.21 proposes to revise farmland assessment rules concerning the definitions of, actively devoted to agricultural or horticultural use, evidence of anticipated yearly gross sales, and rollback.

Full text of the proposed revisions follows (additions indicated in boldface thus):

Note: N.J.A.C. 18:15-6.1 is deleted in its entirety and the following new section is substituted in its place.

**18:15-6.1 Actively devoted to agricultural or horticultural use defined.**

(a) Land, five acres in area, shall be deemed to be actively devoted to agricultural or horticultural use when it is used for any of the purposes described in N.J.A.C. 18:15-3, 8 and 44 and: 1. When the gross sales of agricultural or horticultural products produced thereon together with any payments received under a soil conservation program have averaged at least \$500.00 on the first five acres, and in addition, on all acreage above five acres, average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland during the two-year period immediately preceding the tax year in issue, or 2. There is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$500.00 on the first five acres, and in addition, on all acreage above five acres, average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland within a reasonable period of time.

Note: N.J.A.C. 18:15-6.3 is deleted in its entirety and the following new section is substituted in its place.

**18:15-6.3 Evidence of anticipated yearly gross sales**

(a) To meet the requirements of N.J.A.C. 18:15-6.1, an applicant must submit proof that from the present use and the nature and characteristics of the land and from the productivity plans of the owner or occupant thereof, it can be demonstrated that within a reasonable period of time from the date of the application, the gross sales in the aggregate of agricultural and horticultural products will average at least \$500.00 annually on the first five acres in area. On all acreage above five acres, average sales of \$5.00 per acre on farmland and \$0.50 per acre on woodland and wetland is required. Included in the minimum gross sales to qualify the farm should be crops grown for the on-farm use at the retail sales value which the farmer would have to pay if purchased in the open market, but not included would be products grown for on-farm personal consumption.

(b) The formula for computing the minimum gross sales to qualify a farm is illustrated by the following example:  
**EXAMPLE:**

A farm contains 105 acres of which 75 acres is farmland and 30 acres is woodland and the gross sales are \$900.00. Gross sales required would be as follows:

Acreage and Type	Gross Sales	
First 5 acres of farmland	\$500.00	
70 acres of farmland	350.00	(\$5.00 per acre for all acres in excess of 5 acres)
30 acres of woodland	15.00	(\$.50 per acre on all acres in excess of 5 acres)
<b>Total Gross Sales required</b>	<b>\$865.00</b>	<b>(Minimum requirement according to example)</b>

(c) Since the farm has gross sales of \$900.00 and only \$865.00 is the minimum requirement, this farm would qualify under the Act as to gross sales.

**18:15-6.4 Failure to meet additional gross sales requirement on acreage—rollback.**

Land previously qualified as actively devoted to agricultural or horticultural use under the Act, but failing to meet the additional requirement on acreage above five acres, shall not be subject to the roll-back tax because of such disqualification, but shall be treated as land for which an annual application has not been submitted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 27, 1973, to:

J. Henry Ditmars  
Chief, Local Property and Public Utility Branch  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Revisions Concerning Alcoholic Beverage Tax Law

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:41-1.1 et seq., proposes to revise certain portions of Chapter 3 in Title 18 of the New Jersey Administrative Code concerning the Alcoholic Beverage Tax Act.

Full text of the proposed revisions in outline form follows:

#### CHAPTER TABLE OF CONTENTS

18:3-3.1 caption should read "Tax on sparkling cider"

Subchapter 7. caption should read "REPORTS IN GENERAL"

18:3-8.20 caption should read "Schedule H"—Alcoholic beverages received during the reporting period, in transit at the end of the reporting period, returns accepted from customers"

18:3-8.20 caption should read "Schedule "H"—Alcoholic beverages received during the reporting period, in transit at the end of the reporting period, returns accepted from customers"

18:3-9.15 caption should read "Inventory taken at the end of reporting period"

Subchapter 13. caption should read "Special for Plenary Retail Transit Licensees to Whom the Tax Has Been Passed"

18:3-13.13 caption should read "Purchases reported"

18:3-13.14 caption should read "Schedule "H"—Alcoholic beverages received during reporting period"

#### FOREWORD

Paragraph 2, line 2 stating, ". . . issued prior to October 1, 1967." should be deleted.

18:3-1.2 Definitions

"Law" authority citation should read "N.J.S.A. 54:41-1 et seq."

18:3-2.1(a)2. should read "Liquor—at the rate of \$2.80 cents a gallon (effective July 1, 1972)."

18:3-2.1(a)3. should read "Wines, Vermouth and Sparkling Wines—at the rate of \$0.30 a gallon (effective July 1, 1972)."

18:3-2.1(a)4. is deleted by amendment.

18:3-2.1(a)5. is deleted by amendment.

18:3-2.2(b) should read "All taxes are to be paid not later than the 15th day of the month next following the reporting period . . ."

18:3-2.3(a) should read "All taxes are to be paid by check or money order drawn to the order of the "State of New Jersey, Beverage Tax," and forwarded to the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625."

18:3-2.15(c) should read ". . . are to report the total bi-monthly sales to each such organization on Schedule "E" of the bi-monthly report and such . . ."

18:3-2.18(a) should read "No deduction from any tax payment for a tax credit . . . has been secured from the Division of Taxation authorizing the credit."

18:3-2.21(a) should read "made by reason of a tax credit memorandum issued by the Division of Taxation are to be made . . ."

18:3-2.21(b) should read ". . . the report filed for the reporting period in which . . ."

18:3-2.21(c) should read ". . . the report filed for the reporting period in which . . ."

18:3-2.21(d) should read ". . . the report filed for the reporting period in which . . ."

18:3-3.1 caption should read "Tax on sparkling cider"

18:3-3.4 should read ". . . are taxable at the rate of \$2.80 a gallon."

18:3-3.7(b) should read ". . . signed by the ship's master or other authorized official certifying that the alcoholic beverages . . ."

18:3-6.7(a) should read "Physical inventories are to be taken on the last day of each reporting period . . ."

18:3-6.10 line 1, should read ". . . but delivered to another licensee . . ."

Subchapter 7. caption should read "REPORTS IN GENERAL"

18:3-7.1(b) should read "A report is to be filed with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625, covering each bi-monthly period that a license is in force even though during that time or any portion thereof, no business was transacted under the license."

18:3-7.2(b) should read ". . . licensee has filed with the Division of Taxation a written . . ."

18:3-7.3(b) should read ". . . application to the Division of Taxation, West State and Willow Streets, Trenton, New Jersey 08625 or . . ."

18:3-7.8(b) should read ". . . on Schedule "H-1" of the report."

18:3-7.9(b) should read "Such an item is to be set forth on Schedule "D" of the report as a line item."

18:3-7.11 should read ". . . a detailed explanation must be attached to the report."

18:3-8.2(a) should read ". . . daily total of such sales during a reporting period as line items . . ."

18:3-8.4(b) should read ". . . reported on Schedule "A" of the report listing . . ."

18:3-8.11(a) footnote should read "\*File reports with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625 on or before . . ."

18:3-8.11(b) should read "If any schedule supporting the control sheet is not required in making the report for any particular period . . ."

18:3-8.12(b) should read ". . . the total of each account for the reporting period . . ."

18:3-8.16 should read ". . . the total of the following items for the reporting period . . ."

18:3-8.18(a) should read ". . . total of the following items for the reporting period . . ."

18:3-8.18(b) should read ". . . the total for the reporting period for each account of:"

18:3-8.18(b)2. should read “. . . issued by the Division of Taxation which . . .”

18:3-8.19(a)3. should read “Each Division of Taxation inventory credit memorandum;”

18:3-8.20 caption should read “Schedule “H”—Alcoholic beverages received during the reporting period in transit at the end of the reporting period, returns accepted from customers”

18:3-8.20(b) should read “Schedule H-2”—Finished products in transit at the end of the reporting period”

18:3-8.20(b)1. should read “. . . shipped to the reporting licensee before the end of the reporting period . . . for the account of the licensee until after the end of the reporting period.”

18:3-8.20(b)2. should read “. . . They will appear in Schedule “H-1” of the report for the period in which . . .”

18:3-8.20(d)1. should read “. . . accepted from each customer during the reporting period . . .”

18:3-8.20(d)2. should read “. . . Schedule “H-4” giving the name, address and license number of the person to whom the alcoholic beverages were actually delivered for the account of the seller, and, in addition, the name, address and license number of the person to whom the alcoholic beverages were actually delivered . . .”

18:3-8.21 should read “. . . Separate totals for each are to be set forth in Schedule “H-1”, including appraiser stores.”

18:3-9.7(a) footnote should read “\*File reports with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625 on or before the 15th day of the month next following.”

18:3-9.7(b) should read “If any schedule supporting the control sheet is not required in making the report for any particular period, it must be indicated on the reverse side of the control sheet by entering the word “no” thus:

“Schedule “A”—consisting of . . . no . . . sheets.”

18:3-9.9 should read “. . . including the total for the reporting period . . .”

18:3-9.13 caption should read “Schedule “H”—Alcoholic beverages received during the reporting period in transit at the end of the reporting period, returns accepted from customers”

18:3-9.13(b) should read “Schedule “H-2”—Alcoholic beverages in transit at the end of the reporting period.”

18:3-9.13(b)1. should read “. . . shipped to the reporting licensee before the end of the reporting period . . . the account of the licensee until after the end of the reporting period;”

18:3-9.13(b)2. should read “. . . They will appear in Schedule “H-1” of the report for the period in which . . .”

18:3-9.15 caption should read “Inventory to be taken at the end of the reporting period”

18:3-9.15 should read “The quantities of alcoholic beverages on hand at the beginning and end of the reporting period . . .”

18:3-10.5(a) footnote should read “\*File reports with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625 on or before the 15th day of the month next following.”

18:3-10.5(b) should read “. . . the report for any particular period, it is to be indicated on the control sheet by entering the word “no” thus:”

18:3-10.8 should read “. . . the owner and in control of at the end of the reporting period.”

18:3-10.9(a) should read “. . . during the period covered by the report . . .”

18:3-11.5 should read “. . . transmit it with each bi-monthly report . . .”

18:3-11.6(a) footnote should read “\*File reports with the Division of Taxation, Beverage Tax, West State and Wil-

low Streets, Trenton, New Jersey 08625 on or before the 15th day of the month next following.”

18:3-11.6(b) should read “. . . in making the report for any particular period . . .”

18:3-11.7 should read “In preparing schedules, list each transaction in alphabetical order or daily sequence for the period reported upon.”

18:3-11.12 should read “. . . broken or stolen during the reporting period.”

18:3-12.8(b)1. should read “Control Sheet 2 copies 1 copy 1 copy”

18:3-12.8(b) footnote should read “\*File reports with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625 on or before the 15th day of the month next following.”

18:3-12.8(c) should read “. . . in making the report for any particular period . . .”

18:3-12.10(b) should read “. . . to a place outside New Jersey during the reporting period . . .”

18:3-12.10(c) should read “. . . to a place within New Jersey during the reporting period . . .”

Subchapter 13. caption should read “Special for Plenary Retail Transit Licensees to Whom the Tax Has Been Passed.”

18:3-13.5(a) footnote should read “\*File reports with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625 on or before the 15th day of the month next following.”

18:3-13.5(b) should read “. . . in making the report for any particular period . . .”

18:3-13.6(a) should read “Schedule “H-1”—Alcoholic beverages received in New Jersey during the reporting period and transfers from stock maintained outside this State . . .”

18:3-13.6(b) “Schedule “H-2”—Purchases in transit at the end of the reporting period.”

18:3-13.6(b)1. should read “. . . shipped to the reporting licensee before the end of the reporting period . . . for the account of the licensee until after the end of the reporting period;”

18:3-13.6(b)2. should read “. . . will appear in Schedule “H-1” of the report for the period in which the alcoholic beverages were actually received.”

18:3-13.6(c) should read “. . . gallons of returns accepted during the period . . .”

18:3-13.8(a) should read “. . . giving the total for the reporting period for each account:”

18:3-13.13 caption should read “Purchases reported”

18:3-13.14 should read “Schedule “H”—Alcoholic beverages received during the reporting period”

18:3-13.16(a) should read “Physical inventories are to be taken on the last day of each reporting period . . .”

18:3-14.12(a) should read “. . . filed with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625.”

18:3-14.13 should read “. . . for Non-Beverage purposes are or are not submitted with the report.”

18:3-14.14(a) should read “. . . setting forth the total of each account for the reporting period.”

18:3-14.15 caption should read “Schedule “H”—Alcohol received during the reporting period”

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

Francis J. Mahon  
Tax Counsel on  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Revisions to Rules For Alcoholic Beverage Tax Act—Retail Licenses

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:41-1.1 et seq., proposes to revise certain portions of Chapter 4 in Title 18 of the New Jersey Administrative Code concerning the Alcoholic Beverage Tax Act and retail licensees.

Text of the proposed revisions, in outline form, follows:

#### CHAPTER TABLE OF CONTENTS

#### SUBCHAPTER 5. caption should read "REPORTS IN GENERAL"

18:4-6.2 caption should read "Schedule "H"—alcoholic beverages received during the reporting period"

##### 18:4-1.2 Definitions

1. Definition of "Bureau" should be deleted from the text.  
2. Definition of "Director" should read to include ". . . it shall mean and include any employee or employees of the Division of Taxation, deputized or authorized, either generally or specifically, to act on behalf of the Director."

3. Definition of "State licensee" should read "State licensee means . . ."

4. Definition of "Vermouth" should read ". . . the product possesses the taste, aroma . . ."

18:4-2.1(b) should read "Liquor—at the rate of \$2.80 a gallon (effective July 1, 1972)."

18:4-2.1(c) should read "Wines, Vermouth and Sparkling Wines—at the rate of \$0.30 a gallon (effective July 1, 1972)."

18:4-2.1(d) deleted by amendment.

18:4-2.1(e) deleted by amendment.

18:4-2.2(c) should read "All taxes are to be paid prior to any such delivery as evidenced by a tax receipt issued by the Division of Taxation."

18:4-2.3(a) should read "All taxes are to be paid by check or money order drawn to the order of the "State of New Jersey, Beverage Tax" and forwarded to the Division of Taxation, Beverage Tax, 1100 Raymond Boulevard, Newark, New Jersey 07102."

18:4-2.6(b) should read "The gallonage covered by the inventory credit memorandum is to be reported in the period in which . . ."

18:4-2.8(a) should read ". . . tax receipt issued by the Division of Taxation . . ."

18:4-2.9 should read "It is not mandatory that the Division of Taxation inventory, witness, certify, or attest to the destruction of alcoholic beverages by a retail licensee, unless the retailer was actually the taxpayer, as evidenced by a tax receipt issued by the Division of Taxation."

18:4-4.4(a)7. should read "the number of cases, barrels or other units of each size package; . . ."

18:4-4.6(a) should read ". . . are to be taken on the last day of each reporting period . . ."

#### SUBCHAPTER 5. caption should read "REPORTS IN GENERAL"

18:4-5.1(b) should read "A report is to be filed covering a bi-monthly period or any part thereof that a license is in force, even though during that time, or any portion thereof, no business was transacted under the license."

18:4-5.3(a) should read ". . . The original report is to be filed with the Division of Taxation, Beverage Tax, West State and Willow Streets, Trenton, New Jersey 08625."

18:4-5.4(b) should read ". . . application to the Division of Taxation, West State and Willow Streets, Trenton, New Jersey 08625 or 1100 Raymond Boulevard, Newark, New Jersey 07102."

18:4-5.6(b) should read ". . . filed with the Division of Taxation a written authorization . . ."

18:4-5.10(b)1. should read "File a report covering the part of a reporting period commencing with the date of transfer; and"

18:4-5.12 should read ". . . a detailed explanation is to be attached to the bi-monthly report."

18:4-6.1(a) should read ". . . setting forth the total of each account for the reporting period . . ."

18:4-6.2 caption should read "Schedule "H"—Alcoholic beverages received during the reporting period"

18:4-6.2(a)4. should read ". . . the numbers of the tax receipts issued by the Division of Taxation."

Interested persons may present statements or arguments in writing relevant to the proposed action on or before September 26, 1973, to:

Francis J. Mahon  
Tax Counsel on  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Inheritance Tax Revisions on Equitable Conversion, Federal And State Pensions

On August 13, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted inheritance tax revisions on equitable conversion, Federal and State pensions, as proposed in the Notice published July 5, 1973, at 5 N.J.R. 244(b).

Such revisions will be included in N.J.A.C. 18:26-5.4, 18:26-6.14 and 18:26-6.15.

An order adopting these revisions was filed and effective August 13, 1973, as R.1973 d.224.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE LOTTERY COMMISSION

#### Rule Concerning Special Lotteries

On August 8, 1973, Ralph F. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning special lotteries.

Full text of the adopted rule follows:

#### 17:21-1.4 Special lotteries

(a) The Commission may institute such special lotteries as it may deem appropriate. A special lottery is one which has a specified duration of six months or less.

(b) The rules of such special lotteries, relating to the determination and payment of prizes, manner of drawing, place and time of drawing and eligibility shall be prescribed by the Commission and shall be publicized in a manner reasonably calculated to inform the general public of said rules.

An order adopting this rule was filed and effective August 15, 1973, as R.1973 d.227 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## DEFENSE

### CHIEF OF STAFF'S OFFICE

#### Regulations for Installations (Army) And General Civil Engineering (Air)

On July 1, 1973, the New Jersey State Department of Defense, pursuant to authority of N.J.S.A. 38A:12-5, adopted regulations NJARNGR 210-3 and NJANGR 85-5 concerning Installations (Army) and Civil Engineering-General (Air).

These regulations prescribe the general principles and policies for non-military use of New Jersey National Guard armories and facilities and concern lease agreements, general principles, non-military activities and uses, armory rentals, rental rates, responsibilities, payments, insurance, physical survey, use of volatile materials and other related regulations. The regulations also contain appropriate forms and applications used in the administration of these regulations.

These regulations are not subject to codification in the New Jersey Administrative Code; they were filed in compliance with Article 5, Section 4, paragraph 6 of the Constitution of the State of New Jersey.

An order adopting these regulations was filed August 8, 1973, as R.1973 d.216 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

### Amendments to Sanitary Landfill Regulations

On August 8, 1973, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to its sanitary landfill regulations substantially, as proposed in the Notice published June 7, 1973, at 5 N.J.R. 204(d), with only inconsequential structural or language changes, in the opinion of the Hackensack Meadowlands Development Commission.

Full text of the adopted amendments follows:

19:7-1.1 (g) No solid waste originating or collected outside of the territorial jurisdiction of New Jersey shall be disposed of or treated within the Hackensack Meadowlands District. No sanitary landfill operator shall accept for disposal, at a sanitary landfill within the Hackensack Meadowlands District, any solid waste originating or collected outside of the territorial limits of New Jersey.

19:7-1.1 (h) All operators of sanitary landfills within the Hackensack Meadowlands District shall submit to the Commission, together with their applications, as provided in Sections 3 and 4 of this subchapter, a certification stating that no solid waste originating or collected outside of the territorial limits of New Jersey will be accepted for disposal or treatment.

19:7-1.1(i) This regulation shall not be deemed to affect, modify or in any way alter the obligations existing under the terms of performance bonds presently in effect and applicable to sanitary landfills within the Hackensack Meadowlands District.

An order adopting these amendments was filed August 9, 1973, as R.1973 d.220 to become effective September 1, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### STATE MOVES TO OUTLAW USE OF DDT, TOXIC PESTICIDES

The State Department of Environmental Protection has proposed an outright ban on DDT and ten other toxic and "persistent" pesticides in New Jersey.

The Department last month called for stringent regulations to restrict the sale, use and storage of 92 other chemicals sold commercially to control insects, weeds and rodents. (They are printed in full this issue, Page 4.)

The proposed new regulations recommend rules for pesticide use more sweeping than those of the Federal government, which virtually banned the use of DDT and stopped the use of other poisons by refusing to issue permission for their manufacture.

Before the regulations are adopted, they will be presented at two public hearings—Oct. 16 at the Rutgers Food Science Auditorium in New Brunswick and Oct. 18 at Vineland City Hall, both beginning at 10 A.M.

George Beyer, who heads the Department's Office of Pesticide Control, said opposition is expected from farmers who object to any prohibitions or restrictions on chemical, insect or rodent controls.

"It is the purpose of the proposed regulations to restrict, regulate and control those pesticides which may be highly toxic to many forms of life or be persistent in the environment," the Department said in a prepared statement.

According to State figures, 8.1 million pounds of pesticides were used in New Jersey in 1967, the last year for which such figures are available.

Establishing the basis for the regulations—which are an outgrowth of the 1971 New Jersey Pesticide Control Act—the Department said:

"Pesticides are economic poisons. Certain pesticides, however, persist in the environment beyond their useful time as a pesticide. Some pesticides are biologically concentrated in living organisms and have harmful effects upon certain forms of life."

According to the Department, where a "suitable alternative" is available, the more dangerous pesticides have been banned outright. This list includes DDT, mercury compounds, Endrin, DDD, TDE, Bandane and Thallium.

"Evidence demonstrates that these materials are highly injurious to non-target species and threaten other species and biological systems." The new regulations, which have been more than a year in preparation by Beyer and the Pesticide Control Council, also propose:

- Annual registration of dealers and authorized users of the restricted pesticides, who would have to notify the State of changes in their business name and termination of activities.
- A ban on community or area-wide applications, such as mosquito fogging, which has been characterized as "the least important method of control."
- Proper storage and disposal of pesticides to prevent contamination of food.
- Compliance with directions printed on the labels of pesticides. "Until recently the label directions were merely recommendations to the user. Now, it is illegal Federally to use or apply pesticides inconsistent with its labeling. This shall also be true by State regulation," the proposed regulations state.

#### **ISSUES OPINION ON LIABILITY FOR PAYING NO-FAULT INSURANCE CLAIMS**

State Insurance Commissioner Richard C. McDonough last month issued an opinion that automobile insurance companies cannot reduce the liability limits of a policyholder because they reimbursed another company for payment of "no-fault" benefits.

McDonough said that "the intent of the 'no-fault' statute is to provide prompt payment for personal injuries suffered in an automobile accident, and in no way is intended that a person be penalized."

"Although this Department has no official report where a company has cut liability coverage because of a no-fault case, I feel that even one person being penalized in this manner is one too many," he said.

McDonough said he had met with the New Jersey No-Fault Study Commission and the consensus was that the practice be banned.

The Commissioner acted after receiving isolated verbal reports that some companies were attempting to reduce the liability coverage by the amount they pay to another company in no-fault benefits.

He gave this example to explain the problem:

Mr. Smith, the owner and driver of the car and Mr. Jones, his passenger, are both injured in an accident resulting from Smith's negligent operation. Jones collects \$8,000 from his own insurer to cover medical expenses and wage losses which he is entitled to under the no-fault law.

In addition, Jones' insurance company makes a claim against Smith's insurance company to recover the \$8,000 it paid Jones.

Jones then sues Smith for general damages of \$15,000 for pain and suffering, the maximum available under Smith's \$15,000/\$30,000 bodily injury liability policy.

McDonough said that some insurance companies hold that in such case they would be legally correct in reducing the liability coverage after making a no-fault payment because they say that they should not be required to pay more than the total liability limit under the policy.

In the example, Smith's insurance company would reduce the liability coverage by the \$8,000 paid to Jones' insurance company so that only \$7,000 would be left to satisfy Jones' claim for pain and suffering.

McDonough said, "This reduction of liability coverage could most often occur when the insureds carrying only the minimum \$15,000/\$30,000 bodily injury liability limits.

"In other words, the little guy with the smallest amount of coverage would have less coverage if this practice were allowed."

#### **NOTE DEC. 1 DEADLINE FOR CARDS FOR ELDERLY HALF-FARE BUS RATES**

Senior citizens who do not have Medicare cards are urged by the Department of Transportation to register as soon as possible for the State's new half-fare bus service program for those 62 years or older. The program goes into effect next Monday, Sept. 10.

Medicare card holders may show them to bus drivers to take advantage of the fare savings — but only until the official State identification cards are required, beginning Dec. 1. After that date only the new Senior Citizen Reduced Fare Card will be accepted.

The program enables persons 62 years of age and older to ride at half-fare on buses and jitneys during off-peak hours on regular routes within the State. It does not apply to interstate, school, charter, special or excursion buses.

#### **SAYS JOB PLACEMENT PROGRAM SAVED \$1.2 MILLION IN STATE**

A Department of Community Affairs program has saved the State and county governments more than \$1.2 million in welfare payments over the past fiscal year, it was announced by Commissioner Lawrence F. Kramer.

The program provided funds to various organizations for the recruitment and placement of disadvantaged persons in permanent employment. Administered by the Department's Office of Program Development, Division of Human Resources, it placed a total of 374 participants in jobs, at an average starting salary of \$464 a month, Kramer said. They had been receiving an average of \$280 in welfare payments.

Because of their employment, Kramer noted, more than \$1.2 million was saved in government welfare payments, \$900,000 of which would have come from the State and \$300,000 from the counties.

