

NEW JERSEY REGISTER



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SAMUEL ALITC-RES DIR
LAW REVISION & LEGIS
SERVICES COMMISSION
STATE HOUSE
TRENTON N J 08625

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(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

DIVISION OF PLANT INDUSTRY

Rule for Control of Ceriferus (or Japanese) Wax Scale

On May 29, 1974, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on the control of Ceriferus (or Japanese) Wax Scale as proposed in the Notice published May 9, 1974, at 6 N.J.R. 166(a).

Such rule may be cited as N.J.A.C. 2:22-1.1.

An order adopting this rule was filed and effective May 30, 1974, as R.1974 d.130.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF PLANT INDUSTRY

Subcoccinella Viginliqualuorpunctata Quarantine

On June 19, 1974, W. M. Cranstoun, Director of the Division of Plant Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule establishing Subcoccinella viginliqualuorpunctata quarantines in Bergen, Hudson and Essex counties.

Full text of the adopted rule follows:

2:20-4.1 Subcoccinella viginliqualuorpunctata quarantine; Bergen, Hudson and Essex counties

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 of the agricultural laws of New Jersey, and in order to control the spread of Subcoccinella viginliqualuorpunctata, the State Department of Agricul-

ture determines this insect constitutes a menace to plants and crops of the State of New Jersey.

(b) The State Board of Agriculture declares the Subcoccinella viginliqualuorpunctata a dangerously injurious insect and subject to measures of control, in accordance with the laws of the State of New Jersey.

(c) This quarantine is effective June 19, 1974, and until further notice.

An order adopting this rule was filed and effective June 19, 1974, as R.1974 d.153 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

BANKING

DIVISION OF ADMINISTRATION

Proposed Rules Concerning Fees

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8, proposes to adopt new rules concerning fees.

Full text of the proposed rules follows:

SUBCHAPTER 6. FEES

3:1-6.1 Institutions to be assessed

Every bank as defined in N.J.S.A. 17:9A-(1), every savings bank as defined in N.J.S.A. 17:9A-1(13) and every State association as defined in N.J.S.A. 17:12B-5(1), shall be assessed a yearly fee of .20 of one cent per hundred dollars of total assets.

3:1-6.2 Assessed semiannually

The fee shall be assessed at a rate of .10 of one cent per hundred dollars of total assets as of December 31 and a rate of .10 of one cent per hundred dollars of total assets as of June 30, of each calendar year.

3:1-6.3 Payment dates

(a) The fees so assessed shall be made payable to the Treasurer of the State of New Jersey and paid on or before March 31 and September 30, of each calendar year.

(b) The payment on or before March 31, shall be based on the asset total set forth on the semiannual report filed

NEW JERSEY REGISTER

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with the Commissioner on or about December 31 and shall apply to the fees assessed for the first half of the calendar year.

(c) The payment on or before September 30, shall be based on the asset total set forth in the semiannual report filed with the Commissioner on or about June 30 and shall apply to the fees assessed for the second half of the calendar year.

3:1-6.4 Initial assessment

The fees assessed pursuant to this regulation will first apply to the fourth quarter of calendar year 1974. To facilitate the collection thereof, a payment of .05 of one cent per hundred dollars of total assets as of June 30, 1974 shall be submitted no later than September 30, 1974. Thereafter, the provisions of N.J.A.C. 3:1-6.2 and 3 will be followed.

3:1-6.5 Fees subject to annual review

The fees assessed by this regulation shall be reviewed at least annually and if necessary shall be increased or decreased in accordance with the services performed by the Department of Banking.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking
Trenton, New Jersey 08625

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

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

CONSUMER CREDIT BUREAU

Rule on Licensed Places of Business

On June 6, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-37a and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning licensed places of business, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 167(a) but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

3:18-8.1 Banking institution or savings and loan association location prohibited

(a) A licensee is prohibited from engaging in the secondary mortgage loan business at a location which is utilized by a banking institution or savings and loan association as a main, branch or any other office; except that, no licensee shall be prohibited from engaging in the secondary mortgage loan business at a location utilized by a banking institution, or savings and loan association, where the office and operations of the licensee are separate, apart and distinct from the offices and operations of the banking institution or the savings and loan association and when employees of the banking institution or savings and loan as-

sociation are not employed by or soliciting for the licensee.

(b) In the event a licensee is presently engaged in the secondary mortgage loan business at any such location or locations, the licensee shall have 60 days, unless extended by the Commissioner for good cause shown, to relocate its offices, subject to the approval of the Commissioner; otherwise, said license(s) shall be surrendered to the Commissioner for cancellation.

An order adopting this rule was filed and effective June 6, 1974, as R.1974 d.135.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Revisions Concerning Interest Rates

On June 11, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 31:1-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:1-1.1 concerning interest rates. On May 31, 1974, the Commissioner of Banking adopted emergency revisions to this same rule and such revisions were filed and effective May 31, 1974, as R.1974 d.132.

The current revised text of this rule, which follows below, was filed on June 11, 1974, to correct a typographical error in the last sentence of subsection (b) in the revisions filed on May 31, 1974. The error concerned the words "said Act" which should have read "this regulation."

Full text of the revised rule follows:

3:1-1.1 Interest rates

(a) The maximum rate of interest to be charged, taken or received, upon a loan of any money, wares, merchandise, goods and chattels, made on or after May 31, 1974, shall be eight per cent per year, except as hereinafter provided. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by ch. 328, P.L. 1973.

(b) The maximum rate of interest to be charged on loans secured by real estate on which there is erected or to be erected a one, two or three-family dwelling occupied or to be occupied by the borrower, shall be nine per cent per annum. Such interest shall be calculated in accordance with N.J.S.A. 31:1-1, as amended by ch. 328, P.L. 1973. Any provision in a mortgage commitment contracted prior to the effective date of this regulation providing for an increase in interest rates to be charged based on the highest lawful interest rate shall be null and void.

(c) Contracts for the following classes or types of loans may lawfully provide for any rate of interest which the parties agree upon, and interest at any such rate may lawfully be taken:

1. Loans in the amount of \$50,000 or more, except loans where the security given is a mortgage on real property consisting of a lot of land upon which there is constructed or in the course of construction a dwelling house of three family units or less. The rate of interest stated in such contract upon the origination of such loans may be taken notwithstanding that payments thereon reduce the amount outstanding to less than \$50,000;

2. Loans or advances of credit made by savings and loan associations, banking institutions, or any Department of Housing and Urban Affairs or Federal Housing Administration approved mortgagees for which an offer or commit-

ment to purchase has been received and which are subsequently purchased, in whole or in part, by the Federal Housing Administration, Veterans Administration, Farmers Home Administration, Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, and any successor thereof or by any State or Federal governmental or quasi-governmental organizations.

(d) The rates established herein shall be effective immediately and shall remain in force until such time as this regulation is rescinded or until said rate or rates are increased or decreased by a subsequent regulation.

An order adopting this revised rule was filed and effective May 31, 1974, as R.1974 d.140 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF BANKING

Rules on Savings

Banks Investment Securities

On June 14, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-182.3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning savings banks investment securities, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 167(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rules follow:

SUBCHAPTER 8. SAVINGS BANKS INVESTMENT SECURITIES

3:11-8.1 Investment securities

(a) In addition to investments otherwise authorized in Article 25 of The Banking Act of 1948, as amended, savings banks are further authorized to invest in the following investment securities:

1. Bonds, debentures, notes or other obligations of any business corporation, except bank holding companies which are defined in paragraph 3 hereof, organized under the laws of the United States or any state therein; provided, however, such investment security has received a quality rating in any of the first three quality classifications issued by Moody's Investors Service, Inc., Standard & Poor's Corporation, or Fitch Investors Service, Inc., or if such investment security shall be of a type commonly denominated as "commercial paper" such obligation shall have received a quality rating of P-1 by Moody's Investors Service, A-1 by Standard & Poor's Corporation or F-1 by Fitch Investors Service;

2. Bonds, debentures, notes and bankers acceptances issued by any banking institution, excluding a savings bank, as defined in Section 1(2) of N.J.S.A. 17:9A, which banking institution at the date of its last published statement preceding the date of investment had a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least five per cent of its aggregate deposit liability;

3. Bonds, debentures, notes and bankers acceptances issued by any bank holding company authorized to do business in New Jersey which is registered as a bank holding company under the provisions of the Act of Congress,

known as the "Bank Holding Company Act of 1956" (Act of May 9, 1956, 70 Stat. 133), as amended. Such holding company must have as at the date of its last published statement preceding the date of investment a combined total of capital stock, surplus, reserve for contingencies and undivided profits equal to at least \$40,000,000 and also equal to at least five per cent of its aggregate deposit liability;

4. Bonds, notes, debentures or other obligations issued or insured or guaranteed by any agency, authority, instrumentality or corporate body created by and for the United States Government whether or not such obligations are guaranteed by the United States;

5. Bonds, notes, debentures or other obligations issued or insured or guaranteed by any agency, authority, instrumentality or corporate body created by and for the State of New Jersey whether or not such obligations are guaranteed by the State of New Jersey.

(b) All investments by savings banks pursuant to the provisions of this Subchapter shall be subject to the following conditions and limitations:

1. No savings bank shall make any investment in any investment security issued by any individual business corporation when the making of such investment will cause the aggregate liability of such corporation to such savings bank in any capacity to exceed five per cent of the total indebtedness of such corporation or two per cent of the assets of such savings banks; whichever amount is lesser.

2. The board of managers shall at all times exercise reasonable discretion in the acquisition, retention and disposition of any investment security.

3. This Subchapter shall not be deemed to authorize any savings bank to acquire any investment which contravenes the specific provisions contained in Section 26.1 of N.J.S.A. 17:9A.

4. If any investment would be authorized both by this Subchapter and Sections 174 through 180 of N.J.S.A. 17:9A, then such investment shall be deemed to have been made under such Section of N.J.S.A. 17:9A and all limitations applicable to such Section shall apply.

An order adopting these rules was filed and effective June 14, 1974, as R.1974 d.145.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS

THE COMMISSIONER

Revisions Concerning Limited Dividend and Nonprofit Housing Corporations and Associations

On June 26, 1974, Daniel W. Horgan, Assistant Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:16-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 5:13-1.1 concerning the definitions of gross shelter rent and condominium regarding limited dividend and nonprofit housing corporations and associations, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 221(a).

An order adopting these revisions was filed and effective June 26, 1974, as R.1974 d.166.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions on Testing for Tuberculosis

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:40-16, proposes to delete in its entirety the current text of N.J.A.C. 6:29-4.2, Testing for tuberculosis, and adopt in place thereof a new rule concerning the same subject matter.

Full text of the proposed new rule follows:

6:29-4.2 Testing for tuberculosis

(a) The following are rules of the State Department of Education concerning testing for tuberculosis by school districts for implementation of N.J.S.A. 18A:40-16 which read as follows:

"The Board of Education of every school district shall periodically determine or cause to be determined the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure and selection of pupils, shall comply with rules and regulations of the State Board of Education."

1. An intradermal tuberculin test shall be the sole basis for initial screening for evidence of tuberculosis infection in pupils.

2. Intradermal tuberculin test rules include:

i. An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, and in the New Jersey School for the Deaf. (These are minimum requirements.):

- (1) All pupils in the eighth grade;
- (2) All pupils who are 13 years of age in classes for the educable, in classes for the trainable, and in any other special education classes;
- (3) Any additional grades or classes which the State Department of Health has recommended for testing because of special risk.

ii. Any pupil shall be exempt from these requirements upon presentation of documentation of a prior positive reaction as evidenced by the presence of vesiculation following the administration of a multiple puncture tuberculin test or by a positive reaction (that is, 10 mm. or more of induration) following a Mantoux test with five tuberculin units of stabilized PPD tuberculin. Any other exemption from these requirements shall be because of medical contraindications subject to review by the medical inspector.

3. Rules concerning the Mantoux test include:

i. All doubtful reactions and all positive reactions to a multiple puncture tuberculin test (except in the case of vesiculation) shall be followed with an intradermal Mantoux test, using five tuberculin units of stabilized PPD tuberculin. If the reaction to the Mantoux test is doubtful (5-9 mm. of induration), it shall be repeated at a different site on the forearm. If the result of the second Mantoux test is also doubtful, the individual shall be recorded as tuberculin negative.

ii. If a multiple puncture test results in vesiculation, the individual shall be recorded as a positive tuberculin reactor, and no further tuberculin testing is required.

iii. If the result of the Mantoux test is positive (ten or more mm. of induration), the individual shall be recorded as a positive tuberculin reactor.

iv. All positive tuberculin reactors shall be referred to the

appropriate official health agency for necessary follow-up.

4. Rules concerning chest x-rays include:

i. A chest x-ray shall be administered to:

- (1) All pupils who are positive reactors to an intradermal tuberculin test as defined in paragraph 3 ii. and iii. above;
- (2) All pupils exempted from the tuberculin test by paragraph 2 ii. above at the time a tuberculin test would otherwise be done.

ii. All pupils required to have a chest x-ray shall be referred to their family physician or other medical facility for the necessary medical examination, which must include a chest x-ray. If the family physician's report is not received by the school physician within four weeks, or if the school physician does not agree with the family physician's findings, the pupil shall have a chest x-ray examination in the manner prescribed by the school district.

iii. If the chest x-ray of a positive tuberculin reactor is negative for evidence of tuberculosis, chemoprophylaxis or preventive therapy, with one year of isoniazid (INH) should be administered.

5. Rules concerning employees include:

i. All employees (full-time and part-time) and all practice teachers of a Board of Education shall have an annual physical examination for evidence of tuberculosis infection in the manner prescribed above for pupils. Included in this requirement are school cafeteria personnel, school bus drivers, and any other personnel whose services may be contracted for by the Board of Education and who have contact with pupils.

ii. All employees and practice teachers who are tuberculin negative shall be retested with an intradermal tuberculin test every three years, and paragraph 3. above shall apply.

iii. All positive tuberculin reactors (Mantoux confirmed, as defined in paragraph 3. iii. shall be required to have a chest x-ray. If the chest x-ray is negative for evidence of active tuberculosis, the employee shall be strongly urged to take preventive treatment with isoniazid (INH) for one year. If unable or unwilling to do so, or if failing to complete the year of chemoprophylaxis, the employee shall be required to have an annual chest x-ray.

iv. A positive tuberculin reactor who is certified in writing by a licensed physician to have completed one year of preventive treatment (chemoprophylaxis) with isoniazid (INH), shall not be required to undergo any further testing for tuberculosis infection.

6. The reporting of the examination and testing for evidence of tuberculosis infection in each school district shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered positive tuberculin reactor pupils and personnel are to be reported immediately upon discovery to the New Jersey Department of Health on the special form provided for this purpose so that the appropriate tuberculosis control measures can be instituted.

ii. At the end of the annual tuberculosis testing program in each school district, the following information shall be reported to the County Superintendent of Schools, the New Jersey Department of Education, and the New Jersey Department of Health, with one copy to be retained by the local school district:

- (1) The number and type of tuberculin test performed in each grade, by school, on pupils, and on employees;
- (2) The name, address, grade, age, and school of all positive tuberculin reactors;
- (3) The results of all x-ray examinations performed on pupils and employees.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Mrs. Anne Grandinetti
Division of Controversies and Disputes
State Department of Education
225 West State Street
Trenton, New Jersey 08625

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

Edward W. Kilpatrick
Acting Commissioner of Education
Acting Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions in Bus Driver Procedures

On June 10, 1974, 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:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 6:21-11.3(d) concerning bus driver procedures, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 172(b).

An order adopting these revisions was filed and effective June 12, 1974, as R.1974 d.141.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Bus Mirror Specifications

On June 10, 1974, 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:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning bus mirror specifications, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 172(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Education.

Full text of the adopted rules follows:

6:21-6.26(b) 1. Mounting brackets shall be affixed to the bus so as to be securely fastened to the structural frame members of the bus body.

6:21-6.26(d) Two exterior convex type mirrors shall be mounted forward, one to the left and one to the right of the driver. Each mirror shall be a minimum of six by six inches overall, rectangular in shape and shall have a minimum 21-inch to a maximum 30-inch radius of curvature on the convex. Each mirror shall be firmly supported and adjustable to give the driver a clear view of the left rear

wheels and the immediate adjacent area and the right rear wheels and the immediate adjacent area.

1. Mounting brackets shall be affixed to the bus so as to be securely fastened to the structural frame members of the bus body, or shall be affixed to the existing exterior rearview mirror mounting brackets.

2. The convex type mirrors shall not be part of or attached to the exterior rearview mirrors.

i. Convex type mirror head and the rearview type mirror head shall be mounted so as to have a minimum of two inches distance between the two.

An order adopting this revised rule was filed and effective June 12, 1974, as R.1974 d.142.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Repeal of Rule On Testing for Tuberculosis and Adoption of New Rules

On June 17, 1974, 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:40-16 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions which repealed in its entirety the current text of N.J.A.C. 6:29-4.2, concerning testing for tuberculosis and adopting new text on the same subject therein.

Full text of the newly adopted rule follows:

6:29-4.2 Testing for tuberculosis

(a) The following are rules of the State Department of Education concerning testing for tuberculosis by school districts for implementation of N.J.S.A. 18A:40-16 which reads as follows:

"The Board of Education of every school district shall periodically determine or cause to be determined the presence or absence of active or communicable tuberculosis in any or all pupils in public schools, and, with respect to frequency, procedure and selection of pupils, shall comply with rules and regulations of the State Board of Education."

1. An intradermal tuberculin test shall be the sole basis for initial screening for evidence of tuberculosis infection in pupils.

2. Intradermal tuberculin test rules include:

i. An intradermal tuberculin test shall be given to the following pupils enrolled in elementary and secondary schools, and in the New Jersey School for the Deaf. (These are minimum requirements.):

(1) All pupils in the eighth grade;

(2) All pupils who are 13 years of age in classes for the educable, in classes for the trainable and in any other special education classes;

(3) Any additional grades or classes which the State Department of Health has recommended for testing because of special risk.

ii. Any pupil shall be exempt from these requirements upon presentation of documentation of a prior positive reaction as evidenced by the presence of vesiculation following the administration of a multiple puncture tuberculin test or by a positive reaction (that is, 10 mm. or more of

induration) following a Mantoux test with five tuberculin units of stabilized PPD tuberculin. Any other exemption from these requirements shall be because of medical contraindications subject to review by the medical inspector.

3. Rules concerning the Mantoux test include:

i. All doubtful reactions and all positive reactions to a multiple puncture tuberculin test (except in the case of vesiculation) shall be followed with an intradermal Mantoux test, using five tuberculin units of stabilized PPD tuberculin. If the reaction to the Mantoux test is doubtful (5-9 mm. of induration), it shall be repeated at a different site on the forearm. If the result of the second Mantoux test is also doubtful, the individual shall be recorded as tuberculin negative.

ii. If a multiple puncture test results in vesiculation, the individual shall be recorded as a positive tuberculin reactor, and no further tuberculin testing is required.

iii. If the result of the Mantoux test is positive (ten or more mm. of induration), the individual shall be recorded as a positive tuberculin reactor.

iv. All positive tuberculin reactors shall be referred to the appropriate official health agency for necessary follow-up.

4. Rules concerning chest x-rays include:

i. A chest x-ray shall be administered to:

(1) All pupils who are positive reactors to an intradermal tuberculin test as defined in paragraph 3 ii. and iii. above;

(2) All pupils exempted from the tuberculin test by paragraph 2 ii. above at the time a tuberculin test would otherwise be done.

ii. All pupils required to have a chest x-ray shall be referred to their family physician or other medical facility for the necessary medical examination, which must include a chest x-ray. If the family physician's report is not received by the school physician within four weeks, or if the school physician does not agree with the family physician's findings, the pupil shall have a chest x-ray examination in the manner prescribed by the school district.

iii. If the chest x-ray of a positive tuberculin reactor is negative for evidence of tuberculosis, chemoprophylaxis or preventive therapy, with one year of isoniazid (INH) should be administered.

5. Rules concerning employees include:

i. All employees (full-time and part-time) and all practice teachers of a Board of Education shall have an annual physical examination for evidence of tuberculosis infection in the manner prescribed above for pupils. Included in this requirement are school cafeteria personnel, school bus drivers, and any other personnel whose services may be contracted for by the Board of Education and who have contact with pupils.

ii. All employees and practice teachers who are tuberculin negative shall be retested with an intradermal tuberculin test every three years, and paragraph 3. above shall apply.

iii. All positive tuberculin reactors (Mantoux confirmed, as defined in paragraph 3. iii. above) shall be required to have a chest x-ray. If the chest x-ray is negative for evidence of active tuberculosis, the employee shall be strongly urged to take preventive treatment with isoniazid (INH) for one year. If unable or unwilling to do so, or if failing to complete the year of chemoprophylaxis, the employee shall be required to have an annual chest x-ray.

iv. A positive tuberculin reactor who is certified in writing by a licensed physician to have completed one year of preventive treatment (chemoprophylaxis) with isoniazid (INH), shall not be required to undergo any further testing for tuberculosis infection.

6. The reporting of the examination and testing for evi-

dence of tuberculosis infection in each school district shall be as follows:

i. The name and address, grade (of pupils), age and school of all newly discovered positive tuberculin reactor pupils and personnel are to be reported immediately upon discovery to the New Jersey Department of Health on the special form provided for this purpose so that the appropriate tuberculosis control measures can be instituted.

ii. At the end of the annual tuberculosis testing program in each school district, the following information shall be reported to the County Superintendent of Schools, the New Jersey Department of Education, and the New Jersey State Department of Health, with one copy to be retained by the local school district:

- (1) The number and type of tuberculin test performed in each grade, by school, on pupils and on employees.
- (2) The name, address, grade, age and school of all positive tuberculin reactors.
- (3) The results of all x-ray examinations performed on pupils and employees.

An order repealing the current rule was filed and effective June 19, 1974, as R.1974 d.154 (Exempt, Emergency Rule). An order adopting the new rule was filed and effective June 19, 1974, as R.1974 d.155 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Revisions to Rules for Marie H. Katzenbach School for the Deaf

On June 25, 1974, 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:61-2(d) et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning the Marie H. Katzenbach School for the Deaf.

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

6:78-1.1 Function

(a) The school's function is to provide tuition-free residential and day educational facilities and instruction for deaf children in the following areas:

1. Preschool;
2. Nursery;
3. Elementary;
4. Junior high school;
5. Senior high school;
6. Vocational-technical; and
7. Post secondary education.

(b) Appropriate certificates and diplomas shall be awarded upon the completion of approved courses of study.

[6:78-1.2 Admission

Application for admission shall be made directly to the State Board on an approved form provided by the school, stating legal residency of the applicant, the age, circum-

stances and capacity of the proposed pupil and the ability or inability to pay any part of his care and maintenance. Under the direction of the senior school officer, the child study department of the school reviews the application, arranges an interview for the proposed pupil and parent or legal guardian, requests and reviews additional information from other sources if available, tests the proposed pupil for amount of hearing loss and capacity for instruction. All pupils must be deaf persons of suitable age and capacity for instruction, legal residents of this State, and not over 21 years of age. Eligibility for admission shall be determined by the superintendent and the staff of the school.]

6:78-1.2 Admission

(a) Application for admission shall be made directly to the school through a written request from the parent or legal guardian with or without assistance from the child study team of the applicant's local school district. The letter should be directed to the senior school officer or the director of admissions clearly stating its purpose and stating legal residency of the applicant, applicant's full name, birth date and present educational placement.

(b) All applications received will be considered in view of entrance during the month of September of the next school year. As individual appropriate vacancies occur, applicants will be considered from available lists. The deadline for filing applications shall be December 15 of each year. Applicants evaluated prior to March 15 of each school year will receive notification of the disposition of the application by June 15 of the same year. Applications received and processed after December 15 each year will be considered in order of receipt without guarantee of admission for the following school year. Those applicants whose applications are so received and not able to be acted upon by June 30 of each year by the school staff shall be so notified and requested to reapply for the following school year.

(c) The child study department of the school, under direction of the senior school officer, shall review the application, arrange an interview for the proposed pupil and parent or legal guardian, request and review additional information from other sources, test the proposed pupil for amount of hearing loss and capacity for instruction. Under direction of the senior school officer, the admissions committee shall then meet to evaluate the material gathered through the above procedure to determine eligibility for admittance. The admissions committee shall consist of, but is not limited to:

1. The assistant superintendent;
2. Director of educational services;
3. Director of admissions;
4. The school psychologist;
5. The school audiologist; and
6. According to the applicant's age, the appropriate school principal and supervising house parent.

(d) All applicants must be deaf persons of suitable age and capacity for instruction, legal residents of this State, not over 21 years of age and meet the following criteria:

1. Residential school placement:

i. All applicants must have a residence other than the school. As the school operates on a five-day-week schedule and is closed on weekends, holidays and other prescribed vacation periods, there are no provisions for permanent residence.

ii. All applicants must be classified as "auditorily handicapped" (deaf) in accordance with N.J.S.A. 18A:46-1 et seq. and as defined in the New Jersey Administrative Code at 6:28-2.1. The classification shall have been completed within the year of application.

iii. All applicants must be physically and emotionally capable of adapting to residential and educational requirements of the program. Such adaptability shall include, but not be limited to the following requirements:

(1) Must be ambulatory to negotiate flights of stairs without assistance.

(2) Must be physically able to care for self in keeping with developmental expectations including toilet training, both bowel and bladder control.

(3) Must have visual acuity to such a degree as to utilize standard visual educational materials and techniques used in the educational program for the hearing impaired.

(4) Must not be so emotionally handicapped or socially maladjusted to present a danger to self and others in the educational and living environments.

iv. The intellectual and educational functioning of all applicants must be evidence cognitive capability above the mentally retarded range.

v. All applicants under the age of 14 years must either be too remote from another approved program for the deaf for commuting purposes, or be classified as capable of benefiting from a limited residential placement due to extenuating circumstances. The classification referred to in the latter part of the first sentence of this subparagraph shall be made by the school's admissions committee.

vi. All applicants between the ages of 12 and 14 years must not have available to them on a daily basis an approved program.

2. Day school placement:

i. Applicants must meet criteria under N.J.A.C. 6:78-1.2

(d) 1.i. through iv.

ii. The legal residence of applicants under the age of 21 years from the county of Mercer and portions of Burlington, Hunterdon, Monmouth, Middlesex and Somerset counties must be within a closer proximity to the Katzenbach School than to another approved program.

(e) In addition to the criteria contained in N.J.A.C. 6:78-1.2(d), parents or legal guardians of deaf children between the ages of 12 and 14 years may request residential placement at Katzenbach as an alternative to the approved program in their area. These students will be considered only after all other applicants admissible under N.J.A.C. 6:78-1.2(d) 1. v. and vi., 1.2(d) 2. ii. and 6:78-1.2(f) have been admitted and vacancies still remain.

(f) Parents or legal guardians of deaf children over the age of 14 years entering the secondary educational program may request this alternative to the approved program serving their area.

(g) When applicants exist with multiple handicaps but whose major educational handicap is deafness, special programs, facilities and specialized personnel may be added in accordance with N.J.S.A. 18A:46-15 and 61-2, to accommodate selective applicants.

(h) When the number of applicants eligible within the above criteria outnumber the places available at the school, the number admitted shall be apportioned so that each county is represented therein in the ratio of its deaf population to the total deaf population of the State.

(i) An applicant who is refused admission after following the admission procedures outlined above, may appeal such decision in writing to the Commissioner of Education. Such appeal shall be processed by the Department in conformity with the procedures contained in N.J.A.C. 6:24-1.1 et seq.

An order adopting these revisions was filed and effective June 27, 1974, as R.1974 d.167 (Exempt, Emergency Rule).
Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Vocational Program Services

On June 25, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of Chapter 333, Laws of 1973 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning vocational program services.

Full text of the new rules follows:

6:43-2.6(d) Rules concerning vocational-program services include:

1. Every county vocational school district board of education providing post secondary vocational-technical education shall, to the extent its facilities permit and subject to rules prescribed by the Commissioner and approved by the State Board, accept for post secondary vocational-technical education students who are residents of any other county in the State.

2. Any person desiring to enroll in a post secondary vocational-technical program in a county vocational school district as a nonresident student shall apply to the chief fiscal officer of his county of residence for a certificate of residence (forms and instructions immediately follow this Section) showing that said person is a resident of said county. The chief fiscal officer shall, upon application and submission to him of satisfactory evidence of such residence, issue said certificates provided that the county does not maintain a vocational school providing such a program, or the county vocational school district board of education certifies to the chief fiscal officer that it does not offer the particular course or curriculum desired by the applicant, or the county vocational school cannot admit the applicant into a particular course or curriculum desired by the applicant pursuant to rules approved by the State Board of Education.

If the chief fiscal officer refuses to issue such a certificate, the applicant may appeal to the board of chosen freeholders within ten days of the receipt of notice of such refusal. The board of chosen freeholders shall hold a hearing on such appeal within a reasonable time, but not less than ten days after notice is given to the chief fiscal officer and the applicant. The board of chosen freeholders shall notify the applicant of its decision within ten days after such hearing.

3. Upon his resignation for each school year, the non-resident student shall file with the county vocational school district board of education such a certificate of residence issued not more than two months prior thereto, and such a certificate of residence shall be valid for the current year or the academic year next succeeding the date of issuance.

4. Any county vocational school district board of education admitting nonresident students shall annually charge to and collect from each county of residence for each such student \$200.00 to be applied to the county's share of the vocational school district's capital expenses and the average county share of budgeted operating cost per full-time student as certified by the Commissioner, provided, however, that the said board of education may, with the approval of the Commissioner, charge and collect a higher annual amount or amounts when high-cost or high-priority programs were provided.

5. Each county vocational school district board of education shall notify the Department of Education of the names and addresses of all nonresident students and the courses and programs in which they are enrolled as of the second week of each term. Such notification shall be made in writing no later than the end of the fourth week of each term.

6. The standard form for the chief fiscal officer is as follows:

Standard Form for Chief Fiscal Officer

CERTIFICATION OF RESIDENCE FOR PURPOSE OF CHARGEBACK PURSUANT TO CHAPTER 333 OF THE LAWS OF NEW JERSEY 1973.

On the basis of sworn statements and evidence submitted to me, I hereby certify that _____, residing at _____, and signify _____ county's acceptance of responsibility for paying the fee as described in Senate No. 736, Chapter 333 Laws of New Jersey 1973.

7. The standard form for certification of eligibility is as follows:

Standard Form for Certification of Eligibility

CERTIFICATION OF ELIGIBILITY FOR CHARGEBACK ASSISTANCE PURSUANT TO CHAPTER 333 OF THE LAWS OF NEW JERSEY 1973.

Name of Student _____
Home Address _____
(Street)

(City)

(County)

The above named student will be attending _____ for the _____ term of 19—
(School name)

Signed _____
Title _____

DIRECTIONS TO THE STUDENT

i. If a county vocational school offering post-secondary education is in operation in your county of residence:

A. Go to the admissions office and request certification of eligibility for chargeback.

B. When you receive it, you may then apply to the out-of-county vocational school in which you are interested.

C. When you receive evidence of admission from the out-of-county vocational school, take it with the certificate of eligibility to your county's chief fiscal officer, and request a certificate of residence. (The school will direct you to these officials.)

D. Upon receipt of the certificate of residence, you may register at the out-of-county vocational school.

ii. If a county vocational school is not operating in your county of residence:

A. Gain admission to any county vocational school.

B. Take evidence of this admission to your home county's chief fiscal officer and request a certificate of residence.

C. At registration, present this certificate of residence to the county vocational school which has accepted you.

An order adopting these rules was filed and effective June 27, 1974, as R.1974 d.168 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Conservation Order Closing Certain Sea Clam Beds

On June 4, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency conservation order which closes certain sea clam beds.

Full text of the adopted order follows:

7:25-7.9 Conservation order closing certain sea clam beds

(a) It is hereby ordered that the hereinafter described inshore sea clam areas be closed for the taking of sea clams (*macra solidissima*) for a period beginning June 10, 1974, and ending June 10, 1977.

(b) The sanctuary areas are defined as follows:

1. Hereford Inlet area: from: 39 degrees 00.7 minutes North, 74 degrees 47.5 minutes West; 119 degrees T, d. 3 miles to 38 degrees 58.8 minutes North, 74 degrees 44.1 minutes West; 029 degrees T, d. 2.25 miles to 39 degrees 00.7 minutes West, 74 degrees 42.7 minutes West; 299 degrees T, d. 3 miles to 39 degrees 02.6 minutes North, 74 degrees 46.1 minutes West; thence 209 degrees T, 2.25 miles to start.

2. Cold Spring Inlet area: from: 38 degrees 56.5 minutes North, 74 degrees 51.95 minutes West; 145 degrees T, d. 3 miles to 38 degrees 54.05 minutes North, 74 degrees 49.8 minutes West; 055 degrees T, d. 2.2 miles to 38 degrees 55.7 minutes North; 74 degrees 47.87 minutes West; 325 degrees T, d. 3 miles to 38 degrees 58.1 minutes North; 74 degrees 50.1 minutes West; 235 degrees T, d. 2.2 miles to start.

(c) This order shall take effect on June 10, 1974.

An order adopting this conservation order was filed and effective June 10, 1974, as R.1974 d.139 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

SHELLFISHERIES COUNCIL

Rules Concerning Clams

On January 28, 1974, the Shellfisheries Council of the Atlantic Coast Section in the Division of Fish, Game and Shellfisheries of the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised emergency rules concerning clams.

(Cite 6 N.J.R. 262)

Full text of the rules follows:

7:25-9.2 Revised Resolution No. 111; clams

(a) Be it therefore resolved by the Shell Fisheries Council of the Atlantic Coast Section in regular session on this, the 28th day of January, 1974, that Resolution No. 111 dated August 6, 1970, be and is hereby amended to read as follows:

1. Hard clams may be caught and taken from moderately condemned waters situated in the Atlantic Coast Section to be transplanted into certain leased areas situated in the Atlantic Coast Section.

2. Everyone who takes clams from the above mentioned area must hold a lease to three, one-half acre plots in Great Bay. Said lease is to be in conformity with the existing rules and regulations of Title 50 of the Revised Statutes and with the rules and regulations established by this resolution.

3. The lessee must also obtain a special permit to take clams from certain condemned areas as provided in N.J. S.A. 24:14-3.

4. The fee for each lease shall be determined from time to time by the Shellfisheries Council with the fee being fifty dollars for the three plots. An additional fee of sixteen dollars and fifty cents shall be charged and prorated in the survey and stake fees.

5. All hard clams must be transplanted from and to areas approved by the Shellfish Control Unit under the supervision of the Division of Fish, Game and Shellfisheries and the Bureau of Marine Law Enforcement.

6. Clams transplanted in any given month must remain there until the first working day of the second month following.

7. No clams taken from any areas considered by this resolution shall be marketed from the specified leased areas until said leased areas are approved in writing by the Shellfish Control Unit of the Division of Water Resources.

8. The designated area or areas will be open for the taking of clams on Mondays, Wednesdays and Fridays of each week, with the transplanting on the same day as the clams are taken.

9. When moving to new transplant areas, notification must be given to the Atlantic City Marine Police by 5:00 P.M., two days prior to any move.

10. The taking of clams may be done from sunrise until 2:00 P.M.

11. The taking of clams may be done at times established by the Shellfisheries Council prior to the opening of any area or areas.

12. Leased grounds must be kept staked properly by the lessee and must be properly marked for immediate identification.

13. The lessee must also provide a practical, reusable tag or marker for his clam containers.

An order adopting these rules was filed and effective June 18, 1974, as R.1974 d.148 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

1974-1975 Game Code

On June 11, 1974, the Fish and Game Council in the Di-

vision of Fish, Game and Shellfisheries of 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 the 1974-1975 Game Code, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 174(a), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

The 1974-1975 Game Code may be cited as N.J.A.C. 7:25-5.1 et seq.

An order adopting the Game Code was filed June 18, 1974, as R.1974 d.149 to become effective August 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Revisions for Controlled Hunting

On June 17, 1974, the Fish and Game Council in the Division of Fish, Game and Shellfisheries of the Department of Environmental Protection, pursuant to authority of N.J. S.A. 23:7-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:25-2.15 concerning controlled hunting, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 175(a).

Such revisions were filed June 18, 1974, as R.1974 d.150 to become effective August 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

BUREAU OF WATER POLLUTION CONTROL

Rules On Allocation of Waste Loads to Point Source Discharges

On June 18, 1974, Ernest Segesser, Acting Director of the Division of Water Resources in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the allocation of waste loads to point source dischargers as proposed in the Notice published April 4, 1974, at 6 N.J.R. 132(c).

Such rules may be cited as N.J.A.C. 7:9-11.1 et seq.

An order adopting these rules was filed and effective June 18, 1974, as R.1974 d.151.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Repeal of Procedural Rules for Hearings Held Pursuant to the Coastal Area Facilities Review Act

On June 24, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:19-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule which repealed in its entirety the procedural rules for hearings held pursuant to the Coastal Area Facilities Review Act (i.e., N.J.A.C. 7:7C-1.1 et seq.) which were filed and became effective February 1, 1974, as R.1974 d.26 (See: 6 N.J.R. 101(b)) as well as the amendments thereto which were filed and became effective February 8, 1974, as R.1974 d.32 (See: 6 N.J.R. 101(c)).

Chapter 7C in Title 7 of the New Jersey Administrative Code will now be marked as Reserved.

An order repealing these rules was filed and effective June 24, 1974, as R.1974 d.162 (Exempt, Procedural Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Proposed Rule on Patient Clothing And Bedding Materials

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning patient clothing and bedding materials.

Full text of the proposed rule follows:

SUBCHAPTER 13. PATIENT CLOTHING AND BEDDING MATERIALS

8:31-13.1 Fire retardance; patient clothing and bedding materials

(a) All health care facilities shall use fire-retardant chemicals during laundering to ensure the fire-retardance of all patient apparel and bedding materials, including sheets, pillowcases, bedspreads and blankets, presently in use.

(b) All future acquisition and use of patient clothing and bedding materials, including sheets, pillowcases, bedspreads and blankets, as provided by the facility, shall have a permanent fire-retardant quality.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Arthur E. Brown
Assistant Commissioner for Health Facilities
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Rule on Expiration Dates For Fluid Milk Products

On June 10, 1974, William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57.23 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning expiration dates for fluid milk products, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 184(a).

Such rules may be cited as N.J.A.C. 8:21-4.44.

An order adopting this rule was filed and effective June 12, 1974, as R.1974 d.143.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

New Jersey Youth Camp Safety Act Standards

On June 10, 1974, William J. Dougherty, Acting Commissioner of Health, pursuant to authority of N.J.S.A. 26:12-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the New Jersey Youth Camp Safety Act standards, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 180(a), with only inconsequential structural or language changes in the opinion of the Department of Health.

Such rules may be cited as N.J.A.C. 8:25-1.1 et seq.

An order adopting these rules was filed and effective June 19, 1974, as R.1974 d.156.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Changes in Podiatry Manual

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise Subchapter 2 of Chapter 57 in Title 10 of the New Jersey Administrative Code concerning billing procedures contained in the Podiatry Manual.

The proposed revisions basically concern an updating of listings of locations, telephone numbers and the like, and

do not include changes that are substantive, in the opinion of the New Jersey Health Services Program.

Full text of the six pages of the proposed revisions may be obtained by writing to:

Administrative Analyst
Div. of Medical Assistance and Health Services
Post Office Box 2486
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to the Division of Medical Assistance and Health Services at the above address.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Independent Clinic Services Manual

On June 3, 1974, Ann Klein, 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 revisions to N.J.A.C. 10:66-1.10 and 10:66-1.12 of the Independent Clinic Services Manual concerning podiatry and dental services, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 192(a).

An order adopting these revisions was filed and effective June 14, 1974, as R.1974 d.144.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Rules on Administrative Hearings

On June 20, 1974, 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. 30:1-9 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of practice and procedure governing administrative hearings conducted in the Division of Youth and Family Services.

Full text of the adopted rules follows:

SUBCHAPTER 1. ADMINISTRATIVE HEARINGS

10:120-1.1 Scope of rules

The following rules shall constitute the practice and procedure and shall govern all contested cases as defined by the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-2(b), before the Division of Youth and Family Services, where a violation of any statute, rule or regulation affecting the Division is alleged.

10:120-1.2 Construction

These rules shall be liberally construed to allow the Division of Youth and Family Services to discharge its statutory functions. The Director or his representative may, upon notice to all parties, relax the application of these rules where the interest of justice will be served thereby.

10:120-1.3 Practice where rules do not govern

The Director may rescind, amend or expand these rules from time to time, provided the same is effected in accordance with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. In any matter not expressly controlled by these rules or by statute, the Director may exercise his discretion.

10:120-1.4 Definitions

"Division" means the Division of Youth and Family Services, Department of Institutions and Agencies.

"Director" means the director of the Division of Youth and Family Services.

"Respondent" means any party charged with a violation of any statute, rule or regulation affecting the Division.

"Petitioner" means any party who has requested a hearing to contest any Division action.

"Hearing officer" means any individual designated by the Director to conduct any hearing pursuant to any statute, rule or regulation affecting the Division.

10:120-1.5 Subject matter jurisdiction

The jurisdiction of the Division shall extend to all cases arising under any statute, rule or regulation affecting the Division.

10:120-1.6 Notice of hearing and complaint

(a) Whenever it shall appear to the Director that a violation of any statute, rule or regulation affecting the Division has occurred, is occurring or may occur and that the matter warrants a formal administrative hearing, he may cause to be issued a notice of hearing and complaint seeking any relief authorized by the Act. The complaint shall be directed to the respondent and he shall be accorded a minimum of five business days notice prior to the date of the hearing. Adjournments will not be granted except on timely written application to the Director and for good cause shown. The complainant shall be served in accordance with these rules.

(b) The notice of hearing shall contain:

1. A statement of the time and place of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A statement that the respondent may present evidence in defense to the charges contained in the complaint either through an attorney, an authorized representative or personally;
4. A statement that should the respondent fail to appear, a default will be entered and the complainant will proceed with his proofs in support of the relief demanded.

(c) A complaint issued by the Director or his representative shall contain:

1. A reference to the particular sections of the statute, regulation or rule alleged to have been violated;
2. A concise statement of the facts giving rise to the alleged statutory, regulatory or rule violation;
3. A statement of the relief sought by the complainant.

10:120-1.7 Service of notice of hearing and complaint

(a) Where the respondent is an individual, service is by mailing a copy of the notice, by certified mail, return receipt requested, to the last known place of business, residence or abode, within or without this State of such person for whom the same is requested.

(b) Where the respondent is a corporation, service is by mailing a copy of the notice, by certified mail, return receipt requested, to any person authorized by appointment or by law to receive service of process on behalf of the corporation at the registered office or principal place of business of the corporation in charge thereof.

10:120-1.8 Hearings to conform to law

The conduct of all hearings shall conform to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

10:120-1.9 Hearing officer

All hearings shall be conducted by a hearing officer designated by the Director. The hearing officer shall have the authority and discretion to control the order of proceedings, to rule on any procedural or evidential motions or objections, to make such rulings as may be necessary to conduct a fair hearing and to render a recommended decision on any matter brought pursuant to the statute. The hearing officer shall receive all evidence relevant to the matter before him without regard to the strict rules of admissibility and may in his discretion examine witnesses. The hearing officer may permit the submission of written memoranda of law.

10:120-1.10 Time and place of hearing

Hearings shall be held at a time and place designated by the Director, or an authorized representative. The Director, in his discretion, or upon application made at least three days prior to the date of the hearing on behalf of any party, may adjourn any hearing with the consent of all parties to the action. Upon granting an adjournment, the Director or hearing officer shall notify all interested parties and may, with reasonable notice, reschedule the hearing at any time thereafter.

10:120-1.11 Appearances and attorneys

The complainant in any hearing held hereunder shall first present the evidence in support of the alleged violation of the statute. Thereafter, the respondent may cross-examine any witness giving testimony and present evidence either through his attorney, a registered representative of the corporation, or pro se.

10:120-1.12 Failure to appear

If the respondent without good cause fails to appear on the date set for a hearing, the hearing officer may hear the evidence presented by the Division and render his decision forthwith.

10:120-1.13 Record of the hearing

All hearings shall be recorded on either standard sound equipment, or stenographically transcribed by a certified shorthand reporter. The hearing officer's report and recommended decision, together with the sound recording transcript and all evidence properly admitted during the hearing shall constitute the record of all hearings before the Division.

10:120-1.14 Issuance of hearing officer's report and recommended decision

(a) The hearing officer shall render his report and recommended decision not later than 30 days following the conclusion of the hearings.

(b) The hearing officer's report and recommended decision shall be in writing, including findings of fact and conclusions of law, separately stated. Such report may include recommendations by the hearing officer to the Director for changes in general Division policy and procedure.

(c) The hearing officer's report and recommended decision shall be served on all parties, by mail or personal

service, not later than 15 days following the rendering of such report.

10:120-1.15 Objections or exceptions

Upon receipt of the hearing officer's report and recommended decision, all parties, within ten days, may submit any objections, corrections or proposed modifications concerning the report and recommended decision to the Director for consideration in his review of the proceedings.

10:120-1.16 Director's review and final decision

(a) Upon receipt of the hearing officer's report and recommended decision, and any objections thereto submitted by any party, the Director shall review the record and will issue the final decision determining the controversy.

(b) The Director may make such modifications and changes in the findings of fact and conclusions of law based upon the record, as he deems necessary.

(c) A copy of the Director's final decision shall be served upon all parties, not later than 15 days following the rendering of such final decision. This decision shall be rendered in writing and shall be served upon the respondent by sending a copy of the same, by certified mail, return receipt requested, to the last known address of the respondent and, where applicable, to counsel for respondent.

10:120-1.17 Appeal of final decision

The Director's decision shall be the final determination concerning the subject matter of the hearing. Any appeal of such decision shall be solely to the Appellate Division of the Superior Court.

10:120-1.18 Reopening of proceedings

A motion to reopen proceedings shall not be deemed to be a matter of right, but rather a matter of discretion.

10:120-1.19 Validity of rules if any portion declared invalid

If any rule, sentence, paragraph or Section of these rules shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

An order adopting these rules was filed and effective June 20, 1974, as R.1974 d.160 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to the Podiatry Manual

On June 3, 1974, Ann Klein, 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 revisions to the Podiatry Manual, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 185(c).

Such revisions will be included in various Sections of Chapter 57 in Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective June 21, 1974, as R.1974 d.161.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF YOUTH AND FAMILY SERVICES

Revisions to Staff Development Rules In State Plan for Services to Families and Children

On June 24, 1974, 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. 30:14-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:123-1.10 concerning staff development in the State Plan for Services to Families and Children, as proposed in the Notice published August 9, 1973, at 5 N.J.R. 279(a).

An order adopting these revisions was filed and effective June 26, 1974, as R.1974 d.164.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

NEW JERSEY DEVELOPMENTAL DISABILITIES COUNCIL

1975 State Plan Annual Revision

On June 26, 1974, Catherine Rowan, Executive Director of the New Jersey Developmental Disabilities Council, pursuant to authority of Executive Orders No. 20 of 1971 and No. 49 of 1973 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1975 State Plan Annual Revision, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 241(d).

Such revised Plan will be included in Chapter 140 of Title 10 in the New Jersey Administrative Code.

An order adopting this revised Plan was filed and effective June 26, 1974, as R.1974 d.165.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Proposed Amendment on Ticket-Selling Insurance Agents' Educational Requirements

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt an amendment to N.J.A.C. 11:2-1.3 concerning educational requirements for applicants for ticket-selling insurance agents.

Full text of the proposed amendment follows:

11:2-1.3(f) Ticket-selling agents under the present statute (N.J.S.A. 17B:22-12) are required to become licensed, but

do not have to qualify by examination. However, N.J.S.A. 17B:22-10 does make it necessary for the applicant seeking any form of life and health agent's license to successfully complete a program of studies established by regulation. The present regulation, R.1971 d.238, requires any applicant for an agent's license with health authority to satisfactorily complete a 24-hour course in health insurance. It is proposed that in lieu of meeting the current 24-hour requirement, applicants for a ticket-selling agent's license limited to the sale of accident insurance ticket policies covering the risks of travel be required to have a ten-hour course of instruction containing the following content:

	Present	Proposed
I General Elements of Insurance	6	2
II Fundamental Elements of Underwriting	5	1
III Policy Provisions and Requirements	6	4
IV Agents' Duties and Responsibilities	4	2
V Course Review and Examination	3	1
	-----	-----
	24	10

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Herman W. Hanssler
Acting Deputy Commissioner
Department of Insurance
201 E. State Street
Trenton, N.J. 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Repeal of Rules on Local Exhaust Systems

On June 5, 1974, the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety Chapter 122, Local Exhaust Systems, of Title 12 in the New Jersey Administrative Code.

This repeal is necessary because the New Jersey Legislature has repealed the statute which authorized the Department to adopt such rules.

Chapter 122 in Title 12 of the New Jersey Administrative Code is now reserved for future use.

An order repealing these rules was filed and effective June 7, 1974, as R.1974 d.136 (Exempt, Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Repeal of Rules on Short-Rise Material Handling Lifts

On June 5, 1974, the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety Chapter 171, Short-Rise Material Handling Lifts, of Title 12 in the New Jersey Administrative Code.

This repeal is necessary because the New Jersey Legislature has repealed the statute which authorized the Department to adopt such rules.

Chapter 171 in Title 12 of the New Jersey Administrative Code is now reserved for future use.

An order repealing these rules was filed and effective June 7, 1974, as R.1974 d.137 (Exempt, Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LABOR AND INDUSTRY

BUREAU OF ENGINEERING AND SAFETY

Repeal of Rules on Machinery With Rolls

On June 5, 1974, the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety Chapter 146, Machinery with Rolls, of Title 12 of the New Jersey Administrative Code.

This repeal is necessary because the New Jersey Legislature has repealed the statute which authorized the Department to adopt such rules.

Chapter 146 in Title 12 of the New Jersey Administrative Code is now reserved for future use.

An order repealing these rules was filed and effective June 7, 1974, as R.1974 d.138 (Exempt, Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Rule Prohibiting Kickbacks, Rebates Or Receiving Payment for Services Not Rendered

I. Edward Ornaf, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt a new rule pro-

hibiting kickbacks, rebates or receiving payment for services not rendered.

Full text of the proposed rule follows:

13:35-6.11 Prohibition of kickbacks, rebates or receiving payment for services not rendered

(a) It shall be unprofessional or unethical conduct for any licensee or registrant of the State Board of Medical Examiners to:

1. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for prescribing, ordering or promoting the sale of a device, appliance or other prescribed item when such device, appliance or prescribed item is provided by another person, firm or corporation;
2. Directly or indirectly charge or bill the recipient of a device, appliance or prescribed item or directly or indirectly charge or bill any third party when such device, appliance or prescribed item is delivered by the licensee or registrant without disclosing to the recipient and third party, if a third party payor exists, the actual cost to the licensee or registrant for such device, appliance or prescribed item which the licensee or registrant paid or shall pay to the provider of such device, appliance or prescribed item;
3. Receive directly or indirectly from any person, firm or corporation any fee, gift, commission, rebate, free saleable products, anything of value or any form of compensation for prescribing or promoting the sale of any drug, commodity or product;
4. Sell "free samples" or "samples" or other similar items obtained from any person, firm or corporation by such licensee or registrant.

(b) Any licensee or registrant who violates any provisions of the foregoing shall be subject to disciplinary action in accordance with the provisions of the Medical Practice Act or other applicable statute.

Interested persons may present statements or arguments in writing, orally, in person or by telephone relevant to the proposed action on or before August 2, 1974, to:

I. Edward Ornaf, M.D., Secretary
State Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4843

The New Jersey State Board of Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt this rule substantially as proposed without further notice.

I. Edward Ornaf
Secretary, State Board of Medical Examiners
Department of Law and Public Safety

(a)

**LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY**

**Proposed Revisions Prohibiting Kickbacks,
Rebates, Gifts or Receiving Payment Other than
Bona-Fide Discounts**

Paul A. Pumpian, Secretary of the New Jersey State Board of Pharmacy in the Division of Consumer Affairs of

the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to repeal N.J.A.C. 13:39-9.12 in its entirety and adopt in place thereof the following new rule concerning kickbacks, rebates, gifts or receiving payment other than bona-fide discounts.

Full text of the proposed new rule follows:

13:39-9.12 Kickbacks, rebates, gifts or receiving payments other than bona-fide discounts

(a) It shall be unprofessional or unethical conduct or unlawful activity under N.J.S.A. 45:14-1 et seq. for any licensee registrant or permit holder of the State Board of Pharmacy to:

1. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for dispensing or encouraging the prescribing, ordering or promoting of the sale of a device, appliance or other prescribed item when such device, appliance or prescribed item is different from the one originally prescribed;
2. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for selling any item when the sale of such item is based on the registrant's recommendation in the exercise of his professional judgment;
3. Receive directly or indirectly from any person, firm or corporation any fee, gift, commission, rebate, free saleable products, anything of value or any form of compensation for dispensing or encouraging the prescribing or promoting the sale of any drug, commodity or product;
4. Sell "free samples" or "samples" or other similar items obtained from any person, firm or corporation by such licensee or registrant;
5. Accept, receive or purchase or place in stock for use or sale or for any purpose any drug that is outdated or any drug marked "sample" or any like designation or meaning.

(b) Provided, however, that nothing contained herein shall prohibit the acceptance of bona-fide discounts on purchases in the normal course of the practice of a registrant or permit holder. A bona-fide discount shall not be deemed to include a gift, trip, unrelated merchandise or any comparable item or benefit.

(c) Any licensee or registrant who violates the provisions of the foregoing shall be subject to disciplinary action in accordance with the provisions of the Pharmacy Practice Act or other applicable statutes.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 14, 1974, to:

Paul A. Pumpian, Secretary
New Jersey State Board of Pharmacy
1100 Raymond Boulevard
Newark, New Jersey 07102

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

Paul A. Pumpian, Secretary
New Jersey State Board of Pharmacy
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Quarterly Listing of Legislative Agents

On February 11, 1974, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, released the required quarterly report of newly-registered legislative agents for the fourth quarter of 1973.

All notices of the agents' representations and reports are on file with the Attorney General and are available for public inspection during regular business hours (9:00 A.M. to 5:00 P.M.) in Room 219, State House Annex, Trenton, New Jersey.

The listing of the first 68 registered legislative agents was in the Notice published December 9, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents in the Notice published April 6, 1972, at 4 N.J.R. 72(c); the third listing of 29 agents in the Notice published August 10, 1972, at 4 N.J.R. 190(b); a fourth listing of eight agents in the Notice published February 8, 1973, at 5 N.J.R. 53(b); and a fifth listing of 24 agents in the Notice published April 4, 1974, at 6 N.J.R. 152(b).

Following are five legislative agents who have registered subsequently, with registration number, name and New Jersey address, whom they are representing and designation or title, if any:

171. William Hobokan, 311 Church Street, Hackettstown, N.J. 07840; Ashland Oil, Inc.; Legislative Agent.

172. Leon J. Zimmerman, 142 West State Street, Trenton, N.J. 08608; N.J. Standardbred Inc.; Public Relations Counsel.

173. William J. Stafford, War Memorial Building, Trenton, N.J. 08608; Veterans of Foreign Wars of the U.S., Department of N.J.; Legislative Agent.

174. Kathryn Stilwell, 180 West State Street, Trenton, N.J. 08608; N.J. Education Association; Educator.

175. John E. Dwyer, 407 West State Street, Trenton, N.J.; N.J. Association of School Administrators; Executive Director.

This additional listing was filed June 18, 1974, as R.1974 d.152 (Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Rules Governing Admission Procedures of Volunteer Fire Departments and First Aid Squads

On May 7, 1974, Gilbert H. Francis, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-8(d) and (g) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing admission procedures of volunteer fire departments and first aid squads, as proposed in the Notice published February 7, 1974, at 6 N.J.R. 79(a).

Such rules may be cited as N.J.A.C. 13:12-1.1.
An order adopting these rules was filed and effective June 25, 1974, as R.1974 d.163.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Revision on Service of Notice of Filing

On June 19, 1974, Anthony J. Grossi, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to N.J.A.C. 14:1-6.16(b)2. regarding the service of Notice of filings. This revision is adopted in compliance with the provisions of Chapter 27, Laws of 1974.

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

14:1-6.16(b)2.

Serve a notice of the filing and two copies of the petition or tariff on the [Attorney General, State House Annex, Trenton, New Jersey] **Director, Division of Rate Counsel, Department of the Public Advocate;**

An order adopting this revision was filed and effective June 20, 1974, as R.1974 d.157 (Exempt, Mandatory Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposes to adopt new rules establishing no parking zones along certain portions of Route number 70, 73, US 22 and US 130.

Full text of the proposed rules follows:

16:28-3.20 No parking zones along Route 70 in Evesham Township, Burlington County

(a) In accordance with the provisions of s. 78, c. 23, L. 1951 (N.J.S.A. 39:4-138.1), the certain parts of State highway Route 70, described herein below, shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 70 for the entire length within the corporate limits of Evesham Township, including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

(Continued on page 23)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted by the various State Departments.

The index is current, and will be adjusted the month following the mailing to Code subscribers of update

pages for all 19 Departmental Titles.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but 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>
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R.1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R.1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R.1974 d.75	6 N.J.R. 162(a)
AGRICULTURE — TITLE 2			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:3-2.5	Requirements on equidae entering New Jersey	R.1974 d.55	6 N.J.R. 130(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R.1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliquaorpunctata quarantine	R.1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R.1974 d.130	6 N.J.R. 254(a)
2:48-6.1 et seq.	Sale of milk in new container size	R.1974 d.72	6 N.J.R. 166(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R.1974 d.91	6 N.J.R. 166(c)
2:67-1.1	Prompt settlement	R.1973 d.355	5 N.J.R. 363(a)
2:67-1.1	Prompt settlement	R.1974 d.42	6 N.J.R. 96(b)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R.1973 d.356	6 N.J.R. 2(a)
BANKING — TITLE 3			
3:1-1.1	Interest rates revised	R.1973 d.366	6 N.J.R. 50(b)
3:1-1.1	Revisions concerning interest rates	R.1974 d.132	
		R.1974 d.140	6 N.J.R. 255(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.13(a)	Delete current text	R.1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R.1974 d.119	6 N.J.R. 218(b)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R.1974 d.27	6 N.J.R. 97(b)
3:6-7.1	Banking offices protection	R.1973 d.344	6 N.J.R. 3(c)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R. 328(d)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R.1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R.1974 d.93	6 N.J.R. 168(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R. 328(c)
3:11-8.1	Investment securities; savings banks	R.1974 d.145	6 N.J.R. 256(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R.1974 d.7	6 N.J.R. 51(a)
3:18-5.4	Prior notice to borrower; final disclosure of specific dollar amounts	R.1973 d.343	6 N.J.R. 3(b)
3:18-6.1 et seq.	Solicitation of business	R.1973 d.280	5 N.J.R. 364(c)
3:18-7.3	Delete rule on legal fees	R.1973 d.343	6 N.J.R. 3(b)
3:18-7.6	Verbal advertisement	R.1973 d.282	5 N.J.R. 365(a)
3:18-8.1	Banking institution or savings and loan association location prohibited	R.1974 d.135	6 N.J.R. 255(a)
COMMUNITY AFFAIRS — TITLE 5			
5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R.1973 d.357	6 N.J.R. 5(b)
5:10-19.4(c)	Revised exterior lighting requirements	R.1974 d.14	6 N.J.R. 55(a)
5:10-19.4(1)	Revised heating requirements	R.1974 d.14	6 N.J.R. 55(a)
5:30-13.2	Form of resolution; State and Local Fiscal Assistance Act of 1972	R.1973 d.352	6 N.J.R. 5(a)
5:10-2.2	Revised definitions of building and multiple dwelling	R.1973 d.310	5 N.J.R. 369(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R.1974 d.166	6 N.J.R. 256(b)

EDUCATION — TITLE 6

6:1-2.2	Revisions concerning regular meetings	R.1974 d.38	6 N.J.R. 100(b)
6:2-1.3 et seq.	Revised appeal procedures	R.1973 d.329	6 N.J.R. 6(a)
6:11-12.3	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R. 333(c)
6:21-6.26	Revisions concerning bus mirror specifications	R.1974 d.142	6 N.J.R. 258(b)
6:21-6.31(e)	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R. 333(a)
6:21-11.3(d)	Revisions concerning bus driver procedures	R.1974 d.141	6 N.J.R. 258(a)
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17:16-27.3	Limitations regarding certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R.1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R.1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R.1974 d.35	6 N.J.R. 124(d)
17:16-37.1 et seq.	Repurchase agreements	R.1974 d.36	6 N.J.R. 125(a)
17:20-5.10	Agent's compensation	R.1973 d.353	6 N.J.R. 36(a)
17:20-5.10	Revisions concerning lottery agent's compensation	R.1974 d.146	6 N.J.R. 277(d)
17:21-2.3 et seq.	Revised rules on lottery prize structure	R.1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R.1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R.1974 d.134	6 N.J.R. 277(c)

(Continued from page 17)

16:28-3.21 No parking zones along Route 73 in Evesham Township, Burlington County

(a) In accordance with the provisions of s. 78, c. 23, L. 1951 (N.J.S.A. 39:4-138.1), the certain parts of State highway Route 70, described herein below, shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route 73 for the entire length within the corporate limits of Evesham Township, including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28-3.22 No parking zones along Route US 22 in the Town of Phillipsburg, Warren County

(a) In accordance with the provisions of s. 78, c. 23, L. 1951 (N.J.S.A. 39:4-138.1), the certain parts of State highway US 22, described herein below, shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing along both sides of Route US 22, eastbound and westbound lanes, for the entire length within the corporate limits of the Town of Phillipsburg, including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28-3.23 No parking zones along Route US 130 in Upper Penns Neck Township, Salem County

(a) In accordance with the provisions of s. 78, c. 23, L. 1951 (N.J.S.A. 39:4-138.1), the certain parts of State highway Route US 130, described herein below, shall be, and hereby are, designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing:

i. Along the northbound side of Route US 130:

- (1) From a point 150 feet south of the southerly curb line of New Plant Street to a point 200 feet north of the northerly curb line of New Plant Street;
- (2) From a point 275 feet south of the southerly curb line of Walker Avenue - Georgetown Road to a point 260 feet north of the northerly curb line of Walker Avenue - Georgetown Road.

ii. Along the southbound side of Route US 130:

- (1) From the southerly curb line of East Line Street to the southerly curb line of Field Street;
- (2) From a point 200 feet north of the northerly curb line of Walker Avenue - Georgetown Road to a point 100 feet south of the southerly curb line of Walker Avenue - Georgetown Road;
- (3) From a point 80 feet north of the northerly curb line of Broadway to a point 80 feet south of the southerly curb line of Broadway;
- (4) From a point 200 feet north of the northerly curb line of New Plant Street to a point 150 feet south of the southerly curb line of New Plant Street.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Robert R. Reed, Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

TREASURY TAXATION — TITLE 18

18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R.1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R.1973 d.296	5 N.J.R. 393(c)
18:12A-1.1 et seq.	Rules for county boards of taxation	R.1974 d.95	6 N.J.R. 205(b)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:24-5.3	Purchase of materials and supplies by contractors	R.1973 d.336	6 N.J.R. 38(a)
18:24-22.1 et seq.	Sales by floor covering dealers	R.1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R.1974 d.96	6 N.J.R. 208(a)
18:26-8.10	Amendments concerning valuations	R.1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

OTHER AGENCIES — TITLE 19

19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R.1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R.1973 d.333	6 N.J.R. 40(a)
19:3A-1	Indemnification for Meadowlands District	R.1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R.1974 d.133	6 N.J.R. 281(a)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R.1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R.1974 d.82	6 N.J.R. 209(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R.1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R.1974 d.129	6 N.J.R. 280(c)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R.1974 d.81	6 N.J.R. 208(c)
19:8-1.1 et seq.	Revisions in use of Garden State Parkway	R.1974 d.158	6 N.J.R. 281(b)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R.1974 d.6	6 N.J.R. 88(b)
19:8-31.1(b)	Revised Garden State Parkway tolls	R.1974 d.8	6 N.J.R. 88(a)
19:10-1.1	PERC amends employee definitions	R.1974 d.56	6 N.J.R. 159(a)
19:11-1.1 et seq.	Revisions on investigation and disposition of PERC petitions	R.1974 d.127	6 N.J.R. 283(b)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)
19:15-4.1	Motions for PERC reconsideration	R.1974 d.56	6 N.J.R. 159(a)

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Designation Of Stop Intersections on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-140, proposes to adopt a new rule concerning the designation of a stop intersection on State highway Route number 152. Such rule, if adopted, will be included in a new Subchapter 5 of Chapter 28 in Title 16 of the New Jersey Administrative Code.

Full text of the proposed rule follows:

SUBCHAPTER 5. STOP INTERSECTIONS

16:28-5.1 Route number 152

(a) In consonance with the provisions of N.J.S.A. 39:4-140 (as amended), the certain part of Route 152 situated in Egg Harbor Township, Atlantic County and described herein below, shall be and hereby is designated a stop intersection:

1. Route 152 and Ocean Drive: Stop sign shall be erected facing eastbound traffic on Route 152.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Robert R. Reed, Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions to Rates of Speed on State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt revisions to the rules concerning rates of speed on State highways.

The proposed revisions concern the deletion of the current text in N.J.A.C. 16:28-1.111 and the adoption of new text therein concerning Route number 87 as well as the adoption of a new rule concerning Route number 179.

Full text of the proposed new rules follows:

16:28-1.111 Route number 87 in Atlantic City, Atlantic County

(a) In accordance with the provisions of N.J.S.A. 39:4-98 (as amended), the rate of speed designated for the certain part of State highway Route 87, described herein below, shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:
 - i. Zone 1: 50 mph from Route U.S. 30 to the beginning of the center barrier approximately 1,250 feet north of Huron Avenue, thence
 - ii. Zone 2: 55 mph to the end of Route 87 at the northerly end of the bridge over Absecon Inlet.

16:28-1.146 Route 179 in West Amwell Township and East Amwell Township in Hunterdon County

(a) In accordance with the provisions of R.S. 39:4-98 (as amended) the rate of speed designated for the certain parts of State highway Route 179, described herein below, shall be and hereby is established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:
 - i. Zone 1: 50 mph in West Amwell Township, East Amwell Township from the junction with Route U.S. 202 to 375 feet north of Melbourn Lane (milepost 0.7), thence
 - ii. Zone 2: 35 mph in East Amwell Township to 325 feet south of Larison Lane (milepost 1.2), thence
 - iii. Zone 3: 45 mph to Route U.S. 202-31.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Robert R. Reed, Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

Alan Sagner
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

Rules on Restricted Parking Along Certain State Highways

On June 20, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules establishing no parking zones along portions of Routes 7, 28, US 46, 47 and 77, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 203(a).

Such rules may be cited as N.J.A.C. 16:28-3.15 through 3.19.

An order adopting these rules was filed and effective June 20, 1974, as R.1974 d.159.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Rule On Compliance With Endorsement Requirements

Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and on behalf of the Division of Pensions in the Department of the Treasury, proposes to adopt a new rule concerning compliance with endorsement requirements.

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

17:1-1.15 (e) **Retirants and beneficiaries will periodically be requested to complete a card, requiring notarization, which indicates their Social Security number, date of birth and signature. In the event the Division does not receive the notarized signature card within 45 days, a final request will be sent to the retirant or beneficiary, advising him that if it is not returned within 30 days, his monthly benefits will be suspended until a personally endorsed, notarized card has been received.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, 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 this rule substantially as proposed without further notice.

Clifford A. Goldman
Deputy State Treasurer
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

Revisions in Rules of State Police Retirement System

On May 29, 1974, Elmer G. Baggaley, Secretary of the State Police Retirement System in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the State Police Retirement System as proposed in the Notice published April 4, 1974, at 6 N.J.R. 156(b).

Such revisions will be included in various Sections of Chapter 5 in Title 17 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective May 31, 1974, as R.1974 d.131.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE LOTTERY COMMISSION

Revisions for the Daily Lottery

On May 30, 1974, Charles C. Carella, Executive Director of the New Jersey State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the daily lottery, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 203(d).

Such revisions will be included in N.J.A.C. 17:21-6.3, 17:21-6.6 and 17:21-6.7.

An order adopting these revisions was filed June 5, 1974, as R.1974 d.134.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

STATE LOTTERY COMMISSION

Revisions in Agent's Compensation

On June 11, 1974, Charles C. Carella, 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 revisions to N.J.A.C. 17:20-5.10 concerning agent's compensation.

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

17:20-5.10 Agent's compensation

(a) All licensed manual agents shall be entitled to a commission for the sale of lottery tickets in accordance with the following schedule:

	Per Cent
1. Compensation for tickets manually vended:	5.00
2. Compensation for tickets machine vended:	2.50

(b) All licensed agents, whether they be vending machine agents or manual agents, shall be entitled to a bonus as follows:

- [1. Five hundred dollars to an agent who sells a \$50,000 winning ticket, the weekly lottery first place prize;
2. One hundred dollars to an agent who sells a \$5,000 winning ticket, the weekly lottery second place prize; and
3. Fifty dollars to an agent who sells a \$2,500 winning ticket, the daily lottery first place prize.]

1. Weekly lottery:

- i. Five hundred dollars to an agent who sells a \$50,000 winning ticket (first place prize);
- ii. Seventy-five dollars to an agent who sells a \$5,000 winning ticket (second place prize);
- iii. Fifty dollars to an agent who sells a \$2,500 winning ticket (third place prize).

2. Millionaire lottery—50 cents weekly ticket:
- i. Ten thousand dollars to an agent who sells a \$1,000,000 winning ticket (first place prize);
 - ii. One thousand dollars to an agent who sells a \$100,000 winning ticket (second place prize);
 - iii. Five hundred dollars to an agent who sells a \$50,000 winning ticket (third place prize);
 - iv. Two hundred dollars to an agent who sells a \$10,000 winning ticket (fourth place prize).
3. Daily lottery:
- i. Two hundred dollars to an agent who sells a \$10,000 winning ticket (first place prize);
 - ii. Twenty-five dollars to an agent who sells a \$1,000 winning ticket (second place prize).
4. Grand drawing—daily lottery:
- i. Seven hundred and fifty dollars to an agent who sells a \$75,000 winning ticket (first place prize);
 - ii. Seventy-five dollars to an agent who sells a \$5,000 winning ticket (second place prize).

(c) All claim centers shall be entitled to compensation for validation and redemption in the amount of \$0.50 per winning daily lottery ticket entitled to prizes of \$25.00 and \$225.00. All claim centers shall be entitled to compensation in the amount of \$0.50 per completed claim form, with winning ticket attached, which is filed with the Lottery Commission; provided, however, that a claim center shall not be entitled to compensation for claim forms completed in connection with \$2.50 winning tickets, except if the purported winning ticket is mutilated, altered, illegible or misprinted.

(d) The Director may establish such sales incentive programs as he deems necessary or desirable for the operation of the State Lottery. The number, duration and form of such programs shall be within the discretion of the Director.

An order adopting these revisions was filed June 18, 1974, as R.1974 d.146 (Exempt, Procedure Rule) to become effective June 20, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

— Other Agencies —

DELAWARE RIVER BASIN COMMISSION

Rules on Sale of Surface Water Supplies

On May 22, 1974, the Delaware River Basin Commission adopted rules concerning the sale of surface water supplies in the Delaware River Basin. The rules were the subject of public hearings held in February, 1973, and March, 1974.

The rules provide for the sale of surface waters to future new users and to existing users who increase their taking above current legal entitlement. Revenues raised by the Commission, from the sale of water, will be used to repay the Federal government its cost of installing water supply storage in a network of multiple-purpose reservoirs being developed in the Delaware Basin.

The rules constitute a new article 5 in the Commission's Administrative Manual, Part III, Basin Regulations.

Full text of the adopted rules follows:

Section 5-1.1. Water supply policy. The provisions of resolution No. 71-4 (comprehensive plan) relating to water supply charges, are incorporated herein and made a part hereof.

Section 5-1.2. Prohibition; Sanctions. Any person, firm, corporation or other entity, including a public corporation, body or agency, who shall use, withdraw or divert surface waters of the basin, shall pay such charges therefor as may be required by this resolution. Any violation of this resolution shall be subject to penalty as prescribed under Article 14.17 of the Compact. The Commission may also recover the value (according to the established water pricing schedules of the Commission) of any such use, withdrawal or diversion, and invoke the jurisdiction of the courts to enjoin any further use, withdrawal or diversion, unless all charges under this resolution are paid in full when due.

Section 5-1.3 Exempt uses under the compact

(a) Section 15.1(b) of the Delaware River Basin Compact provides that "no provision of Section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; . . ." In compliance with this provision: There shall be no charge for water withdrawn or diverted in quantities not exceeding the legal entitlement of the user, determined as of October 27, 1961. Each water user may submit proof satisfactory to the Commission of the factors constituting legal entitlement, as defined in paragraph (b) hereof. In the absence of such proof of these conditions as of October 27, 1961, the quantity of water exempt from charge to each user will be the legal entitlement of the user determined as of March 31, 1971.

(b) For the purposes of paragraph (a) of this Section:

1. "Legal entitlement" means the quantity or volume of water expressed in million gallons per month determined by the lesser of the following conditions:

(i) A valid and subsisting permit, issued under the authority of one of the signatory parties, if such permit was required as of October 27, 1961, or thereafter;

(ii) Physical capability as required for such taking; or

(iii) The total allocable flow without augmentation by the Commission, using a seven-day, ten-year, low-flow criterion measured at the point of withdrawal or diversion.

2. "Physical capability" means the capacity of pumps, water lines and appurtenances installed and operable, determined according to sound engineering principles. The physical capability specifically includes plant facilities actually using water, but excludes facilities which may have been installed in anticipation of future plant expansion not yet realized.

(c) Whenever adequate records of legal entitlement for agricultural irrigation purposes are not available to the Commission, such legal entitlement shall be measured by the maximum number of acres under irrigation by the water user at any time during the year ending March 31, 1971, allowing one acre-foot of surface water annually per acre irrigated.

(d) Notwithstanding the provisions of (a), (b) and (c) there shall be no charge for water made available from storage where: (i) the cost of the storage facility has or will be otherwise paid for by the user, (ii) such storage controls a drainage area, and (iii) the use does not exceed the yield of such storage without augmentation from other surface water of the basin.

Section 5-1.4. Effective date of rates

Rates and charges shall apply to all water users not exempt hereunder on and after the date of the first impoundment of water for water supply purposes at the Beltzville Reservoir (February 8, 1971), or the effective date hereof, whichever is later.

Section 5-2.1. Certificate of entitlement

(a) The executive director will issue to each known water user a certificate of entitlement within 30 days after the effective date of these regulations subject to the provisions of paragraph (b). In addition, any other water user may apply for a certificate of entitlement at any time. A preliminary notice of entitlement shall be issued to each user. Such entitlement shall become final and take effect, unless the user shall file with the Commission, within 20 days after the service of the notice of entitlement, a request for hearing by the Commission. At such hearing the water user may show cause why the proposed entitlement shall not take effect.

(b) The executive director shall schedule a hearing to be held not less than ten days after receipt of a request for a hearing by the Commission. Hearings shall be conducted and the results thereof subject to review in accordance with Article 5 of the Commission's rules of practice and procedure.

(c) A final certificate of entitlement will be issued either upon expiration of the time to request a hearing, where there has been no request, or in accordance with the determination of a hearing where one is held.

(d) A certificate of entitlement is not transferable, except as provided in paragraphs (e) and (f) below.

(e) Whenever ownership or possession of land in agricultural use is transferred, a certificate of entitlement with respect to such land shall be deemed to run with the land, so long as the water use continues to be for agricultural irrigation. Upon any such land transfer, the executive director will reissue a certificate of entitlement to the new user.

(f) A certificate of entitlement may be transferred in connection with a corporate reorganization within any of the following categories:

(i) Whenever property is transferred to a corporation by one or more persons solely in exchange for stock or securities of the same corporation, provided that immediately after the exchange the same person or persons are in control of the transferee corporation, that is, they own 80 per cent of the voting stock and 80 per cent of all other stock of the corporation;

(ii) Whenever the transfer is an incident of a statutory merger or consolidation pursuant to the corporation laws of any state, the District of Columbia or the United States;

(iii) Whenever the transfer is included in a transfer by a corporate holder of a certificate of entitlement of all or a part of its assets to another corporation if immediately after the transfer the transferor or one or more of its stockholders, or any combination thereof, are in control of the corporation to which the assets are transferred, and such transfer is in exchange solely for stocks or securities of the transferee corporation as a party to a reorganization within the meaning of Section 354 or Section 361 of the Internal Revenue Code; or

(iv) Where such transfer is required merely as a result of a change of the name, identity, form or place of organization of a corporate holder of a certificate of entitlement.

Section 5-2.2 Measurement and billing of water taken.

(a) The quantity and volume of waters used by each person shall be determined by meters, or other methods approved by the Commission, installed, maintained and read

by or on behalf of the taker. Meters or other methods of measurement shall be subject to approval and inspection by the Commission as to installation, maintenance and reading.

(b) Each user of surface water who is not exceeding the quantity specified in his "certificate of entitlement" shall annually, on or before January 31, file with the Commission, on a form to be prescribed by the executive director, a report of the user's physical capability as defined, permit limitations, and the volume of water used during the preceding year.

(c) Each user of surface water who is taking a quantity of water greater than the amount specified in his "certificate of entitlement" shall report his usage to the Commission on or before April 30, July 31, October 31 and January 31, of each year covering the next preceding calendar quarter, respectively, on forms to be prescribed by the executive director. The amount due for water usage in excess of the legal entitlement for each of the first three quarters of a calendar year shall be computed and paid by the user, together with the report.

(d) The Commission will render a statement of the net amount due based on the fourth quarter report, including a negative or positive adjustment, so that the net total billing and payment for four quarters will equal the total water used during the four quarters less the user's legal entitlement, if any.

Section 5-2.3. Payment of bills

The amount due for each quarter shall bear interest at the rate of 1 per cent per month for each day it is unpaid beginning 30 days after the due date of the quarterly report for the first three quarters and 30 days after the bill is rendered for the fourth quarter.

Article 5-3

Section 5-3.1. Schedule of water charges

The Commission will from time to time, after public notice and hearing, make, amend and revise a schedule of water charges. Until changed, the charge for water shall be as follows:

- (a) Four cents per 1,000 gallons for consumptive use; and
- (b) Four-tenths of a mill per 1,000 gallons for non-consumptive use.

Section 5-3.2. Contracts; minimum charge

Subject to the exclusions for certificates of entitlement and exempt uses, the executive director may require contracts for any taking, use, withdrawal or diversion of waters of the basin. Each contract shall provide for a minimum annual payment in accordance with an estimated annual demand schedule, regardless of use, withdrawal or diversion. The failure of any person to execute a contract under this Section shall not affect the application of other requirements of this resolution.

Section 5-3.3. Exempt use

The following uses shall be exempt from charge:

(a) Nonconsumptive uses of less than 1,000 gallons during any day, and less than 100,000 gallons during any quarter;

(b) Ballast water used for shipping purposes;

(c) Water taken, withdrawn or diverted from streams tributary to the river master's gauging station at Montague; and

(d) Water taken, withdrawn or diverted below R.M. 38 (the mouth of the Cohansey River) and such proportion of waters taken, diverted or withdrawn above R.M. 38 and below R.M. 92.4 (the mouth of the Schuylkill River) as the executive director may determine, on the basis of hydrologic studies, would have no discernible effect upon the

maintenance of the salt front below the mouth of the Schuylkill River.

Section 5-3.4. Cooling water

Water used exclusively for cooling purposes which is returned to the stream in compliance with the effluent requirements of applicable water quality standards, shall be charged at the nonconsumptive use rate except that losses due to instream evaporation caused by cooling uses will be charged as consumptive use.

Section 5-3.5. Historical use

A person who or which could not for any reason use, take, withdraw or divert waters of the basin from the place in question on March 31, 1971, shall not be entitled to a certificate of entitlement.

Article 5-4

Section 5-4.1. Definitions

For the purposes of this article, except as otherwise required by the context:

(a) "Person" means any person, corporation, partnership, association, trust or other entity, public or private.

(b) "Water user" means any person who uses, takes, withdraws or diverts surface waters within the Delaware River Basin.

(c) "Executive director" means the executive director of the Delaware River Basin Commission.

(d) "Consumptive use" means the water lost due to transpiration from vegetation in the building of plant tissue, incorporated into products during their manufacture, lost to the atmosphere from cooling devices, evaporated from water surfaces, exported from the Delaware River Basin, or any other water use for which the water withdrawn is not returned to the surface waters of the basin undiminished in quantity.

Section 5-4.2. Effective date

This resolution shall take effect upon its adoption.

An order adopting these rules was filed June 18, 1974, as R.1974 d.147 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

DELAWARE RIVER BASIN COMMISSION

**Notice of Negative Declaration
Concerning Water Supply Charges Regulations**

Take notice, that James F. Wright, executive director of the Delaware River Basin Commission, has issued the following negative declaration concerning the water supply charges regulations.

Pursuant to Section 2-4.5 of the rules of practice and procedure of the Delaware River Basin Commission, a notice of intent having been duly published on March 8, 1974, the executive director hereby finds and determines that adoption of the proposed regulations for water supply charges would not have a significant environmental impact and would not constitute a major action significantly affecting the quality of the human environment. This determination is based upon an environmental assessment dated February 1974 and the record of a public hearing held March 26, 1974.

This negative declaration is issued pursuant to Article 4 of the Commission's rules of practice and procedure this 17th day of May, 1974.

This Notice is published as a matter of public information and will not appear in the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

**HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION**

**Proposed Revisions Concerning
Permitted Sites and Sanitary
Landfills**

The Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq., proposes to adopt revisions to the sanitary landfill regulations concerning permitted sites.

Full text of the new revisions follows:

19:7-1.1(a)1. Sites Number 8 and Number 3 shall be combined into one permitted site, known as Site Number 3, which shall include the following blocks and lots:

Block	Lot
177	1 (part of)
178	1 (part of)
180	1 (part of)
181	1 (part of)
182	1 (part of)
183	1 (part of)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Hackensack Meadowlands Development Commission
1099 Wall Street West
Lyndhurst, New Jersey 07071

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

Patricia Q. Sheehan
Chairman
Hackensack Meadowlands Development Commission

(c)

**HACKENSACK MEADOWLANDS
DEVELOPMENT COMMISSION**

Revisions Concerning Sanitary Landfill

On May 29, 1974, 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 revisions to N.J.A.C. 19:7-1.1(h) concerning sanitary landfill as proposed in the Notice published May 9, 1974, at 6 N.J.R. 208(b).

An order adopting these revisions was filed and effective May 30, 1974, as R.1974 d.129.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Revisions on Date of Annual Meeting

On May 29, 1974, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to its rule concerning the date of its annual meeting, which changes the date from the last Friday in April to the last Wednesday in June.

Full text of the adopted rule follows:

19:3A-1.2 Annual meeting

An annual meeting of the Hackensack Meadowlands Development Commission shall be held on the last Wednesday in the month of June.

An order adopting the revised rule was filed and effective June 3, 1974, as R.1974 d.133 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

NEW JERSEY HIGHWAY AUTHORITY

GARDEN STATE PARKWAY

Revised Rules on Use Of Garden State Parkway

On June 20, 1974, John P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-5 and 27:12B-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions or procedural changes to the rules governing the use of the Garden State Parkway.

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

19:8-1.1 Definitions

"Camper" means a self-propelled motor vehicle, single unit or unit attached, which is designed and equipped primarily for human habitation, including fixtures for eating and sleeping, and not displaying commercial advertising or used for commercial purposes.

"Car" means a passenger motor vehicle, including station wagons and passenger vans, hearses, funeral flower and funeral service vehicles, for which issuance of passenger car plates is authorized and taxicabs.

"Omnibus" means a motor vehicle primarily designed to carry ten or more passengers and used solely to transport passengers and their baggage. [The conversion or adaption of an omnibus to another permitted use shall not affect its character as an omnibus insofar as tolls are concerned.]

"Passenger motor vehicle" means a four-wheeled motor vehicle primarily designed for passenger use [and designed to carry nine or fewer passengers] but not more than nine passengers, including the operator.

"Passenger van" means a van-type motor vehicle primarily designed for passenger use, but not more than nine passengers, including the operator, with windows all around, rear seat(s) and not displaying commercial advertising or used for commercial purposes, similar to a station wagon.

"Truck van" means any van-type motor vehicle other than a passenger van.

19:8-1.7 Use of medial strip and roadside areas prohibited
The medial strip between roadways, including crossovers and roadside areas beyond roadways, shall not be used by vehicles or persons on foot for any purpose, except at designated service, recreational, maintenance and police areas, or for maintenance, construction or official purposes, or in emergencies.

19:8-1.9(b) 1. Pedestrians except on sidewalks, footpaths [or in] and other areas specifically designated by the Authority for that purpose;

19:8-1.9(b) 9. Vehicles with deflated pneumatic tires, metal or solid tires, and vehicles with caterpillar [h] reads;

19:8-1.9(b) 14. Vehicles carrying [sport, recreation or camping equipment or other materials,] anything on the top, [on the] sides, front or [in the] rear with lateral projection in excess of 12 inches or vertical projection in excess of 24 inches from body of vehicle.

19:8-1.9(b) 15. All vehicles [except passenger motor vehicles] except cars, campers, omnibuses and any attached noncommercial trailer or semitrailer, [omnibuses and taxicabs not cruising for passengers, hearses, funeral flower and service vehicles of types for which issuance of passenger car plates is authorized, campers] and vehicles entitled to toll-free passage under Section 3.2 (Toll-free passage) of this Chapter, are excluded from any part of the Parkway north of Interchange [97A] 98 [in Monmouth County].

19:8-1.9(b) 17. Taxicabs cruising for passengers

19:8-1.9(c) [When] Where the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicle (except [a passenger motor vehicle and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized] cars while not in funeral cortege), including omnibuses, campers, noncommercial trailers, semitrailers or any combination of vehicle and trailer and [hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized] cars while in funeral cortege, shall be driven in the farthest left-hand lane except when and to the extent necessary to prepare for a left-hand turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions.

19:8-1.9(d) [When] Where the Parkway has been divided in such a manner that there are two or more roadways of divided traffic in any one direction, regardless of the number of lanes, no vehicle (except [a passenger motor vehicle and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized] cars, while not in funeral cortege), including omnibuses, campers, noncommercial trailers, semitrailers or any combination of vehicle and trailer and [hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized] cars, while in funeral cortege, shall be driven

in the left or inner roadway except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left or inner roadway or when reasonably necessary in response to emergency conditions.

Note: Delete current text of N.J.A.C. 19:8-1.12 in its entirety and replace with new text below:

19:8-1.12 Transportation of explosives and other dangerous articles

(a) No vehicle loaded with any dangerous article shall enter upon the Parkway unless such vehicle, its load and the transportation of such load in such vehicle, shall in every respect comply with the U.S. Department of Transportation regulations, including regulations regarding forbidden articles, proper conditions for transportation, containers, packaging, marking, labeling, description, certification, quantity, limitations and loading and placarding or marking of the vehicle, and shall comply with all other applicable laws and regulations of the United States, the State of New Jersey and the departments and agencies thereof as they apply to dangerous or hazardous articles. U.S. Department of Transportation regulations shall refer to those safety regulations which were in effect December 31, 1968, and which are included in Parts 170-189 inclusive and Part 397 of Title 49, Code of Federal Regulations and Sections 831-835 of Title 18, Chapter 39, of the United States Code, pursuant to Section 9 of the Department of Transportation Act, 49 U.S.C. 1657, which deal with the transportation of explosives and other dangerous articles by motor carrier by highway.

(b) The transportation or shipment of radioactive material shall be subject to the prior written approval of the New Jersey Highway Authority. All applications for such approval shall be made in writing addressed to the operations manager of the Authority and shall provide to the satisfaction of the Authority that the shipment will comply in all respects with U.S. and New Jersey laws governing the preparation of the articles for transportation, construction of containers, packaging, weight, marking, labeling, billing and certification of such articles.

(c) The Authority reserves the right, however, to refuse to grant such approval despite compliance with the aforementioned regulations, if in its opinion, the transportation or shipment will be likely to unreasonably endanger life or property. (See also N.J.S.A. 27:12B-18(i), (j) and (k).)

19:8-3.1 Headings in toll schedule

- [Passenger Vehicle] Car two axles
- [Passenger Vehicle] Car with semitrailer three axles
- [Passenger Vehicle] Car with full trailer four axles

19:8-3.1 Toll areas:

- Raritan N/S
- Keyport-Hazlet
- Belmar-Wall
- Lakewood-Brick

19:8-3.1 Notation at bottom of schedule of tolls:

Trucks are prohibited north of Interchange [97A] 98 [in Monmouth County].

An order adopting these revised rules was filed and effective June 20, 1974, as R.1974 d.158 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

NEW JERSEY MORTGAGE FINANCE AGENCY

Proposed Revisions Pertaining to Making of Loans to Mortgage Lenders and Application of Proceeds

Christopher G. Kelly, Executive Director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4 et seq., proposes to delete in its entirety the current text of Subchapter 1, Chapter 1 of Title 19 in the New Jersey Administrative Code concerning rules pertaining to the making of loans to mortgage lenders and the application of the proceeds thereof and adopt new rules in place thereof.

Full text of the proposed new rules follows:

SUBCHAPTER 1. MAKING OF LOANS TO MORTGAGE LENDERS AND THE APPLICATION OF THE PROCEEDS THEREOF

19:1-1.1 Authority

These rules and regulations are issued under and pursuant to the authority of New Jersey Mortgage Finance Agency Act, constituting Chapter 38, Laws of New Jersey 1970, as amended.

19:1-1.2 Purpose and objectives

(a) These rules and regulations are established to effectuate and shall be applied so as to accomplish, the general purposes of the New Jersey Mortgage Finance Agency Act and the following specific objectives;

1. The expansion of the supply of funds in the State available for new residential mortgages;
2. The provision of the additional housing needed to remedy the shortage of adequate housing in the State and eliminate the existence of a large number of substandard dwellings; and
3. The effective participation by mortgage lenders in the program, authorized by said Act and the restriction of the financial return and benefit thereto from such program to that necessary and reasonable to induce such participation.

19:1-1.3 Definitions

(a) All words and terms which are defined in the New Jersey Mortgage Finance Agency Act are used in these rules and regulations as defined in the Act.

(b) The following words or terms as used in these rules and regulations shall have the following meanings.

"Collateral" shall mean and include:

1. Treasury bills, certificates of indebtedness, notes and bonds of the United States of America, and such other direct obligations of, or obligations guaranteed by, the United States of America as shall be approved by the trustee under the agency's bond resolution (the "trustee") as having an established national market;
2. Bonds, debentures, notes or other evidences of indebtedness issued by any of the following Federal Agencies: Bank for Cooperatives, Federal Intermediate Credit Bank, Federal Home Loan Bank System, Export-Import Bank of Washington, Federal Land Banks, the Federal National Mortgage Association or the Government National Mortgage Association;
3. Bonds and other direct and general obligations of the State;

4. Such obligations guaranteed by the State as shall be approved by the trustee as having an established national market;

5. Such obligations of governmental units of the State, including, but not limited to, capital notes, bond anticipation notes, tax anticipation notes and temporary notes or loan bonds, as are rated in either of the two highest rating categories by either Moody's Bond Guide or Standard & Poor's Bond Record or Survey and as shall be approved by the trustee as having an established national market;

6. Mortgages insured by the Federal Housing Administration or guaranteed by the Veterans Administration or such other mortgages insured or guaranteed by the United States of America or an instrumentality thereof as to payment of principal and interest and approved by the trustee as having an established national market;

7. Such other mortgages as shall be approved by the trustee as having an established national market and as shall be secured by real estate located within the State and upon which is located a one to four-family dwelling, the collateral value of which shall be sufficient in the event that either;

i. the amount of the mortgage shall not exceed 80 per cent of the market value of the property securing such mortgage, or

ii. Such mortgage shall be insured by a mortgage guaranty insurance company licensed to do business in the State in the manner and amount and on such terms and conditions as the Agency shall require; or

8. Proceeds of any of the above.

"Collateral requirement" shall mean, as of any date of calculation and with respect to any loan, the amount at which collateral securing such loan is required to be maintained pursuant to the terms of the assignment of collateral and trust agreement relating to such loan.

"Loan" or "loans" shall mean any loan or loans made by the Agency to a mortgage lender or mortgage lenders pursuant to Section 6 of the Act.

"Multi-family dwelling" shall mean real estate upon which there is located a structure designed primarily for residential use and consisting of dwelling units for more than one family, provided that at least one dwelling unit shall be occupied by the owner or owners thereof as a dwelling. Such multi-family dwelling may include condominiums.

"Residential use" shall mean used primarily as a dwelling and not as a vacation or "second" home. Areas designed or used for nonresidential purposes shall not exceed those specified by the Federal Housing Administration minimum property standards for one and two living units as in effect from time to time.

"Single-family dwelling" shall mean real estate upon which there is located a structure designed primarily for residential use for one family which is occupied by the owner thereof or a member of the immediate family of such owner.

19:1-1.4 Requests for loans

(a) The agency shall mail a loan application to each mortgage lender at least 14 days in advance of the date all such applications must be submitted to the agency, so as to be considered for an allocation of loan funds. The loan application shall be in the form prescribed by the agency and shall contain, among other things:

1. Provision for the mortgage lender to state the maximum amount of loan requested;

2. The date by which the loan application must be submitted so as to be considered for an allocation of loan funds and the date upon which loans will be awarded by the agency;

3. Provision for the mortgage lender to furnish information regarding the total principal amount of residential mortgage loans (which meet criteria which shall be set forth in the loan application) made by the mortgage lender during the 12-month period preceding such date, and the increase, if any, in the amount of such mortgage loans made in the second six months of such period over the first six months of such period;

4. The percentage increase or decrease in savings deposits and time deposits, if any, during the second six months of the 12 months preceding such date as relating to the same during the first six months of such preceding 12 months;

5. The terms and conditions of the loan including, among others, the maximum interest rate, the term, the percentage of the principal to be paid each year or the manner of determining principal payments, and the prepayment terms;

6. The schedule of any fees and charges of the Agency with respect to loans; and

7. An undertaking by the mortgage lender to take any loan granted by the Agency up to the amounts specified in the application and providing for liquidated damages in the event that the mortgage lender does not take such loan.

19:1-1.5 Allocation of loans

(a) In allocating funds available for loans, the Agency shall consider among other things the credit worthiness of the mortgage lenders submitting loan applications, the respective increases in the amount of residential mortgage loans made in the State by the mortgage lenders submitting loan applications during the second six months of the twelve month period preceding the reporting date over the amount made during the first six months of such period and any increases or decreases in savings deposits and time deposits of such mortgage lenders for such period. Each such allocation to a mortgage lender shall be within the maximum amount of loan for which such mortgage lender applied.

(b) Allocations of loan funds by the Agency shall be conclusive.

19:1-1.6 Award of loans

(a) Loans shall be awarded by the Agency in accordance with the allocation of loan funds within the time specified by the loan application. The amount of the loan awarded or any mortgage lender shall not exceed the maximum amount of the loan requested and may be an amount less than that requested. The amount of loan awarded to each mortgage lender shall be promptly confirmed by the Agency to such mortgage lender. Thereupon each such mortgage lender shall be obligated to take such loan in accordance with the terms thereof.

(b) The obligation of the Agency to make any loan or loans shall be, in each case, subject to the sale and issuance of bonds of the Agency within the period prescribed by the loan application in an amount sufficient to make the loans which shall have been awarded.

19:1-1.7 Interest rate and other terms of loan

(a) Loans shall bear interest at a rate which shall produce an adjusted yield on the loans which shall be not more than one-half of one percentage point in excess of the adjusted yield to be produced on the bonds of the Agency issued for the purpose of providing funds to make such loans, but in no event shall such rate of interest for the loans exceed the maximum rate of interest specified in, or determined in accordance with the provisions of, the loan application.

(b) For the purposes hereof adjusted yield shall have the same meaning and shall be determined in accordance with

Temporary Treasury Regulation §13.4 and Proposed Treasury Regulations §§1.103-13 and 1.103-14, issued under Section 103(d) of the Internal Revenue Code of 1954, as amended.

(c) Other terms of the loans shall comply with the loan application, the Act and the provisions of any contract with holders of outstanding bonds of the Agency.

(d) Each loan shall be evidenced by a note in the form prescribed by the Agency.

19:1-1.8 Collateral for loans

(a) As security for the payment of the principal of and interest on each loan to a mortgage lender, collateral in an amount at least equal to the collateral requirement shall be assigned in trust to the Agency and maintained by such mortgage lender, all in accordance with an assignment of collateral and trust agreement in the form prescribed by the Agency which shall be entered into by the mortgage lender with the Agency at the time of settlement of the loan.

(b) The collateral for each loan to a mortgage lender shall be held by such mortgage lender in accordance with and subject to the terms of the Act and said assignment of collateral and trust agreement.

(c) With the consent of the Agency, collateral consisting of any of the securities specified in Section 3(b) above may be held by the Federal Reserve Bank of New York, the Federal Reserve Bank of Philadelphia, the Federal Home Loan Bank of New York or any other banking institutions located in the State or a contiguous state which is a member of the Federal Reserve System and has capital funds of not less than \$25,000,000, provided, that, any such institution shall first enter into an agreement with the agency pursuant to which such institution agrees to hold such collateral as the agent of the Agency in accordance with, and subject to the terms of, the Act and said assignment of collateral and trust agreement.

(d) Each mortgage lender shall service or cause to be serviced and preserve the collateral securing its loan for loans from the Agency at its own expense, in accordance with said assignment of collateral and trust.

(e) The collateral shall be valued at least twice each year by the Agency or a person or institution designated by the Agency in accordance with the provision of the assignment of collateral and trust agreement relating to such collateral.

19:1-1.9 Application of loan proceeds; restrictions as to new residential mortgages

(a) The terms of each loan shall require that the proceeds thereof paid to the mortgage lender be segregated from its other funds, and that such mortgage lender shall, within the time period specified in the loan agreement relating to such loan, make and disburse from such loan proceeds, new residential mortgages to individuals only for residences located in the State for single-family dwellings or for multi-family dwellings for not more than four families in the aggregate; provided that:

1. Each such new residential mortgage shall comply with such terms and conditions as shall be prescribed by the Agency in connection with the loan application therefor, and;

2. No such new residential mortgage shall have a stated maturity of less than 15 years from the date thereof.

(b) The aggregate principal amount of such new residential mortgages made by a mortgage lender from such loan proceeds shall at least equal the amount of such loan proceeds.

(c) All such new residential mortgages shall be made pursuant to written commitments issued subsequent to the

date of the submission by the mortgage lender of its loan application.

(d) Reports by mortgage lenders as to the application of loan proceeds shall be made at such time and in such manner as shall be provided by the terms of the loan.

(e) Such new residential mortgages may be made by the mortgage lender either directly or through one or more agents. All new residential mortgages made by a mortgage lender through an agent shall be made pursuant to a written agreement between such mortgage lender and such agent which agreement shall have been approved in writing by the Agency. The Agency may decline to approve any such agreement for any reason which it, in its sole discretion, deems sufficient. The Agency may require any such agreement to provide among other things the following:

1. Such agreement shall not take effect until the approval of the Agency is endorsed on an executed copy thereof;

2. All new residential mortgages made thereunder shall be made in the name of the mortgage lender pursuant to written commitments issued in the name of the mortgage lender, subsequent to the date of the Agency's approval of such agreement;

3. The Agency shall have the right to inspect the books and records of the agent appointed, pursuant to such agreement at any and all reasonable times;

4. No compensation or fees of any kind shall be paid to or charged by the agent in connection with any new residential mortgages made, pursuant thereto except as therein specifically set forth;

5. All commitments issued thereunder shall specify that the new residential mortgages committed for are to be made out of the proceeds of a loan from the Agency and shall specify the maximum interest rate which will be borne thereby.

19:1-1.10 Restrictions on return realized by mortgage lenders

The Agency may in the case of loans to be made from any issue of bonds of the Agency establish maximum rates of return which may be realized by any mortgage lender or any agent of any mortgage lender from the new residential mortgages made from the proceeds of such loans and may regulate, limit, restrict or prohibit the charge or collection of any commitment fee, premium, bonus, points or other fees in connection with the making of any new residential mortgage.

19:1-1.11 Fees and charges of the Agency; loan account

(a) An initial fee may be established by the Agency in connection with loans to be made from the proceeds of any issue of Agency bonds, and collected by the Agency as and for a discount below par with respect to each such loan. The initial fee shall be for the purpose of reimbursing the Agency for all or part of its reasonably expected administrative costs of issuing such Agency bonds and making the loans.

(b) The Agency may establish such other premiums and penalties as it in its sole discretion shall determine to be necessary in connection with the prepayment of, or any default on, or any agreement under any agreements relating to, any loan or loans.

19:1-1.12 Examination of books and records

The Agency shall cause to be made at least annually an examination of the books and records of each mortgage lender which has an outstanding loan from the Agency, including the collateral therefor, so as to determine compliance with the terms of the loan and the Act. The Agency may require each mortgage lender to pay the costs of any such examination.

19:1-1.13 Consent to jurisdiction of Superior Court

The terms of each loan shall require that the mortgage lender consent to the jurisdiction of the Superior Court of the State over any proceeding to enforce compliance with the terms of Section 6 of the Act and these rules and regulations.

19:1-1.14 Purchase of Agency bonds

No mortgage lender (including any related person thereof, as defined in Section 103(c)(6) (C) of the Internal Revenue Code) shall, pursuant to any arrangement, formal or informal, purchase the bonds of the Agency in an amount related to the amount of the Agency loans to be made to such mortgage lender (or related person, as aforesaid) by the Agency.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before July 31, 1974, to:

Christopher G. Kelly
Executor Director
New Jersey Mortgage Finance Agency
36 West State Street
Trenton, New Jersey 08625

The New Jersey Mortgage Finance Agency, upon its own motion or at the instance of any interested party, may thereafter adopt these revised rules substantially as proposed without further notice.

Christopher G. Kelly
Executive Director
New Jersey Mortgage Finance Agency

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedules of Charges

The Board of Commissioners of The Port Authority of New York and New Jersey, at meetings held between May 1, 1974, and May 28, 1974, adopted the following revisions to its schedules of charges:

Resolved, that the schedule of charges for use of the public landing area, public-passenger ramp and apron area, public aircraft parking and storage areas, and related services at Kennedy International Airport, adopted by the committee by resolution of January 5, 1950 (appearing at page 20 et seq. of the committee minutes of that date), as amended, be and the same is hereby amended, effective June 1, 1974 as follows:

By increasing the inspection space charges in Section VII thereof, to \$3.25.

By increasing the general terminal services charge in Section VIII thereof, to \$56.00 per aircraft and to \$2.50 per passenger.

By deleting Section V thereof entitled "Incineration Service Charges".

Resolved, that the schedule of charges for use of public vehicular parking areas at Kennedy International Airport, be and the same is hereby revised, effective June 15, 1974, to provide for the following rates:

- Central terminal area lots (except lot 6):
- \$.50 per hour or part
- \$4.00 maximum to 16 hours
- \$1.00 per four hours or part thereafter
- \$6.00 maximum each 24 hours.

A basic rate of \$2.00 for each 24-hour period or part thereof in long-term lots 8 and 9.

(All rates include six per cent New York City parking receipts tax)

Rates for lots 6, 11 and 12 remain unchanged.

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, effective June 15, 1974, by revising the section relative to Newark International Airport as follows:

- Long-term lots (A B & C) (daily lots).
- \$.50 per hour or part thereof
- \$4.00 maximum to 20 hours
- \$1.00 per four hours or part thereafter
- \$5.00 maximum each 24 hours
- Reduced rate lot(s) (long term), including lots 1 and 3.
- \$.50 per hour or part
- \$3.00 maximum each 24 hours
- \$1.00 per eight hours or part after first 24 hours
- (Rates include 15 per cent Newark City parking tax)
- Rates for short-term lots (A B & C) (hourly lots) remain unchanged.

Resolved, that the resolution establishing fees for parking vehicles on public vehicular parking areas at Port Authority air terminals, adopted by the board, at its meeting on March 11, 1948 (appearing at page 90 et seq. of the official minutes of that date), as subsequently amended, be and the same is hereby amended, effective June 15, 1974, by revising the section relative to LaGuardia Airport, as follows:

- \$.50 per hour or part thereof
- \$4.00 maximum to 18 hours
- \$1.00 per six hours or part thereafter
- \$5.00 maximum first 24 hours
- \$4.00 maximum each 24 hours thereafter
- (Rates include six per cent New York City parking receipts tax.)

An order adopting these revisions was filed May 29, 1974, as R.1974 d.128 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Revisions on Investigation And Disposition of Petitions

On May 23, 1974, John F. Lanson, Chairman of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning the investigation and disposition of petitions as proposed in the Notice published March 7, 1974, at 6 N.J.R. 127(a).

Such revisions will be included in various Sections of Chapters 11 and 14 in Title 19 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective May 24, 1974, as R.1974 d.127.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

NEW APPLICATION FORM IN EFFECT FOR SALES AND USE TAX REGISTRATION

Effective July 1, 1974, vendors registering with the Division of Taxation are required to use the new Application For Registration (Form CIS-1) for sales and use tax registration. This form replaces ST-1.

The new form will enable the State Tax Division to assure each registrant that he will receive the proper forms, returns, instructions and other information with respect to all of the tax laws for which he is liable.

Form CIS-1 must be completed and filed by every business entity, whether a sole proprietorship, corporation or unincorporated entity, within three days after commencing business in New Jersey or after opening an additional place of business in New Jersey.

It must also be completed and filed by owners of tangible personal property used in a business located in New Jersey or leased to another business entity in New Jersey. Organizations declaring themselves exempt from New Jersey taxes must complete the form in order to receive Division approval of their exempt status.

A Temporary Certificate of Authority (Form ST-2T) will be attached to Form CIS-1, to be completed and filed with the Division by every business entity (a) required to collect sales tax on sales of tangible personal property, services, meals, room occupancy or admissions, and (b) purchasing tangible personal property for resale. Form ST-2T will be validated by the Division and returned to the vendor for use until the permanent certificate is issued.

Accountants and lawyers who anticipate a need for the new form may write: Forms Section, Division of Taxation, P.O. Box 999, Trenton, New Jersey 08625. (Completed copies of former Form ST-1 are being returned to the registrant with a copy of the new form for completion.)

ANNOUNCE DISCONTINUANCE OF USE OF CERTIFICATE OF CAPITAL IMPROVEMENT

Effective May 1, 1974 an owner of real property is no longer required to issue a Certificate of Capital Improvement, Form ST-8, in connection with work done on the real property by a contractor, according to the Division of Taxation in the Treasury Department.

Discontinuance of the use of the Certificate of Capital Improvement in no way affects the requirements for the use of any other exemption certificate, it is pointed out.

There is no change in the basic tax responsibilities of the property owner or the contractors, as follows: In the case of a capital improvement, the contractor pays the sales tax on his purchases of materials and supplies to be incorporated into the installation but does not collect any tax from his customer. In the case of an installation which is not a capital improvement, as, for example, a repair, the contractor pays the sales tax on his purchases of materials and supplies to be incorporated into the installation, and collects sales tax from his customer based upon the labor charge portion of his bill.

In case of audit, the auditor will no longer look to Certificates of Capital Improvement in the files of the contractor for evidence that the contractor was not required to collect the sales tax on his labor charges in the performance of a capital improvement. A copy of the agreement between the contractor and his customer or a description of the work performed will be considered as the basis to be used by the auditor to verify the correctness of the contractor's tax liability.

NEW ORNAMENTAL PLANT PEST IS UNDER ATTACK BY STATE

The State Board of Agriculture has adopted a regulation giving the Department of Agriculture authority to take immediate action to eradicate a newly discovered insect pest, the wax scale, from the State.

See adoption notice, 6 N.J.R. 254(a) this issue; full text was at 6 N.J.R. 166(a).

According to William M. Cranstoun, director of the Department's Division of Plant Industry, who recommended the regulation, the wax scale has been found in two New Jersey locations. In Riverton Borough in Burlington County surveys have shown it to be present in about 40 home grounds. In Atlantic Highlands in Monmouth County, the infestation is apparently limited to trees and shrubs around the municipal building.

The wax scale attacks a wide variety of ornamental plants and shade trees, especially Japanese and Chinese hollies, pyracantha, spirea, ivy, hemlock, euonymus and boxwood. The insects seldom kill plants directly, but can seriously weaken them, reduce growth and cause decline, making them susceptible to other problems.

The wax scale is easily recognized. The prominent overwintering females attached along the twigs of infested plants have the appearance of large, white or cottony drops of wax. They are about one-quarter of an inch long and underneath the waxy covering is the actual insect, pink in color. Eggs are laid early in the spring under the female scale and each female can produce 1,500 to 2,000 eggs.

FITCH RATING SERVICE RAISES SCHOOL DISTRICT BOND BACKING

Acting Commissioner of Education Edward W. Kilpatrick recently announced that Fitch Investors Service Inc., of New York City, had informed him that it will rate all New Jersey school districts one step higher than their municipalities on new bond issues.

"If, after thorough research, a municipality is found to be of 'A' rating quality, then its school district could be rated 'AA,'" the Commissioner said.

Dr. Kilpatrick said that Fitch based its action on the school districts' priority to taxes, as well as the districts' support from capital foundation aid and the State school fund.

"The effect of Fitch's action will be the eventual lowering of borrowing costs for school bonds in New Jersey," he said.

TENAFLY HIGH FIRST TO OFFER REGULAR CREDIT SUMMER STUDY

Tenafly High School is today one of the first high schools in the east offering a regular semester of school during the summer. The summer semester, which started June 24, makes Tenafly a year-round school.

Many colleges have for years had summer semesters of full-credit work available, but few high schools have done

so, according to Bruce Campbell, the State Department of Education's director of extended-school-year programs.

Tenafly's program was supported in its preliminary conversion efforts by a \$15,000 State grant provided through Campbell's office.

Tenafly students attend the summer semester on a voluntary basis free of charge and nonresidents may register on a space-available basis but pay tuition.

High School Principal Daniel P. Knueppel said that 25 per cent of the high school's students first responded when registration for the summer semester opened. Dr. Knueppel and Douglas McNally, a local teacher who helped develop the program, attributed the students' enthusiasm to the quality and range of course offerings and teachers' enthusiasm, as well as the fact that the courses carry full semester credit toward graduation.

Among the 18 courses offered are Exploration of the Universe, History of Political Ideologies, Computer Programming, Tennis, Creative Writing and Efficiency Reading. The Modern Drama course has students attending New York theaters once a week and theatrical professionals in class lectures.

DIVISION HEADS, AIDES NAMED FOR NEW PUBLIC ADVOCATE DEPARTMENT

Stanley C. Van Ness, who was sworn in May 21 by Gov. Brendan T. Byrne as head of the new Department of the Public Advocate and a Cabinet member, has since named most of his key aides.

Judith A. Yaskin, 32, is the new Assistant Public Advocate under Van Ness. She had been with the Office of Public Defender since 1967, was named Deputy Public Defender in charge of the Camden-Gloucester-Salem region in 1969 and became First Assistant Public Defender in 1972.

Van Ness, 40, remains Public Defender as well as Public Advocate.

Named as Director of the Division of Rate Counsel is William Gural, who had been for 15 years counsel in active charge of rate cases for the State Public Utilities Commission. The Rate Counsel Division is headquartered in Newark and represents the public interest in rate cases before State agencies.

Van Ness said this Division will have about 20 staff members, at least nine of them attorneys. Gural, 58, is a 1950 graduate of Rutgers Law School with graduate work at Columbia University and the University of Wisconsin.

Director of the Division of Public Interest Advocacy is Arthur B. Penn, 32, formerly the Deputy Public Defender in charge of the southern region of the State. This office has the power to intervene in the State's administrative proceedings in matters affecting the broad public interest.

Michael Perlin, 28, former Deputy Public Defender in charge of the Mercer County office, heads the Division of Mental Health Advocacy, representing persons committed to mental institutions or facing commitment.

Arnold M. Mellk, 32, another veteran Public Defender's Office attorney, directs the Office of Inmate Advocacy and Parole Revocation Defense which represents inmates at local and State correctional and detention facilities in civil matters and at parole revocation hearings. Mellk served as counsel to Rahway Prison inmates during the 1971 riots and has been instrumental in spurring various correctional reforms.

Directing the Division of Citizen Complaints and Dispute Settlement is John W. Gleeson, 41, a former top aide to Gov. Richard J. Hughes and for three years Mercer County Administrator. Gleeson's Division investigates complaints regarding action or lack of action by State agencies and seeks to correct problems through persuasion, publicity

and other administrative means. The Dispute Settlement Office provides mediation, conciliation and other third-party services in public interest disputes involving municipal and county government agencies or community groups.

DR. FRED BURKE TAKES OVER AS COMMISSIONER OF EDUCATION

Dr. Fred G. Burke took office this month as the new State Commissioner of Education and a member of the Governor's Cabinet.

Dr. Burke, 48, was named May 6 by Gov. Brendan T. Byrne to the five-year term and confirmed unanimously by the State Senate. He was formerly Rhode Island Education Commissioner.

In Trenton, Dr. Burke succeeds Dr. Carl L. Marburger, who left State service in March a year ago, after serving 5½ years, when the Senate failed to confirm his reappointment by former Gov. William T. Cahill.

Dr. Edward W. Kilpatrick, a veteran of more than 40 years service, had been acting commissioner since Dr. Marburger left. Dr. Kilpatrick is now expected to retire.

In announcing the appointment, Governor Byrne said: "I am extremely pleased that a person of Dr. Burke's educational and governmental experience has accepted the challenge to assume the post of Education Commissioner. He will bring with him the expertise needed to deal with the complex and varied problems facing the educational community in New Jersey."

"I am looking forward to the enormous professional challenge in New Jersey education," Dr. Burke stated. "A new Governor with great popular support, a progressive Legislature and a court mandate for fiscal reform combine to make a foundation for significant educational progress."

Before becoming Rhode Island Commissioner, Dr. Burke served for two years as dean of international studies and professor of social sciences and administration at the State University of New York at Buffalo.

He also served as a professor of political science and director of the program on Eastern African studies at Syracuse University for seven years and was an assistant professor of political science at Ohio Wesleyan University for three years.

He is a member of the American Council on Education and the Education Commission of the States.

A 1953 graduate of Williams College, Massachusetts, Dr. Burke has received master's degrees from Princeton University and Oxford University. He received his Ph.D. from Princeton University in 1958.

He is married and has four children.

MRS. SHEEHAN IS NEW HEAD OF COMMUNITY AFFAIRS DEPARTMENT

Patricia Q. Sheehan, who had been mayor of New Brunswick the past seven years, was recently appointed as Commissioner of the State Department of Community Affairs and a member of his Cabinet by Gov. Brendan T. Byrne.

Mrs. Sheehan, 40, succeeded Lawrence F. Kramer, former mayor and the newly reelected mayor of Paterson, who had resigned from the State post in January to return to his own business.

A resident of New Brunswick, Mrs. Sheehan was elected mayor of that city in 1967 and reelected to a four-year term in 1970, which would have expired at the end of this year. She also served as a corporate relations administrator with the pharmaceutical manufacturer, Johnson & Johnson.

While mayor, Mrs. Sheehan served as co-chairman of

the Human Resources Committee of the U.S. Conference of Mayors and as a member of the Conference's Board of Directors and Legislative Action Committee.

She also was a member of the Legislative Action Committee of the New Jersey Conference of Mayors. From 1970-72, Mrs. Sheehan served on the State Tax Policy Reform Commission.

The new Commissioner joined Johnson & Johnson in 1963 as a compensation analyst and held that position until her promotion to corporate relations administrator in 1972.

Mrs. Sheehan holds an A.B. degree in history-government from Trinity College in Washington, D.C., which she attended under a full academic scholarship.

She is on a leave of absence from a master's degree program in education at Rutgers University. Currently, she is serving on the Board of Regents of St. Peter's College in New Jersey.

A widow, the new Commissioner lives with her three teenage children at 5 Llewellyn Place in New Brunswick.

DR. JOANNE E. FINLEY NAMED AS FOURTH STATE COMMISSIONER OF HEALTH

The New Jersey Senate in May confirmed Governor Byrne's appointment of Joanne E. Finley, M.D., M.P.H. as State Commissioner of Health and a member of his Cabinet. Dr. Finley, 50, was sworn into office June 17.

From 1968 to 1972, Dr. Finley was Director of Health Planning for the Philadelphia Department of Public Health. She also served as Deputy Commissioner and Acting Health Commissioner of the City of Cleveland and was research director for Cleveland's Health Goals Project.

Her latest position had been as Director of Public Health for New Haven, Connecticut. Prior to that assignment, she was Vice President for Medical Affairs with Blue Cross of Greater Philadelphia.

Mrs. Finley received a bachelor of arts degree in public administration from Antioch College in Yellow Springs, Ohio, and subsequently did graduate work in economics and public administration at American University in Washington, D.C.

She received a master's degree in public health from Yale University and holds the M.D. degree from Case Western Reserve University Medical School in Cleveland.

She has been a lecturer at Yale University and an assistant professor of preventive medicine at Pennsylvania Medical College. She is a Commissioner of the Kellogg Funded Commission on Education for Health Administration.

The position of State Commissioner of Health was established in 1947. Previous State Commissioners of Health were Dr. Daniel Bergsma, Dr. Roscoe P. Kandle and, most recently, Dr. James R. Cowan.

Mrs. Finley's husband is Joseph E. Finley, an attorney in Philadelphia, and they have four children, 13 to 22.

EXECUTIVE DIRECTOR NAMED FOR URBAN LOAN AUTHORITY

Commissioner of Community Affairs Patricia Q. Sheehan has announced the appointment of George G. Woody Jr. of Roselle as executive director of the New Jersey Urban Loan Authority.

He assumed the \$25,325 post on June 10.

Woody, mortician-director of the G. G. Woody Funeral Home in Roselle, is a member of the advisory board of the Community State Bank and Trust Company, Roselle, the Roselle planning board and the Garden State Funeral Directors Association.

He was a Roselle councilman from 1958-63, serving also as council president.

A graduate of Abraham Clark High School, Roselle, and the McAllister School of Mortuary Science, New York, where he also studied accounting and business, Woody is married and the father of three children.

In announcing the appointment, Commissioner Sheehan said, "I am extremely pleased that George Woody is joining the Department of Community Affairs. With his personal background and experience as a businessman and civic leader, he will provide an invaluable link in administering the program of the Urban Loan Authority."

JOHNSTON NAMED ACTING HEAD OF HOUSING FINANCE AGENCY

Community Affairs Commissioner Patricia Q. Sheehan recently announced the appointment of William L. Johnston, former deputy director of the New Jersey Housing Finance Agency, as that agency's acting executive director.

Currently self-employed as an accountant, the 36-year-old West Windsor resident had served as deputy director of the agency from May, 1972 to June, 1973. From April, 1970 until that time he served as comptroller for the agency, overseeing its financial management.

As acting director, Johnston is responsible for the operations of the State agency which has committed \$447 million for construction and permanent financing of moderate-income multi-family housing in New Jersey.

Commissioner Sheehan said the five-member housing agency, of which she is chairman, made an "excellent choice" in the interim appointment of Johnston.

"His intimate knowledge of the financial and administrative workings of the agency, coupled with his background in government and business, will certainly help the agency move ahead in fulfilling its mandate to stimulate moderate-income housing in New Jersey."

HAVRILESKY NAMED ACTING HEAD OF TWO EDUCATION DIVISIONS

Dr. Edward W. Kilpatrick, acting State Education Commissioner, announced last month the appointment of Catherine Havrilesky as acting assistant commissioner, in charge of the Department of Education's Divisions of Field Services and of Research, Planning and Evaluation.

As acting head of the two Divisions, Ms. Havrilesky succeeded Dr. John Rosser, former acting assistant commissioner who recently resigned to become assistant executive director of the New Jersey School Boards Association.

Ms. Havrilesky had been serving as deputy to Dr. Rosser for these two Divisions. She joined the Department in 1969 as director of the State's high school equivalency programs. She was appointed assistant director of the Division of Field Services in 1971 and deputy director of that division in 1972.

Before joining the Department, Ms. Havrilesky worked for the Department of Community Affairs and for education agencies in Trenton and Philadelphia. She is a graduate of Pennsylvania State University with a masters degree from Temple University. She lives in Ewing Township.

RUSSOMAGNO DIRECTOR FOR NEW OCCUPATIONAL EDUCATION CENTER

Vincent Russomagno has been named director of the State Department of Education's Center for Occupational

Education/Experimentation and Demonstration (Project COED) that will open in Newark in September.

Russomagno, 45, has been a member of the staff of the Department's Division of Vocational Education for seven years and served for the last year and a half as coordinator of program development for COED. His new post is in the \$21,000- \$28,000 range.

Russomagno was a teacher in Jersey City and Newark before he joined the Department in 1967 as supervisor of manpower development training. He was assistant director of the MDT office before being assigned to COED. He is married, with four children.

The center, now in the final stages of construction, is adjacent to the Department's Newark Manpower Training Skills Center between Broadway and Broad Street in North Newark.

The center will provide a unique program of occupational education for Newark high school students. It will be operated by the Department's Vocational Division on a shared-time basis with the City of Newark and students will spend part of their time in a regular Newark high school and part time at the center. The existing skills center provides programs only for out-of-school youths and adults.

According to John E. Radvany, deputy assistant commissioner in the Vocational Division, the new center will provide occupationally-oriented programs for some 400 high school students whose needs in career education are not being met in regular high schools or vocational schools.

SUSAN ROUMFORT NEW HEAD OF STATE LIBRARY BUREAU

Susan Roumfort has been appointed head of the Bureau of Law, Legislative and General Reference Services of the State Library, a Division of the Department of Education, according to Roger H. McDonough, Library Director.

Miss Roumfort, 39, will coordinate the reference services provided by the State Library to all agencies of State government and the inter-library loan and reference services available throughout the State. Her bureau also is responsible for the development of the library's many collections.

As bureau head at a \$20,696 salary, she fills the vacancy created by the retirement of Dr. Herta Prager last December.

With the State Library since 1960, Miss Roumfort is a graduate of Marietta College, Ohio, and holds a master's degree in library service from Rutgers University. She is a resident of Ewing Township.

COL. KELLY LEAVES POST AS STATE POLICE SUPERINTENDENT

After 28 years with the force and the last 8½ as Superintendent of State Police, Col. David B. Kelly, 56, retired July 1 to take a civilian position.

Gov. Brendan T. Byrne announced late last month that Kelly, who was past the mandatory retirement age of 55, left to take over as chief of the loss-prevention division of the A&P supermarket chain. Byrne said the firm was moving its corporate headquarters to Montville in Morris County on July 1 and wanted Kelly on the job immediately, after seeking his services for over a year.

The Governor praised Kelly for a "job well done", declared that New Jersey was losing "an extraordinary public servant" and said he would use his "talents and ability in an advisory capacity when needed".

He added that he would name a successor shortly and that the post would be filled meanwhile by deputy superintendent Maj. Eugene Claff.

Kelly earned \$37,900 as superintendent. He joined the State Police in 1946, was named superintendent in 1965 by former Gov. Richard J. Hughes and reappointed to a second five-year term by Gov. William T. Cahill in 1970.

Following service in World War II, where he rose to major, Kelly was a brigadier general in the Army Reserve on service retirement.

On the eve of his departure, Kelly said he felt satisfaction that he may have been "influential in securing State grand jury and wiretap legislation" which he said were the tools needed to combat organized crime.

"I would say we have fragmented organized crime but we haven't stopped it. Most of the major heads are in jail and their programs or activities are driven into the ground and maybe moved back to New York or Philadelphia," Kelly said.

Among his regrets, Kelly said, was that he had been unable to attain his goal of a 2,000-man force. Under his leadership it increased from 1,069 men to its present authorized strength of 1,800.

"We've come a long way. We're one of the highest paid in the country and we're probably the most diversified police in the whole country."

DESTRIBATS LEAVES TAXATION FOR PRIVATE LAW PRACTICE

Jay G. Destribats, chief tax counselor in the Division of Taxation, Department of the Treasury, resigned May 31 to devote full time to the private practice of law.

Destribats joined the Division in 1961 in the Local Property Tax Bureau and in 1966 was transferred to the new Sales Tax Bureau, where he progressed to assistant state supervisor. With the reorganization of the Division of Taxation in 1970 he was named chief of the legal section and in 1972 was appointed chief tax counselor.

Destribats is a member of the Mercer County, New Jersey and American Bar Associations and admitted to practice before the United States Tax Court. He is a resident of Hamilton Township.

DR. SPARE HAS RETIRED FROM EDUCATION DEPARTMENT

Dr. Edward A. Spare, director of the State Department of Education's Bureau of Facility Planning Services, has retired from the Department after 18 years of service.

Dr. Spare joined the Department in 1956 as an educational consultant in school plant planning. He served for a period as chief consultant and became director in 1967.

Dr. Irving M. Peterson, assistant director of the bureau, has named acting director. The bureau reviews all plans for public school construction in New Jersey and assists local districts on proper planning of facilities.

FOUR HEALTH CARE CENTERS CLOSED BY STATE FOR VIOLATIONS

Dr. William J. Dougherty, as Acting State Commissioner of Health, recently announced the closing of four health care facilities because of failure to comply with established State standards and regulations and what is known as the life safety code.

The Amity Nursing Home of Ringoes was ordered to cease operations for failure to maintain required licensed professional nursing coverage. A review of the personnel work schedule indicated that patients were left unattended on several work shifts. Amity also was cited for operating

without a licensed administrator for a period exceeding 48 hours, improper stair enclosures and emergency lighting and other life safety code violations.

Twin Castle Nursing Home of Mt. Arlington was forced to close on May 2 for failure to conform to minimal prescribed nursing care requirements, improper administration of medications, sub-standard sanitation conditions and failure to meet the life safety code.

Kinney Rest Home, Newark, was cited with failure to maintain satisfactory sanitation standards, proper food storage and a low level of building maintenance.

American Legion Tri-County Hospital of Newark closed voluntarily after 20 years of operation. The 25-bed hospital decided to discontinue operations after repeated efforts since 1959 to replace the existing outdated nonconforming structure with a modern 200-bed facility.

HEALTH CARE BOARD SEEKS CLOSER FEDERAL COOPERATION

The State's Health Care Administration Board has moved to establish better communications with the Federal Health, Education and Welfare Department. The Board is asking HEW to consult with local and State-wide planning agencies before initiating any new health-related projects in New Jersey, and promised similar cooperation.

The Board also acted to protect patients in health care facilities from the hazards of bed fires. It unanimously approved a proposed regulation providing: (1) that all health care facilities use fire-retardant chemicals during the laundering of all patient apparel and bedding materials; and (2) that all future acquisitions of patient clothing and bedding materials be of permanent fire-retardant quality.

While noting that most health care facilities in New Jersey already practice these measures voluntarily, the Board reemphasized its concern about fire safety in promulgating the rules.

\$46 MILLION IN LOANS BACKED BY HOUSING FINANCE AGENCY

The New Jersey Housing Finance Agency has approved \$46.3 million in loans to finance 1,318 units of multi-family housing in Newark, Jersey City, Hoboken, Atlantic City, Plainfield and Camden, it was announced by Community Affairs Commissioner Patricia Q. Sheehan.

The Commissioner, chairman of the agency, said the loans represented one of the largest amounts of housing ever approved by the agency at one time.

A summary of authorizations follows:

In Newark—A revised mortgage loan commitment of \$18,250,000 to finance the 422-unit To-Sault housing development in Newark's central ward. Located on a 15.9-acre site at Market and Bergen Streets and Littleton Avenue, it will consist of 26 low-rise and two high-rise buildings, containing 34 efficiencies, 102 one-bedroom, 135 two-bedroom, 100 three-bedroom, 25 four-bedroom and 25 five-bedroom units plus a superintendent's unit.

In Jersey City — A recommitted mortgage loan of \$9,650,000 to finance the 242-unit Puerto Rican-Lutheran Housing Corporation development in the Henderson Street urban renewal area. To be built on a six-acre site, it will consist of one 11-story high-rise and ten three-story buildings, containing 11 efficiencies, 88 one-bedroom, 65 two-bedroom, 49 three-bedroom and 29 four-bedroom units.

In Plainfield—A \$3,900,000 mortgage loan commitment for the 107-unit Central and Myrtle Avenues housing development, to be located on two sites on Myrtle Avenue and on Central Avenue.

NEW STATE ROAD MAPS AVAILABLE ON REQUEST

New State maps, emphasizing public transportation routes, are available free from the State Department of Transportation.

In addition to showing the major highways throughout the State, the map indicates the routes of various commuter railroads as well as the stations along the tracks.

Other features include the location of ski areas, commercial and general airports, places of natural, historical and cultural interest, recreation areas, state institutions and agencies, State and county colleges, State Police stations and motor vehicle inspection stations.

Anyone interested should send a postcard to: Department of Transportation, Information Services, 1035 Parkway Ave., Trenton, N.J. 08625.

In Hoboken — A \$1,143,500 construction loan to finance 90 per cent of the costs of the rehabilitation of 55 units of family housing on Bloomfield Street. The sponsor of the development, Bloomfield Manor Associates Inc., a limited partnership, will pay the remaining ten per cent of costs of the development.

In Atlantic City—A recommitted mortgage loan of \$7 million for the 267-unit Community Haven senior citizens development on an urban renewal site at Pacific and Virginia Avenues. The 15-story development will consist of 56 efficiencies and 210 one-bedroom units.

And in Camden—A revised mortgage loan commitment of \$6.3 million to finance the 155-unit Riverview Towers on Second Street. For senior citizens, it will consist of one 15-story high-rise containing 154 one-bedroom units, and a two-bedroom unit.

HOUSING AGENCY TO BACK \$6 MILLION SENIOR CITIZENS HOUSING IN NEWARK

Community Affairs Commissioner Patricia Q. Sheehan announced that the New Jersey Housing Finance Agency has approved a \$6,358,000 mortgage to finance a 221-unit senior citizens housing development in Newark.

The Commissioner, who is chairman of the agency, said the 14-story high-rise development will be sponsored by Jack Parker Associates of Newark, a limited-dividend partnership. The development will be built on a 2.3 acre-site at Court and Broad Streets in the downtown area near City Hall and will consist of 52 efficiencies and 169 one-bedroom units.

With Federal interest subsidies, estimated rents will be \$131 for an efficiency and \$180 for a one-bedroom unit for qualified tenants. Without these subsidies, rents would be \$244 for an efficiency and \$339 for a one-bedroom unit.

Commissioner Sheehan said Newark, like many other municipalities in the State, has a great need for the type of senior citizen housing the development will provide. She noted the State Office on Aging recently estimated 4,458 senior citizens of low-and-moderate-income in the city are in need of housing.

The development will include a community room and parking facilities and will be close to transportation and a shopping area.

The Court Street development is the 25th senior citizen project to be financed by the State agency. These developments, in all parts of the State, are either under construction, approved for financing or occupied.

FEW CHANGES MADE AS GAME CODE IS ADOPTED

The 1974-75 game code was approved by the New Jersey Fish and Game Council following a public hearing in Trenton June 11, Chairman Al Toth announced. The general regulations and upland game seasons were adopted with virtually no changes.

There will be a regular bow and arrow either-sex deer season from Oct. 5 to Nov. 7, as proposed; the regular firearm or bow and arrow antlered deer season is to be Dec. 9 through Dec. 14.

The special permit either-sex deer season is set for Dec. 18 but only for the deer management zones in north and central Jersey from Ocean County north.

GYPSY MOTH CONTROL EFFORTS INCREASED

Sixty-seven municipalities in ten New Jersey counties are participating in the 1974 cooperative gypsy moth control program, according to John D. Kegg, entomologist with the Division of Plant Industry, New Jersey Department of Agriculture.

The total acreage being treated this spring amounts to more than 66,000, compared to 47,500 acres last year. A total of 56,505 acres will be sprayed under the municipal program, 6,793 acres of State-owned forests and parks will be treated, as well as 2,735 acres along the Garden State Parkway in Monmouth and Ocean Counties.

"Participation in the municipal spray program is entirely voluntary," Kegg said, "and is the result of contacts made by the Department, beginning last September.

"Municipalities which accepted the proposal and were willing to provide some manpower and financial aid were included in the program. The cost is shared by the local government, the State Department of Agriculture and the U.S. Forest Service," he explained.

STATE ASSISTING IN SETTING UP COMPUTERIZED EMPLOYEE CAR POOLS

Transportation Commissioner Alan Sagner announced that his Department, in cooperation with the Federal Highway Administration, is offering assistance to an estimated 530 firms in urbanized areas of the State in forming computerized employee car pools.

Commissioner Sagner said the effort was undertaken because of the energy situation and the need to conserve all types of fuel, decrease traffic congestion and improve the quality of the air.

The Department provides each business with 500 or more employees at one location the necessary information forms and a grid map of its particular area. The Department's computer services will be made available to any firm requiring them.

Employees interested in participating in the program will be given a list of names, addresses and telephone numbers of other employees living in their neighborhood and reporting to work at the same time and location.

The Commissioner said that businesses meeting the minimum employee requirements for the car pool service have been contacted by the Department by mail to explain the program in detail.

The program is being financed with 90 per cent Federal and ten per cent State funds.

STATE DEVELOPING 20-YEAR MASTER PLAN FOR AVIATION

State Transportation Commissioner Alan Sagner announced recently that the Department has under way the development of a 20-year Statewide aviation master plan to be financed in part by a grant from the Federal Aviation Administration.

The State Airport System Plan is aimed at meeting the needs for air transportation through 1995 and will seek practical ways to implement the program.

Commissioner Sagner said the 12-month study, to be carried out in coordination with regional, Federal and other State transportation agencies, will be concerned with the development of existing and proposed airports, projected land uses and ground transportation in the vicinity of the sites.

He said the study also will focus on ways to minimize airport-related environmental problems such as air pollution, land use and aircraft noise.

Total cost of the study is \$406,000, with the FAA paying two-thirds, or \$271,000, and the State the remaining one-third in the form of staff services.

The Department has retained the consulting firm of Porter, Ripa and Associates of Morristown under a \$237,351 contract to help develop the master plan.

YEAR-ROUND EDUCATION PROGRAMS SHOW SHARP RISE NATIONALLY

Year-round education programs in the nation's schools have grown threefold in only the last year, according to the State Department of Education. Their report entitled "Year-Round Education Activities in the United States" shows 127 programs in operation as contrasted with 42 programs a year earlier.

The report was prepared by Bruce Campbell, the Department's director of extended school year programs. It shows that 1.8 million pupils are now in or have access to year-round programs. Last year the number was under 500,000.

Areas showing particularly strong growth are California, where the number of programs and the number of students involved have doubled this year, and Georgia, where some 600,000 students, mostly in high school, are in schools offering four 60-day terms.

In the northeast, two New Jersey high schools will begin year-round operations this year. Tenafly High School will offer a summer semester beginning June 24 and Long Branch High School will start operating on the quinmester plan September 4.

EMPLOYEE ADVISORY SERVICE REPORTS ON COUNSELING WORK

After completing its first full year of operation, the Employee Advisory Service in the Civil Service Department reports that over 500 hours of counseling were rendered to employees. The program provides counseling and referral services for State employees having personal problems affecting their work.

Although initially the program was directed toward employees with "unsatisfactory" work performances, records show that by far the greater number of contacts was voluntary.

Inquiries should be directed to the Employee Advisory Service, at (609) 292-8543. A brochure is available upon request and all contacts are on a strictly confidential basis.

LAWS AFFECTING WOMEN IN NEW STATE PAMPHLET

An informational pamphlet on "Laws of Special Interest to Women", printed in both English and Spanish, has been released by the New Jersey State Commission on Women, an agency of the Department of Community Affairs.

The 24-page publication, prepared by the Commission in collaboration with the State Bar Association's Committee on Women's Rights, answers general questions about women's rights and responsibilities concerning marriage and divorce, property, social security, employment, children and citizenship.

For example, the booklet points out that women are eligible for jury duty on the same basis as men and that women can have a bank account or own property in their own name. Also, the booklet informs women about such basic rights as how to register to vote, and notes the grounds for divorce in New Jersey.

Community Affairs Commissioner Patricia Q. Sheehan noted that "women in New Jersey must be aware of the legal parameters of their rights and obligations if they are to effectively pursue the economic and social opportunities available to them. We are hopeful that this booklet will assist them in moving toward full participation in New Jersey life."

Copies may be obtained by writing to the Commission: P.O. Box 2768, Trenton, New Jersey 08625. Charge is 50 cents a copy; \$10.00 for 25 copies; \$17.50 for 50 copies and \$30.00 for 100 copies.

STATE MOVING TO SECURE FEDERAL FUNDS FOR BIKEWAYS ALONG ROADS

The State Department of Transportation in the second phase of its effort to obtain Federal funds for the development of bikeways in New Jersey.

Letters have been received from those of the State's 21 counties and 565 municipalities who have requests for Federal funds. First phase of the program was an invitation to several County planning boards to submit by May 1 letters of intent if they were interested in the funds; as a result, 74 letters requesting \$13 million were received.

The Federal Highway Act of 1973 permits the State to use up to \$2 million annually of its Federal-aid funds for the next two fiscal years for bikeways on or near Federally-aided highways.

Requests for Federal funds will be considered for bike-way right-of-way acquisition or construction in fiscal 1975 and 1976. Funds will be distributed using a formula which takes into account population, area and the Federally-aided road mileage, so that each county gets its fair share.

CABLE STATIONS CARRYING STATE'S PUBLIC TV PROGRAMS

Vision Cable Television Company, serving Fort Lee and Edgewater, has begun carrying New Jersey Public Broadcasting's Channel 50 on Cable Channel 1.

Morris Cablevision, serving Morristown, is also carrying Channel 50 on Cable Channel 8.

Channel 50, in Montclair, is one of four New Jersey Public Broadcasting television stations, plus Channel 58, located in New Brunswick, Channel 23 in South Jersey and Channel 52 in Central Jersey.

Clear Television Cable Corporation will carry New Jersey Public Broadcasting's Channel 52 on its cable system in Ocean Township when the company begins servicing that community in November.

Clear Television Cable Corporation currently serves subscribers in Berkeley Township and Beechwood and Channel 52 may already be viewed on its Cable Channel 12 by residents of those communities.

SIGN OF SUMMER—FARM FAIRS ARE AGAIN IN FULL SWING

New Jersey's agricultural fair season got underway last month, and Secretary of Agriculture Phillip Alampi urges all New Jersey residents to take in at least one of these colorful weekly events.

Alampi said that New Jersey's agricultural fairs offer fun for young and old alike and a wonderful opportunity to learn more about the rural areas and activities of the State. The fairs, he continued, provide a unique blend of entertainment and education not duplicated by any other kind of event.

Exhibits of livestock, poultry, fruits and vegetables, flowers, clothing, foods, handicrafts, farm machinery and a host of commercial and other displays are the mainstay of the fairs. In addition, there are various kinds of contests, parades, shows and amusements.

Most fairs have special attractions for the youngsters, such as petting zoos and animal kindergartens, pony rides, games and contests. Good food, usually prepared by local organizations, is another reason for the popularity of New Jersey's fairs.

Complete schedule of the remaining 18 fairs in the Garden State follows:

- July 11-13 Bergen County 4-H Fair*
Van Saun County Park, Paramus
- July 18-20 Burlington County Farm Fair*
Lumberton
- July 18-20 Cape May County 4-H Fair
Cape May Court House
- July 23-25 Ocean County Fair*
Lakewood
- July 25-27 Gloucester County 4-H Fair
Mullica Hill
- Aug. 1- 3 Passaic County 4-H Fair*
Wayne
- Aug. 2- 3 Morris County Youth Exposition*
Randolph Township
- Aug. 2- 3 Camden County 4-H Fair*
Garden State Racetrack
- Aug. 5-10 Sussex County Farm and Horse Show
Branchville
- Aug. 6-10 Middlesex County Fair
East Brunswick
- Aug. 7- 9 Salem County Fair*
Cowntown
- Aug. 8-10 Atlantic County 4-H Fair
Egg Harbor
- Aug. 9-10 Mercer County 4-H and Farmers' Show*
Trenton
- Aug. 14-16 Somerset County 4-H Fair*
Somerville
- Aug. 14-17 Warren County Farmers' Fair
Harmony
- Aug. 16-17 Essex County 4-H Fair*
Caldwell
- Aug. 27 - Sept. 2 Flemington Fair
Flemington
- Sept. 6-15 New Jersey State Fair
Trenton

*Free admission and free parking.