

NOTICE OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

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

(a)

EXECUTIVE

STATE HOUSE COMMISSION

Local Emergency Aid Act Regulations

On October 22, 1970, the State House Commission, pursuant to authority of N.J.S.A. 40:47A-7, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to regulations implementing the Local Emergency Aid Act of 1969, N.J.S.A. 40:47A-1.1 et seq., as follows (additions in bold face thus; deletions indicated in brackets [thus]):

FOREWORD

The Local Emergency Aid Act of 1969, c.94, P.L. 1969 (as amended by c.23, P.L. 1970 and c. 320, P.L. 1970) created a Local Emergency Aid Fund and appropriated \$2,000,000.00 to that Fund. The law designated the State House Commission as the agency responsible for authorizing payments to any municipality from the Fund.

Any municipality within the State of New Jersey which experienced an emergency as defined in the act and regulations promulgated pursuant thereto may apply for reimbursement of any sums expended by emergency appropriation in dealing with an emergency.

An "emergency" is defined in the Local Emergency Aid Act to be "any unusual conditions caused by civil disturbance whereby the safety of the public is endangered or imperilled". In addition, such emergency must have occurred on or after January 1, 1969 and prior to January 1, [1970] 1971.

The State House Commission pursuant to its authority under the Local Emergency Aid Act of 1969, as amended, has designated the Division of Local Finance, Department of Community Affairs as the State agency responsible for receiving and reviewing applications for reimbursement prior to authorization of payment by the State House Commission. All inquiries concerning the Act and filings required by the Act or regulations should be directed to the Director, Division of Local Finance, Department of Community Affairs, P.O. Box [2768] 1959, Trenton, New Jersey 08625.

Requests for application forms and a copy of the regulations by any municipality which desires to apply for reimbursement from the Fund shall be filed no later than [July 15, 1970] February 15, 1971. Any municipality applying for such reimbursement shall file its application no later than [August 31, 1970] March 31, 1971. No extensions of time for filing shall be granted.

I.GENERAL REGULATIONS

A. Chapter 94, Laws of 1969, the Local Emergency Aid Act, creates a Local Emergency Aid Fund which shall consist of sums as the Legislature may appropriate and such additional sums as may be granted or donated to the Fund from any public or private source. The Local Emergency Aid Act contains an appropriation of \$2,000,000.00 to the Local Emergency Aid Fund.

B. The State House Commission may authorize payment to any municipality out of the Fund for reimbursement to such municipality:

1. in an amount equal to 75% of the actual expenditures made by a municipality, pursuant to emergency appropriations adopted in dealing with an emergency within its borders, or
2. in an amount equal to 100% of the expenditures incurred by a sending municipality and provided for by an emergency appropriation, in instances where said municipality is asked to provide and render assistance to a neighboring municipality in an emergency by supplying fire or police aid, or both, and does provide such assistance.
3. in the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the State House Commission shall prorate and distribute the Fund on the basis of the total of all eligible requests received.

C. "Emergency" as used herein shall mean any unusual conditions caused by civil disturbances whereby the safety of the public is endangered or imperiled. The occurrence of such an emergency shall be determined within the sole discretion of the officer, board, or official having charge of the police or fire department in any municipality. The emergency must have occurred on or after January 1, 1969 and prior to January 1, [1970] 1971.

D. The State House Commission shall review every application and may cause further investigation or inquiry to be made to verify the accuracy of statements made therein and to establish the eligibility of the municipality to receive payment pursuant to the provisions of the Local Emergency Aid Law.

E. The State House Commission has designated the Division of Local Finance, Department of Community Affairs, as the State agency responsible for receiving and reviewing applications for reimbursement from the Fund prior to authorization of payment by the State House Commission.

The New Jersey Register is published the first Thursday after the first Monday of each month by the Division of Administrative Procedure of the Department of State, 10 North Stockton Street, Trenton, New Jersey 08608. Telephone: (609) 292-6060.

The New Jersey Register is the official publication containing notices of proposed rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

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Subscriptions to the New Jersey Register are available from the Division of Administrative Procedure. One year, \$6. Single issue, 50 cents.

All requests for information, application forms, and copies of the regulations, and all completed applications shall be filed with the Director, Division of Local Finance, Department of Community Affairs, P.O. Box [2768] 1959, Trenton, New Jersey 08625.

F. Payments to any municipality out of the Local Emergency Aid Fund shall be made by the State Treasurer to said municipality upon certification by the State House Commission and warrant of the Director of the Division of Budget and Accounting.

An order adopting these amendments was filed December 23, 1970 as R.1970 d. 153, to be effective January 7, 1971.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Notice of Delay in Commencement of Hearing Concerning Order 69-1

This is to advise that the hearing scheduled to be commenced on December 7, 1970 concerning Order 69-1 has been delayed to 10:30 a.m. on Tuesday, January 12, 1971. The hearing will be convened in the Museum Room located off the balcony of the War Memorial Building, Trenton, New Jersey.

Previous correspondence concerning the conduct of the hearing is still applicable. The hearing is expected to run four days per week. The first week will run from Tuesday, January 12 through Friday. The second and subsequent weeks, if necessary, will run Monday through Friday.

The delay in the commencement of the hearing results from a conflict in the schedule of the attorney representing Cumberland Farms, one of the appellants in the case. Cumberland's attorney is representing the public in the insurance rating hearing now being held by the Commissioner of Insurance of the State of New Jersey, which hearing continued during the week of December 7, 1970. Cumberland's attorney obtained permission from the Chief Justice of the New Jersey Supreme Court for this additional delay in the start of the hearing.

At the hearing, all interested parties, including consumers, dairy farmers, milk dealers, milk processors, milk subdealers, stores who sell milk or any other person having information pertinent to the foregoing matters are invited to attend and submit evidence and testimony, under oath relative thereto.

W. W. Moffett, Jr.
Director
Division of Dairy Industry
Department of Agriculture

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rules Governing Tuition Rates

On December 3, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-16, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 8:20-15, 16, 18, 19 and 20 relating to tuition rates in public schools as proposed in the Notice published November 5, 1970 at 2 N.J.R. 89(c).

An order adopting these amendments was filed and effective December 7, 1970 as R.1970 d.145.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Advising Applicants for Certificates Tuition Rates

On December 3, 1970, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 8:11-28, a rule relating to advisement of applicants for certificates, as proposed in the Notice published November 5, 1970 at 2 N.J.R. 89(b).

An order adopting these amendments was filed and effective December 7, 1970 as R.1970 d.144.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

COMMISSIONER

Condemnation of Shellfish Beds

On December 22, 1970, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of P.L. 1970, c. 33, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules for the administration of N.J.S.A. 24:2-1 and 24:14-2 concerning the condemnation of oyster, clam and mussel growing areas as proposed in the Notice published on October 8, 1970 at 2 N.J.R. 83(a).

An order adopting the above rules was filed December 23, 1970, to become effective January 1, 1971 as R.1970 d. 149.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION**DIVISION OF ENVIRONMENTAL QUALITY****Control of Smoke from Diesel-Powered Vehicles**

On December 18, 1970, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of Section 8.1 of the Air Pollution Control Act, N.J.S.A. 26:2C-8.1, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted Chapter 14 of the Air Pollution Control Code, being regulations governing the control and prohibition of smoke from diesel-powered motor vehicles, substantially as proposed in the Notice published July 9, 1970 at 2 N.J.R. 54(c).

An order adopting the above regulations was filed December 21, 1970 as R.1970 d. 148, to become effective 180 calendar days therefrom.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION**DIVISION OF FISH, GAME AND SHELL FISHERIES****1971 Fish Code**

On October 7, 1970, the Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30, et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Fish Code for the 1971 fishing seasons, as proposed in the Notice published September 10, 1970 at 2 N.J.R. 72(b). An order adopting the above rules was filed and effective December 4, 1970 as R.1970 d.142A.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION**DIVISION OF ENVIRONMENTAL QUALITY****Proposed Amendments to the Air Pollution Control Code**

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (P.L. 1954 c. 212), as amended by Chapter 106, Public Laws of 1967, proposes to amend Chapters 2, 4, 5 and 7 of the New Jersey Air Pollution Control Code, as follows:

CHAPTER 2 — CONTROL AND PROHIBITION OF AIR POLLUTION FROM REFUSE DISPOSAL AND SALVAGE OPERATIONS, which became effective May 1, 1956 is hereby repealed. This repeal shall not affect actions, proceedings, or departmental orders pending or outstanding on the effective date of the new regulation; said actions,

proceedings, or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted. The text of the proposed new regulation follows.

PROPOSED CHAPTER 2**CONTROL AND PROHIBITION OF OPEN BURNING****SECTION 1 DEFINITIONS**

1.1 **OPEN BURNING**: Any fire whose products of combustion are emitted directly into the open air, and are not directed thereto through the stack or chimney of an incinerator.

1.2 **INCINERATOR**: Any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

1.3 **STACK OR CHIMNEY**: A flue, conduit, or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

1.4 **AIR CONTAMINANT**: Solid particles, vapors or gases which are discharged into the outdoor atmosphere.

1.5 **SALVAGE OPERATION**: Any operation or activity from which is salvaged or reclaimed any product or material including, but not limited to, metals, chemicals, or shipping containers.

1.6 **REFUSE**: Garbage, rubbish, trade waste and plant life.

1.7 **GARBAGE**: Waste animal or vegetable matter from houses, kitchens, restaurants, hotels, produce markets or any other source, or food of any kind to be thrown away.

1.8 **RUBBISH**: Waste solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, furniture, tin cans, glass, crockery, masonry and other similar materials.

1.9 **TRADE WASTE**: All waste solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste material.

1.10 **DEPARTMENT**: The Department of Environmental Protection.

1.11 **PLANT LIFE**: Vegetation including, but not limited to, trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds and crops.

1.12 **INFESTED PLANT LIFE**: Plant life contaminated by or harboring an insect, a plant pathogen, a weed, or any other organism capable of causing damage, economic or otherwise, to environmental or natural resources.

1.13 **HAZARDOUS MATERIAL**: Trade waste which presents an existing or potential hazard to health or safety if disposed of by any means other than open burning including, but not limited to, explosives, nitrocellulose and elemental sodium.

SECTION 2 OPEN BURNING FOR SALVAGE OPERATIONS

2.1 No person shall cause, suffer, allow or permit a salvage operation by open burning.

SECTION 3 OPEN BURNING OF REFUSE

3.1 No person shall cause, suffer, allow or permit the disposal of garbage, rubbish or trade waste or buildings or structures by open burning.

3.2 No person shall cause, suffer, allow or permit the disposal of fallen leaves by open burning.

3.3 No person shall cause, suffer, allow or permit the disposal of any type of plant life by open burning.

SECTION 4 EXCEPTIONS

4.1 The provisions of Section 3 shall not apply:

(a) to fallen leaves, disposed of by open burning on the premises where grown, until January 1, 1972,

(b) to plant life, disposed of by open burning on the premises where grown, until January 1, 1973,

(c) to open burning of refuse for training or research exercises in fire protection or prevention when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

SECTION 5 VARIANCES**5.1 Infested Plant Life**

Whenever a person responsible for the control of infested plant life believes that no effective method of controlling the infestation can be used without causing damage, economic or otherwise, to environmental or natural resources, he may apply to the Department for a permit for the open burning of such plant life. A permit for open burning of infested plant life may be issued by the Department, except in any municipality which prohibits such open burning, upon a finding of merit in an affidavit filed with the Department by the person seeking to engage in the open burning of infested plant life. Such permit may be valid for a single event or for a period not to exceed seven days, may be conditioned upon any requirements which the Department deems to be necessary and is revocable at the discretion of the Department. No open burning shall commence until a permit is issued and is current. The affidavit shall set forth the following and any other information requested by the Department.

(1) The name, address, and telephone number of the person submitting the affidavit; if such person is a legal entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where trade wastes are to be burned.

(2) The type of business or activity involved.

(3) Municipal restrictions on open burning of plant life.

(4) The proposed operating practice including the type and quantity of infested plant life to be burned.

(5) Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

(6) The exact location at which the infested plant life will be burned.

(7) Reasons why the infestation cannot be controlled by any method other than by open burning without causing damage, economic or otherwise, to environmental or natural resources.

5.2 Hazardous Material

The department may issue a permit for the open burning of hazardous material, except in any municipality which prohibits such open burning, where no other known method of disposal can be used without hazard to health or property, upon a finding of merit in an affidavit filed with the department by the person seeking to engage in such activity. The permit may be conditioned upon any requirements which the department deems to be necessary; and is revocable at the discretion of the department. The permit may be issued for a single event, or for a period not to exceed 12 months, and no disposal of hazardous materials by open burning shall commence until a permit is issued and is current. The affidavit shall set forth the following and any other information requested by the department.

(1) The name, address, and telephone number of the person submitting the affidavit; if such person is a legal

entity, the name, title, and address of the individual authorized to accept service of process on its behalf and the name of the officer in charge of the premises where the hazardous material is to be burned.

(2) The type of business or activity involved.

(3) Municipal restrictions on open burning of hazardous material.

(4) The proposed operating practice including the type and quantity of hazardous material to be disposed of by open burning.

(5) Whether the open burning is to be carried on in a single instance or the frequency if intermittent.

(6) The exact location at which the hazardous material will be disposed of by open burning.

(7) Reasons why the hazardous material cannot be disposed of by any method other than by open burning without resulting in a hazard to health or property.

CHAPTER 4 — CONTROL AND PROHIBITION OF AIR POLLUTION FROM SMOKE, which became effective January 1, 1958 is hereby repealed. This repeal shall not affect actions, proceedings, or departmental orders pending or outstanding on the effective date of the new regulation; said actions, proceedings, or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted. The text of the proposed new regulation follows.

PROPOSED CHAPTER 4**CONTROL AND PROHIBITION OF SMOKE FROM COMBUSTION OF FUEL****SECTION 1 DEFINITIONS**

1.1 **FUEL**: Solid, liquid or gaseous materials used to produce useful heat by burning.

1.2 **VISIBLE SMOKE**: Smoke which obscures light to a degree readily discernible by visual observation.

1.3 **SMOKE**: Small gasborne and airborne-particles, exclusive of water vapor, arising from a process of combustion and present in sufficient number to be observable.

1.4 **INDIRECT HEAT EXCHANGER**: Equipment in which heat from the combustion of fuel is transferred by conduction through a heat-conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

1.5 **RINGELMANN SMOKE CHART**: The Ringelmann's Scale for Grading the Density of Smoke as published by the U.S. Bureau of Mines or any chart, recorder, indicator or device which is approved by the Department as the equivalent of said Ringelmann's Scale for the measurement of smoke density.

1.6 **OPACITY**: The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

1.7 **DIRECT HEAT EXCHANGER**: Equipment in which heat from the combustion of fuel is transferred to a substance being heated so that the latter is contacted by the products of combustion and may contribute to the total effluent.

1.8 **MANUFACTURING PROCESS**: Any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digestors, towers, washers, scrubbers, mills, condensers or absorbers.

Environmental Protection—continued

1.9 MARINE INSTALLATION: Equipment for propulsion, power or heating on all types of marine craft and floating equipment.

1.10 MOBILE SOURCE: Equipment designed or constructed to be portable or moveable from one location to another including but not limited to aircraft, locomotives operating on rails, tractors, earth moving equipment, hoists and mobile power generators.

1.11 DEPARTMENT: The Department of Environmental Protection.

SECTION 2 SMOKE EMISSIONS FROM STATIONARY HEAT EXCHANGERS**2.1 STATIONARY INDIRECT HEAT EXCHANGERS**

a. No person shall cause, suffer, allow or permit visible smoke to be emitted into the open air from the combustion of fuel in any stationary indirect heat exchanger.

b. The provisions of Section 2.1(a) shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

SECTION 3 VARIANCES

3.1 The department, in its discretion, may on the application of a person responsible for the operation of a stationary indirect heat exchanger, approve for the operation of such equipment the emission of smoke the shade or appearance of which is not darker than No. 1 on the Ringelmann Smoke Chart. The department may issue such variance for a period not to exceed five years when it determines that the smoke emission standards contained in Section 2.1(a) cannot be achieved although the applicant has installed the advances in the art of air pollution control for the combustion of fuel of the type and the quantity consumed in the applicant's equipment. The variance shall be conditioned on the compliance with any requirements which the department deems to be necessary, including the installation of a continuous smoke level recording device installed and maintained in accordance with the department's specifications.

3.2 Any person aggrieved by the denial by the department of a variance authorized by this section may, upon application made within 15 days after notice thereof, be entitled to a hearing before the department upon at least 15 days written notice. Within 30 days after such hearing the department shall issue a notice amending, or affirming or rescinding its previous action.

SECTION 4 SMOKE EMISSIONS FROM MARINE INSTALLATIONS**4.1 MARINE INSTALLATIONS EQUIPPED WITH INDIRECT HEAT EXCHANGERS**

a. No person shall cause, suffer, allow or permit visible smoke to be emitted in the open air from the combustion of fuel in the indirect heat exchanger of any marine installation.

b. The provisions of Section 4.1(a) shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

SECTION 5 SMOKE EMISSIONS FROM THE COMBUSTION OF FUEL IN A MOBILE SOURCE

5.1 No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than No. 2 on the Ringelmann Smoke Chart or greater than 40% opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in any mobile source.

SECTION 6 STACK TEST

6.1 Any person responsible for the construction, installation, alteration, or use of an indirect heat exchanger shall, when ordered by the Department, provide the facilities and necessary equipment for determining the density of smoke being discharged into the open air and shall conduct such smoke tests using methods approved by the Department. All smoke test data shall be recorded in a permanent log at such time intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

SECTION 7 EXCEPTIONS

7.1 The provisions of this chapter shall not apply to direct heat exchangers, manufacturing processes or any motor vehicle while operating upon the public highways.

Copies of proposed Chapters 5 and 7, with the above sections, may be obtained from:

Division of Environmental Quality
Room 604, Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action prior to February 9, 1971 on all matters desired to be brought to the attention of the Department to the Division of Environmental Quality at the above address.

A public hearing on the foregoing proposed action will be held on February 9 and 10, 1971, beginning at 10 a.m. at the Fine Arts Center, Rider College, Route 206, Trenton, New Jersey. This hearing will be held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106, Public Laws of 1967.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed Air Pollution Control Code substantially as set forth without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

INSTITUTIONS AND AGENCIES**DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES****BUREAU OF COMMUNITY INSTITUTIONS****Standards for Intermediate Care Facilities and Multiple Occupancy**

On October 28, 1970, the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1, et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning licensing standards for intermediate care and multiple occupancy in nursing and/or residential care facilities, substantially as proposed in the Notice published August 6, 1970 at 2 N.J.R. 65(a). An order adopting the above rules was filed and effective December 1, 1970 as R.1970 d.142.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES****Proposed Manual for Transportation Services**

Proposed Manual For Transportation Services —10 PT u&l
Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963, c. 413 (N.J.S.A. 30:4D-1, et seq.), proposes to adopt a manual of rules governing transportation service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of transportation services available to eligible recipients of the New Jersey Health Services Program. The manual establishes definitions, general policies, and procedures for authorization and billing for eligibility to obtain reimbursement under the Program.

Copies of the manual may be obtained from:

Medical Care Administration
Division of Medical Assistance and
Health Services
36 West State Street
Trenton, New Jersey 08625
(609) 292-7672

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before January 26, 1971, to the Division of Medical Assistance and Health Services, at the above address.

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

Maurice G. Kott, Ph. D.
Acting Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Proposed Amendments to the
New Jersey Food Stamp Plan
of Operation Manual**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend the New Jersey Food Stamp Plan of Operation Manual by deleting the following (deletions indicated within brackets [thus]):

VI. Basis of Issuance

[D. Reduction in Initial Purchase Requirements for "New Participants"]

In order to assist new participants to begin and to plan for their continued participation in the program, the agency is authorized to certify such new participants to purchase their total coupon allotment during the first month of their participation for an amount equal to one-half of the applicable purchase requirement set forth in Exhibit B—Tables I & II, as appropriate. (In the case of new participants certified to purchase coupons on a semi-monthly or weekly basis, the provisions of this subsection shall apply to the first two consecutive semi-monthly purchases or the first four consecutive weekly purchases, respectively.)

For purposes of this subsection, a new participant is a household that is purchasing coupons for the first time: Provided, however, that any Food Stamp Program which was in operation prior to October 1, 1967, the term "new participant" is deemed to include any other eligible household which did not make a purchase of coupons in the two consecutive calendar months immediately prior to October 1, 1967.

Agencies are authorized to certify new participants for such reduction in the purchase requirements during the initial pre-program certification period and during the first twelve calendar months coupons are issued in the County Food Stamp Program. In County Food Stamp offices operating a program as of October 1, 1967, the agency is authorized to certify new participants for such reductions during October 1, 1967, and during the eleven calendar months following or until September 30, 1968.

A household may be deemed to be a new participant only once during the period these provisions are operative in the designated areas.]

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

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

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES**DIVISION OF PUBLIC WELFARE****Proposed Amendments to
Food Stamp Program**

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2, proposes to amend the rules concerning the Food Stamp Program as follows (deletions indicated in brackets [thus]):

104. — Household

[7. Reduction in Initial Purchase Requirements for New Participants

a. In order to assist new participants to begin and to plan for their continued participation in the program, the Food Stamp Certification Unit is authorized to certify such new participants to purchase their total coupon allotment during the first month of their participation for an amount equal to one-half of the applicable purchase requirement in Table I or Table II. In the case of new participants certified to purchase coupons on a semi-monthly basis, these provisions shall apply to the first two consecutive semi-monthly purchases.

b. For purposes of this section only, a new participant is a household that is purchasing coupons for the first time; however, for all County Food Stamp programs which were in operation prior to October 1, 1967, new participants shall also include any eligible household which did not make a purchase of coupons in the two consecutive calendar months immediately prior to October 1, 1967, that is, in August and September 1967.

c. For all County Food Stamp programs opening after October 1, 1967, the Food Stamp Certification Unit is authorized to certify new participants for the reduction in

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the purchase requirement during the initial pre-program certification period and during the first twelve calendar months coupons are issued in the County Food Stamp Program.

d. For County Food Stamp programs operating a program as of August 1967, the Food Stamp Certification Unit is authorized to certify new participants for such reductions beginning October 1, 1967 and the eleven calendar months following (or until September 30, 1968).

e. A household may be deemed to be a new participant only once during the designated period in which the reduction in initial purchase requirement is authorized for each County Food Stamp program.]

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

Division of Public Welfare
Department of Institutions and Agencies
129 East Hanover Street
Trenton, New Jersey 08625

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Medical Assistance for the Aged****Manual of Administration**

On December 2, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Medical Assistance for the Aged Manual of Administration, as proposed in the Notice published November 5, 1970 at 2 N.J.R. 92(a).

An order adopting these amendments was filed and effective December 7, 1970 as R 1970 d.143.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)**INSTITUTIONS AND AGENCIES****DIVISION OF PUBLIC WELFARE****Manual of Administration**

On December 3, 1970, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Division of Public Welfare Manual of Administration, as proposed in the Notice published August 6, 1970 at 2 N.J.R. 66(b).

An order adopting these amendments was filed and effective December 10, 1970 as R.1970 d.146.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)**LABOR AND INDUSTRY****BUREAU OF ENGINEERING AND SAFETY****Building Code**

On December 23, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted Chapter 115, Building Code, of Title 12 of the New Jersey Administrative Code, and at the same time, repealed Chapter 115, Standard Building Code of New Jersey, of Title 12 of the New Jersey Administrative Code, adopted January 12, 1954, as proposed in the Notice published May 7, 1970 at 8 N.J.R. 43(c).

An order adopting the above regulations was filed December 23, 1970, to become effective as of May 1, 1971, as R.1970 d.150.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)**LABOR AND INDUSTRY****BUREAU OF ENGINEERING AND SAFETY****Occupational Noise****Exposure Regulations**

On December 23, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations governing noise in places of employment, to be designated as Chapter 173, Occupational Noise Exposure, of Title 12 of the New Jersey Administrative Code, as proposed in the Notice published May 7, 1970 at 2 N.J.R. 43(d).

An order adopting the above regulations was filed December 23, 1970, to become effective May 1, 1971, as R.1970 d.152.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)**LABOR AND INDUSTRY****BUREAU OF ENGINEERING AND SAFETY****Flammable and Combustible****Liquids Regulations**

On December 23, 1970, Charles Serraino, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted regulations governing the storage, handling and use of flammable and combustible liquids, designated as Chapter 133, Flammable and Combustible Liquids, of Title 12 of the New Jersey Administrative Code, as proposed in the Notice published May 7, 1970 at 2 N.J.R. 44(a).

An order adopting the above regulations was filed December 23, 1970, to become effective May 1, 1971, as R.1970 d.151.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Notice of Public Hearing

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority of N.J.S.A. 33:1-12.23 and 39, proposes to consider the adoption of rules implementing N.J.S.A. 33:1-12.23-25, commonly called the "Broad Package Privilege Law". This supplements N.J.-A.C. 13:2-301-304 (Rules 1-4 of State Regulation No. 32) relating to the establishment of guidelines concerning the sale, and display for sale of alcoholic beverages in original containers for off-premises consumption from and in the "public barroom" as defined by statute of licensed premises, by holders of plenary and seasonal retail consumption licenses without the "Broad Package Privilege".

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Monday, February 1, 1971, at 10:00 A.M. at the Division of Alcoholic Beverage Control, Room 101, 110th Raymond Boulevard, Newark, New Jersey 07102 or may present or mail statements in writing relevant to the proposed amendment on or before Monday, February 1, 1971 to the Director, Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, New Jersey 07102.

After full consideration of all matters respecting the proposed action, the Division of Alcoholic Beverage Control, upon its own motion, or at the instance of any interested party, may thereafter adopt appropriate rules.

Richard C. McDonough, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(b)

STATE

RULES OF ADMINISTRATIVE PROCEDURE

Albert C. Bonacci, Director of Administrative Procedure, pursuant to authority of N.J.S.A. 52:14B-7(g), the Administrative Procedure Act, has proposed the following Rules of Administrative Procedure, which Rules constitute Chapter 5, Title 15, of the New Jersey Administrative Code. These rules may become effective without any further notice as Exempt, Interagency Rules.

The sections are headnoted as follows:

TITLE 15

DEPARTMENT OF STATE

SUBTITLE B. DIVISION OF ADMINISTRATIVE PROCEDURE

CHAPTER 5. ADMINISTRATIVE PROCEDURE

Subchapter 1. General Provisions

- 15:5-1.1 Short Title
- 15:5-1.2 Definitions
- 15:5-1.3 Condition of Validity of Rules
- 15:5-1.4 Official Notice
- 15:5-1.5 Official Codification
- 15:5-1.6 Construction
- 15:5-1.7 Tense, Gender and Number
- 15:5-1.8 Heading, etc. not to be used in Construing
- 15:5-1.9 Offices

Supchapter 2. Publication of Code and Register

- 15:5-2.1 Contents of New Jersey Administrative Code
- 15:5-2.2 Periodic Supplementation of the Code
- 15:5-2.3 Contents of New Jersey Register
- 15:5-2.4 Frequency of Publication of Register
- 15:5-2.5 Citations to the Code
- 15:5-2.6 Citations to the Register

Subchapter 3. Effect of Publication

- 15:5-3.1 Publication Required
- 15:5-3.2 Presumptions upon Filing
- 15:5-3.3 Presumptions upon Publication
- 15:5-3.4 Effective Date of Rule
- 15:5-3.5 Constructive Notice
- 15:5-3.6 Judicial Notice

Subchapter 4. Procedure for Adoption or Change of Rules

- 15:5-4.1 Notice of Intention
- 15:5-4.2 Notice of Intention; Special Distribution
- 15:5-4.3 Contents of Notice
- 15:5-4.4 Opportunity to be Heard
- 15:5-4.5 Record of Opportunity to Be Heard
- 15:5-4.6 Retention of Record of Proceeding
- 15:5-4.7 Due Consideration; Republication
- 15:5-4.8 Order of Adoption
- 15:5-4.9 Identification of Adopting Agency
- 15:5-4.10 Presentation for Filing
- 15:5-4.11 Time of Filing
- 15:5-4.12 Filing of Document
- 15:5-4.13 Certificate of Filing
- 15:5-4.14 Access to Documents
- 15:5-4.15 Copies of Documents; Fees
- 15:5-4.16 Filed Rules
- 15:5-4.17 Pre-filed Rules
- 15:5-4.18 Emergency Rules
- 15:5-4.19 Certificate of Emergency
- 15:5-4.20 Ratification of Emergency Rule
- 15:5-4.21 Rules Exempt from Notice Requirements

Subchapter 5. Codification of Documents

- 15:5-5.1 Documents Subject to Codification
- 15:5-5.2 Documents Requiring Codification
- 15:5-5.3 Incorporation by Reference
- 15:5-5.4 Assistance in Preparation
- 15:5-5.5 Structure of the Code
- 15:5-5.6 Title
- 15:5-5.7 Subtitle
- 15:5-5.8 Chapter
- 15:5-5.9 Subchapter
- 15:5-5.10 Section
- 15:5-5.11 Subdivision of Sections
- 15:5-5.12 Parts, Divisions, Articles, Groups, Etc.
- 15:5-5.13 Section Designation in the Code
- 15:5-5.14 Reservation of Units
- 15:5-5.15 Insertion of New Units Between Existing Units
- 15:5-5.16 Vacated Numbers

State—continued

- Subchapter 6. Explanatory Documentation**
- 15:5-6.1 Matter Other Than Text
- 15:5-6.2 Structure
- 15:5-6.3 Foreword
- 15:5-6.4 Heading
- 15:5-6.5 Authority Note
- 15:5-6.6 Blanket Authority Note
- 15:5-6.7 Filing Note
- 15:5-6.8 Historical Note
- 15:5-6.9 Note of Decision
- 15:5-6.10 Cross-Reference Notes
- 15:5-6.11 Tables
- 15:5-6.12 Internal References
- Subchapter 7. Preparation of Documents**
- 15:5-7.1 General Requirements
- 15:5-7.2 Number of Copies
- 15:5-7.3 Letters of Transmittal
- 15:5-7.4 Standard Requirements
- 15:5-7.5 Printed Matter
- 15:5-7.6 Signatures
- 15:5-7.7 Style; Punctuation; Capitalization; Orthography
- Subchapter 8. Distribution and Sale of Publications**
- 15:5-8.1 Distribution and Sale of Register
- 15:5-8.2 Distribution and Sale of Code
- Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY**DIVISION OF PENSIONS
STATE HEALTH BENEFITS COMMISSION****Proposed Amendmens in Rules of
the State Health Benefits Program**

William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to amend N.J.A.C. 17:9-4, 15, 16, 32 and 45 to read as follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

17:9-4. ADMINISTRATIVE FEE (LOCAL EMPLOYERS):

The Administrative fee paid by local employers shall be applicable for each fiscal year in which the local employer is participating, with billings of participating employers upon entrance into the program and the regular fee due and payable on January 1.

The minimum fee shall be [\$25.00] \$35.00 and the maximum shall not exceed [\$1,500] \$1,600 pursuant to the following schedule of fees related to the number of employees reported under the program:

1 - 12:	[\$25.00] \$35.00
13 - 100:	[\$25.00] \$35.00 plus [\$1.50] \$2.00 per employee over 12
101 - 200:	[\$157.00] \$211.00 plus [\$1.00] \$1.50 per employee over 100
201 - 350:	\$361.00 plus \$1.00 per employee over 200
[201]	
351 and more:	[\$257.00] \$511.00 plus \$.50 per employee over [200] 350

17:9-15. TRANSFERS:

In order to provide mobility to employees of participating employers, as well as of the State, employees who transfer from one State payroll to another, or from one participating employer to another, or from the State to a participat-

ing employer, or from a participating employer to the State, may continue coverage under the program as long as they enter the service of the new employer in a period for which contributions have already been made; however, if coverage has been terminated, the employee will again have to satisfy the [three] two month, continuous-employment waiting period and the actively-at-work requirement in order to obtain the coverage again.

17:9-16. [TEN AND TWELVE MONTH EMPLOYEES:

For the purposes of State and local coverage, an employee paid on a 10 or 11 month basis, pursuant to an annual contract or arrangement with the employer and who terminates his service with the employer in June, having served all of the months of the year as prescribed by his contract or arrangement with his employer, shall be entitled to a full year's coverage, comparable to that of an employee paid on a 12 month basis. Coverage for these employees and their dependents will continue during the summer months provided that proper deductions are taken for dependent coverage as may be required by the State or local employer. The result is to provide continuous coverage for these employees and their dependents in the same manner that such is available to employees paid in each payroll period or month of the year.]

17:9-32. INELIGIBLE EMPLOYEES DEFINED:

For purposes of State and local coverage, "employee" shall not mean:

- a.) Any person with less than [three] two months of continuous service.
- b.) Any person whose compensation is limited to reimbursement of necessary expenses actually incurred in the discharge of his official duties.
- c.) Any person compensated on a fee basis. (See Rule 17:9-34.)
- d.) Any person who is employed on short term, seasonal, intermittent or emergency basis such as a person whose compensation is in the nature of a "retainer", or is for occasional services or whose service is for brief periods at intervals.
- e.) Any person whose compensation is paid or payable by voucher.
- f.) Any person whose services are not full-time.
- g.) Any person granted a sabbatical where the compensation paid is less than 50% of the salary granted just prior to the leave.
- h.) Any person who is an aide or patient employee in a State, county or municipal institution.
- i.) Any person, active or retired, who is otherwise eligible for benefits but who, although he meets the age eligibility requirement of the Federal Medicare program, is not covered by the complete Federal program.

17:9-45. MEDICARE REFUNDS:

Each active employee, as well as the employee's spouse, who [has qualified] are covered under Part B of the Federal Medicare program, shall receive[s] a refund of the amount paid for Part B semi-annually. All refunds for subgroups of the State are accomplished with the preparation and submission to the Health Benefits Bureau of a Claim for Refund form duly signed by the [individual] employee claiming the refund as verified from the records of the program. The State Centralized Payroll Unit will process similar claims for refund by State employees paid by that agency. The local employer is responsible for refunds to any of his active employees, as well as the employee's spouse, who are covered under Part B of the Federal Medicare program. All refunds will be made payable to the employee.

Interested persons may present statements or arguments in writing, orally in person or by telephone rele-

vant to the proposed action, before 4 p.m. on January 27, 1971, to:

William J. Joseph, Secretary
State Health Benefits Commission
137 East State Street
Trenton, New Jersey
292-3676

After full consideration of all written and oral submissions respecting the proposed amendments, the New Jersey State Health Benefits Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the above amendments without further notice.

William J. Joseph, Secretary
State Health Benefits Commission
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

STATE HEALTH BENEFITS COMMISSION

State Health Benefits Program

On December 8, 1970, William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 17:9-3, 5, 6, 31, 48 and 51 of the rules of the State Health Benefits Commission as proposed in the Notice published November 5, 1970 at 2 N.J.R. 94(d).

An order adopting these amendments was filed and effective December 10, 1970 as R.1970 d.147.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Proposed Amendments to Rules Concerning General Administration

William J. Joseph, Director, Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 15:18A-95, et seq., proposes to revise Chapter 1 of Title 17 of the New Jersey Administrative Code entitled "General Administration" as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

17:1-3. DUE DATES FOR TRANSMITTALS AND REPORTS:

a.) Monthly Remittances and Transmittals for the Police and Firemen's Retirement System and the Monthly Remittances and Reports for the Consolidated Police and Firemen's Pension Fund are due the 10th day of the month following the close of the preceding month for which contributions are required.

b.) Monthly Remittances and Transmittals of pension contributions, loan repayments and arrearages for members of the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund are due from the State and local employers on the 15th day of the month following the close of the preceding month for which contributions are required.

c.) Monthly Remittances and Transmittals of salary deductions and salary reductions for participants in the Alternate Benefit Program are due from the State on the 20th day of the month following the close of the preceding month for which deductions are required.

d.) Monthly Remittances and Transmittals and reports of contributions for Alternate Benefit Program participants of the County Colleges are due the 10th day of the month following the close of the preceding month for which contributions are required.

e.) Quarterly Transmittals and Reports, including the remittance for the third month of the calendar quarter, for the Police and Firemen's Retirement System are due the 10th day of the month following the close of the preceding quarter.

f.) Quarterly Transmittals and Reports, including the remittance for the third month of the calendar quarter, for the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund are due the 15th day of the month following the close of the preceding quarter.

g.) Payroll deductions for contributory insurance and the Supplemental Annuity program and salary reductions for the Tax Sheltered Supplemental Annuity program shall be remitted on a bi-weekly basis immediately following the payroll payment dates and similar items for employees paid by the State on a monthly basis shall also be remitted on a monthly basis immediately following the payroll payment dates.

h.) Monthly [r] Remittances and [t] Transmittals for the State Health Benefits program are due the 24th day of each month preceding the month for which such premium payments are required.

i.) Reporting agencies will be considered in default if premiums are not paid within the 31 day period, which begins on the first of the month following the due date for which premiums are required.

17:1-17.1 MANUAL CHARGE:

One copy of the employee benefit manual will be issued without charge to certain officers of the State, other interested agencies, to members of the several Boards and Commissions, certain employees of the Division of Pensions and to each certifying agent of the State and local government employers participating in the several systems administered by the Division of Pensions. A supply will be printed to provide additional copies at a price sufficient to cover printing, handling and postage and these requests will be honored as the remaining supply permits.

17:1-18. DESIGNATED CARRIERS:

a.) The Teachers' Insurance and Annuity Association [is] and the College Retirement Equities Fund are the designated [agency] insurers for providing retirement annuity contracts for the Alternate Benefit Programs [of the State and County Colleges].

b.) The Prudential Insurance Company of America is the designated agency for providing the group life and disability insurance coverage for the Alternate Benefit Programs [of the State and County Colleges].

17:1-19. SALARY REDUCTION AGREEMENTS AUTHORIZED:

The [State and County Colleges] participating institutions are authorized to enter into agreements [with full time faculty members who participate in the] with Alternate Benefit Program participants for voluntary salary reductions, to a maximum of 10% of the employee's base salary, to purchase from the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund annuities which are tax deferred under section 403(b) of the Federal Internal Revenue Code, as amended.

Treasury—continued

17:1-20. SALARY REDUCTION AGREEMENTS;
LIMITATIONS:

a.) The entry into a salary reduction agreement between an employee and his employing [college] institution shall not be available to any participant during the period of time in which no employer contributions are made on his behalf to any retirement annuity contracts.

b.) Salary deductions for TIAA/CREF [and insurance contributions] will be calculated on the full base salary if the participant earns 50% or more of his base salary during a pay period. If a participant earns less than 50% of his full base salary during a pay period, no base salary deductions for TIAA/CREF, or salary reductions [or insurance contributions] will be reported to the Division of Pensions. If a participant earns more than 50% of his base salary but less than full base salary during a pay period, the salary reduction will be calculated on base salary earned.

17:1-21. DEATH OR RETIREMENT; NOTICE:

Upon the death or retirement of a participant, the employing [college] institution shall notify the Division of Pensions. The Division shall notify the insurers and shall process the necessary forms related to such death or retirement.

17:1-23. CERTIFYING AGENT:

The Business Manager or other [college] official designated by the [President of the college] institution shall be the certifying agent [for the college] for the Alternate Benefit Program and shall be responsible for all duties prescribed by the statute and by rules and regulations of the Division of Pensions.

17:1-24. APPEAL FROM DIVISION DECISIONS:

[A participant or his attorney may appeal a decision of the Division by filing a request with the Hearing Officer of the Division within 45 days of the date that written notice was sent to the participant by the Division of Pensions.]

The following statement shall be incorporated in every written notice setting forth the Division's determination in a matter where such determination is contrary to the claim made by the claimant or his legal representative:

"If you disagree with the determination of the Division in this matter, you may appeal by sending a written statement to the Division within 45 days from the date of this letter, informing the Division of your disagreement and all of the reasons therefor. If no such written statement is received within the 45-day period, this determination shall be considered final."

17:1-26. [FULL TIME FACULTY MEMBER DEFINED:

All full time faculty members of the State and County Colleges are eligible to participate in the alternate benefit program, except for persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System who did not elect to transfer to the alternate benefit programs. Full time faculty members are defined as employees under full time contract possessing the faculty rank of professor, associate professor, assistant professor, instructor, or assistant instructor.]

PART-TIME FACULTY MEMBERS:

Eligibility of part-time faculty members whose services have been renewed for the succeeding school year shall not include part-time faculty members who are participants in an Alternate Benefit Program or who are members of any other State-administered retirement program in a full-time position with the same employer; employees of the State colleges, Rutgers, the State University, and the

College of Medicine and Dentistry of New Jersey are employees of the State.

17:1-27. ELIGIBILITY; NEW FACULTY POSITION:

If the Board of Higher Education [approves the granting of faculty status to a particular job title] declares a particular job title to be an "applicable academic position", all personnel in the several [colleges] institutions [receiving such faculty status] currently employed in that position will then become eligible for participation in the Alternate Benefit Program and must [elect], if otherwise eligible, elect within 90 days to participate in either the Alternate Benefit Program or the Public Employees' Retirement System. If an individual does not file an "Election of Retirement Coverage" form during this 90-day period he must remain in, or if he is a member of the Teachers' Pension and Annuity Fund, transfer to the Public Employees' Retirement System.

17:1-28. INELIGIBLE FACULTY MEMBERS:

Any [full time faculty member] regularly appointed teaching or administrative staff member who, when employed, is receiving a retirement annuity income from the Teachers' Insurance and Annuity Association or College Retirement Equities Fund which is based in whole or in part on public employment in any State shall be ineligible for participation in the Alternate Benefit Program or any other public retirement system [pursuant to the provisions of Chapter 23, Public Laws of 1968].

17:1-28.1 INELIGIBILITY OF TEMPORARY
APPOINTEES:

An employee who is appointed on a temporary basis for one school year, one semester, or a lesser period of time is ineligible to participate in the Alternate Benefit Program. However, if the services of an employee who rendered service for a full school year are renewed for the succeeding school year, he shall participate in the Alternate Benefit Program.

17:1-29. TRANSFERS:

If [a participant of] an Alternate Benefit Program participant terminates employment in a covered institution [by said program] and becomes employed again in [a] an eligible position [covered by] in another [public employee Alternate Benefit Program established under another New Jersey statute] New Jersey public institution, the Division of Pensions will, upon the filing of the required forms with the Division, [transfer] continue all of [said] the participant's rights and obligations [from the first Alternate Benefit Program to the second.] in the appropriate New Jersey Alternate Benefit Program.

17:1-30. [BASE OR CONTRACTUAL SALARY:

Only a participant's base or contractual salary shall be subject to annuity deductions, salary reductions and group life insurance contributions. Compensation payments coming within the following categories are considered bonus or extra compensation and shall not be considered as part of the participant's base or contractual salary:

- a.) longevity lump sum payments;
- b.) lump sum terminal sick leave or vacation pay;
- c.) the value of maintenance;
- d.) individual pay adjustments made within or at the conclusion of the participant's final year of service;
- e.) retroactive salary adjustments or other pay adjustments made in the participant's final year of service unless such adjustment was made as a result of a general pay adjustment for all personnel of the institution;
- f.) any unscheduled individual adjustment made in the final year to place the member at the maximum salary level within his salary range; and
- g.) any pay for services rendered during the summer

vacation period by a participant who is required to work only 10 months of the year.]

17:1-31. LEAVE WITHOUT PAY OR CHANGE IN STATUS:

While any participant in the Alternate Benefit Program may make personal contributions at any time directly to the insurer of the individual retirement annuities, no employer obligations will be paid when the participant is on a leave of absence without pay or when the participant no longer meets the definition of a full time [faculty member] regularly appointed teaching or administrative staff member in an applicable academic position.

17:1-33. [TERMINATION; RETIREMENT:

Participation in the Alternate Benefit Program shall terminate and the individual shall be considered retired once he has elected to receive an annuity from the insurer.]

17:1-34. TERMINATION; WITHDRAWAL:

A participant may withdraw his contributions held in escrow [by the Division of Pensions] only if he terminates all employment subject to coverage by an Alternate Benefit Program. Therefore no application for withdrawal of contributions held in escrow shall be approved if:

a.) the participant is on official leave of absence;

b.) the participant or his employer certifies that his employment contract has not expired, or that he has executed another contract to work in a position subject to coverage by an Alternate Benefit Program; or

c.) the participant has been dismissed or suspended from employment. In this event, such a participant will be eligible to withdraw, if he has formally resigned from his position or there is no legal action contemplated or pending and this dismissal has been adjudged final.

17:1-35. CONTRIBUTION CHANGE:

a.) A participant may increase or decrease the percentage of optional annuity deductions or the allocation of salary deductions and reductions between the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund no more than once a school year.

b.) Changes in [the insurance coverage,] the percentage of a participant's optional annuity deductions and of his salary reductions may not be effected until his employing [college] institution has received certification from the Division of Pensions.

17:1-36. DEATH BEFORE PAYMENT TO INSURER:

If a participant dies before his employee annuity deductions may be paid to the designated insurer, his deductions shall be paid in a single sum by the [Division of Pensions] employer to the beneficiary designated for the retirement annuity contract upon receipt of a death certificate and appropriate forms.

17:1-37. [BASE ANNUAL SALARY:

In determining group life insurance benefits, "base annual salary" shall be the annual contractual salary in effect at the time of the participant's death.]

17:1-38. [COMPUTATION OF INSURANCE DEATH BENEFITS:

a.) The noncontributory group life insurance coverage shall be in an amount equal to 1½ times the participant's base annual salary. This coverage shall be reduced to an amount equal to 3/16 of the participant's base annual salary upon attainment of age 70.

b.) The noncontributory group life insurance coverage shall be reduced, upon the retirement of a participant, to an amount equal to 3/16 of the participant's base annual salary at the time of retirement.

However, no beneficiary of a retired participant shall be entitled to receive the death benefits attributable to the noncontributory group life insurance policy in the event

of death after retirement unless such participant had attained age 60 and had employer contributions submitted to the Alternate Benefit Program on his behalf for the entire year immediately preceding his initial receipt of a retirement annuity.

c.) The contributory group life insurance rate of contribution for all participants who elect such coverage shall be 6/10 of 1% of the participant's base or contractual salary. The coverage shall be an amount equal to the participant's base annual salary. Upon attainment of age 70, such coverage shall be reduced to an amount equal to 3/16 of the participant's base annual salary.]

* * *

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

William J. Joseph, Director
Division of Pensions
137 East State Street
Trenton, New Jersey 08625
Telephone: (609) 292-3676

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, before 4 p.m. on January 27, 1971, to William J. Joseph, Director, at the above address.

The Division of Pensions, upon its own motion or at the instance of any interested party, may thereafter adopt the above amendments without further notice.

William J. Joseph, Director
Division of Pensions
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

TRANSFER INHERITANCE TAX BUREAU

Correction of Typographical Errors in Regulations

Take notice that the Division of Administrative Procedure and the Division of Taxation have corrected typographical errors in the proposed rules of the Transfer Inheritance Tax Bureau concerning the taxation of decedents under the Transfer Inheritance Tax Act (N.J.S.A. 54:33-1, et seq.), which errors were published in the New Jersey Register December 10, 1970. The corrected rules are as follows (corrections indicated in bold face thus):

N.J.A.C. 18:26-143 FUNDS HELD IN A BANKING INSTITUTION

* * * * *

A. Bank Accounts—Where funds are held on deposit in any banking institution to the credit of a person and payable on the death of such person, to a named beneficiary, upon the death of named beneficiary, no waiver is required to transfer or release such funds to such person, however, a waiver is required to transfer or release such funds to the beneficiary upon the death of the principal.

B. Double Dollar Accounts—Where, upon the death of a decedent having funds on deposit to his credit, individually, in a joint account with right of survivorship or trustee account, in a banking institution located in New Jersey, there is credited to the account the proceeds of a life insurance contract the consent of the Director is required to release the amount on deposit after crediting thereto the proceeds of the life insurance policy. In order to determine the taxability thereof, the type of account is to be indicated on the return.

Treasury—continued

N.J.A.C. 18:26-145 SAFE DEPOSIT BOXES

* * * * *

A. Resident—Entry Prior to Inventory—Will—
Deed to Cemetery Lots—Life Insurance Policy

1. A safe deposit box rented in the name of the decedent, individually or as a joint renter, is automatically sealed by the death of the decedent by law; however, the box may be opened in the presence of an officer or authorized employee of the bank and a proper representative of the estate for the purpose of ascertaining whether the contents include the decedent's last will and testament, a deed for a cemetery lot, or the insurance policies made payable to designated beneficiaries. If the contents include any of the above items, such items only may be delivered to the proper party in interest or the representative of the decedent's estate by the bank official present at the time of entry but there shall be completed at that time memorandum by the bank reciting the date of entry, a list of items removed and the address of the representative of the estate. The box is then resealed until inventoried by the District Supervisor.

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(a)

TREASURY**STATE INVESTMENT COUNCIL****Proposed Rules Concerning
Common Treasury Fund A and
Common Pension Fund A**

Frank A. Kelemen, Chairman of the State Investment Council, pursuant to authority of N.J.S.A. 52:18A-89, proposes to adopt Article 30 concerning "Common Treasury Fund A" and Article 31 concerning "Common Pension Fund A" of the State Investment Council regulations as follows:

ARTICLE 30. COMMON TREASURY FUND A

Reg. 16:3-30.100. Pursuant to P.L. 1970, Ch. 270, there is hereby created in the Division of Investment, Department of Treasury, a common trust fund, to be known as Common Treasury Fund A. Said common trust fund shall consist of the following funds: 1. General Investment Fund, 2. General Trust Funds, 3. Housing Assistance Fund, 4. 1964 Higher Education Construction Fund, 5. Public Buildings Construction Fund, 6. State 1960 Institution Construction Fund, 7. State 1964 Institution Construction Fund, 8. State Recreation and Conservation Land Acquisition Fund, 9. State Transportation Fund, 10. State Water Development Fund, 11. Water Conservation Fund, 12. Unclaimed Personal Property Trust Fund, 13. State Employees Social Security Deduction Fund, 14. Outstanding Checks Account, 15. Motor Vehicle Security Responsibility Fund.

Reg. 16:3-30.110. The capital contributions to or capital withdrawals from the Common Treasury Fund A by each of the aforementioned participating funds shall be delineated by proper entries in the records of the Bureau of Accounting, Division of Budget and Accounting, Department of Treasury. Contributions to the Common Fund by the participating funds may be made either in cash or in securities, but, in the event securities are used for contributions, such securities shall be valued at book value.

Reg. 16:3-30.120. All income and realized increase in corpus of the Common Treasury Fund A shall be paid into the General State Fund, monthly.

Reg. 16:3-30.130. All participating funds aforementioned in Reg. 16:3-30.100 shall be deleted from the classification of funds under Article 5 of these Regulations.

Reg. 16:3-30.140. The Director may invest the assets of Common Treasury Fund A in investments which are legal for savings banks in this State, subject to any applicable provisions of these Regulations; but without regard to the classification of funds under Article 5.

Reg. 16:3-30.150. Subject to the approval of the State Treasurer, the State Investment Council may, from time to time, remove from or add participating funds to, the Common Treasury Fund A.

ARTICLE 31. COMMON PENSION FUND A

Reg. 16:3-31.100. Pursuant to P.L. 1970, Ch. 270, there is hereby created in the Division of Investment a common trust fund to be called Common Pension Fund A. The following participating funds may invest in said Common Pension Fund A: 1. Consolidated Police & Firemen's Pension Fund Commission, 2. Police & Firemen's Retirement System, 3. Public Employees' Retirement System, 4. State Police Retirement System, 5. Teachers' Pension and Annuity Fund.

Reg. 16:3-31.110. The Common Pension Fund A shall be a fund created for the purpose of investing in corporate common stocks or securities convertible into such stock which are legal investments for a life insurance company organized under the laws of this State. Said Common Fund shall be composed of units of ownership of unlimited quantity. All units of ownership shall be represented by a certificate prepared by and issued by the Director of the Division of Investment. Each such certificate may represent one or more units of ownership. All units shall be purchased by the participating fund for the principal valuation price determined by these Regulations. At the outset of said Common Fund, all initial purchases shall be made for a principal valuation price of \$1,000 per unit.

Reg. 16:3-31.120. All certificates of ownership of units shall contain the following information: 1. number of units purchased, 2. purchaser, 3. aggregate principal valuation price for the number of units purchased, 4. date of purchase, 5. serial number of the certificate, 6. principal valuation price per unit purchased.

Reg. 16:3-31.140. Each unit of participation shall represent an equal beneficial interest in the fund and no unit shall have priority or preference over any other.

Reg. 16:3-31.150. Upon each valuation date, as defined below, there shall be a valuation for every investment in the Common Fund in the method provided for in these Regulations. The valuation shall be for the principal value per outstanding unit and the income value per outstanding unit.

Reg. 16:3-31.160. The valuation shall be at the opening of business of the first business day of each month.

Reg. 16:3-31.170. The Director of the Division of Investment shall use the following method of valuation of investments:

A. Where there have been recorded sales or bid and asked prices of an investment in the Common Fund on a security exchange or exchanges approved in Article 17 of these Regulations the last recorded sales price, if there has been a recorded sale, shall be used, unless on a day subsequent to such sale, there shall have been recorded bid and ask prices, in which event the mean of the most recent of such bid and ask prices shall be used.

B. If there have been no such recorded sales, the mean of the most recent such recorded bid and ask prices shall be used.

C. For the purposes of this Regulation, recorded sales and bid and ask prices shall be those appearing in newspapers of general circulation published in the City of New York, in standard financial periodicals, or those established by a recognized pricing service.

D. In the case of a stock where a dividend has been declared and not as yet paid and the amount of such dividend has been included as income, such amount shall be deducted from the value of the stock as determined in subsections A and B unless such value has been based on an ex-dividend valuation.

E. An investment purchased and awaiting payment against delivery shall be included for valuation purposes as a security; the cash account shall be adjusted to reflect the purchase price.

F. An investment sold but not delivered pending receipt of proceeds shall be valued at the net sales price.

G. For the purposes of valuation of an investment, with the exception of investments sold but not delivered, it shall not be necessary to deduct from the value ascertained by this Regulation, brokers' commission or other expenses which would be incurred on a sale thereof.

Reg. 16:3-31.180.

A. The following method shall be used in determining the principal value per unit:

To the valuation of investments determined as provided in 16:3-31.170 of these Regulations, there shall be added (1) uninvested cash principal; (2) the value of any rights or stock dividends which may have been declared but not received as of the valuation date when the security has been valued ex-right and ex-dividends; (3) such portion as shall constitute principal of any extra-ordinary or liquidating dividend which may have been declared but which is unpaid as of the valuation date when the particular security has been valued ex-dividend; (4) temporary investments which shall be valued at cost. The yield on these temporary investments shall be accrued and included in income monthly.

There shall be deducted from the sum so ascertained all expenses chargeable to principal due or accrued. The net principal value thus determined shall be divided by the number of existing units in order to ascertain the principal value of each unit.

B. The income value per unit shall be determined by the following method: Income shall include all moneys received or accrued which are not included in or defined as, principal in Reg. 16:3-31.180.

From such income on hand and accrued there shall be deducted the expenses and liabilities due and accrued which are chargeable to income. The amount of net income thus determined shall be divided by the number of existing units in order to ascertain the income value per unit. Such income value per unit shall be disbursed, monthly and in cash, to each participating fund according to ownership of units.

Reg. 16:3-31.190. No admission to or withdrawal from the Common Fund shall be permitted except on the basis of the principal unit value determined as described in Reg. 16:3-31.180 hereof and no participation shall be admitted to or withdrawn from the Common Fund except on a valuation date or within 10 days thereafter; however, in the event that an admission or withdrawal occurs within the 10-day period aforementioned, it shall be based

on the principal value as of the last valuation date preceding said admission or withdrawal.

All admissions or withdrawals shall be made in cash. The price for purchasing units, except for original units issued by the Common Fund, shall be the principal valuation per unit as determined on each valuation date pursuant to Reg. 16:3-31.180(A).

Reg. 16:3-31.200. These Regulations may be amended from time to time by regulation of the State Investment Council. Any amendment adopted by such Council shall be binding upon all participating trusts and beneficiaries thereof. An amendment shall become effective, unless otherwise provided for therein, on the date it becomes effective under the "Administrative Procedure Act."

Reg. 16:3-31.210. In January of each year the State Investment Council shall consider the realized appreciation in the Common Fund per month and per unit during the preceding calendar year and shall declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made, the percentage of such appreciation of principal declared to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation. Following such declaration the amount declared as income shall be treated and distributed as income to the participating funds as is normally effected each valuation date. Such distribution shall be calculated and made on the realized appreciation of principal per month per unit times the number of units held by each participating fund in each month affected by the declaration.

Reg. 16:3-31.220. The Common Pension Fund A shall be permitted to invest in such securities and subject to the limitations and conditions contained in Article 17 of these Regulations except for the condition as to classification of funds contained in Article 5 of these Regulations.

Reg. 16:3-31.230. The Director, Division of Investment, subject to the approval of the State Investment Council and the State Treasurer, may, upon two months' notice, liquidate the aforementioned Common Fund. In the event of such liquidation, the owners of the units shall share proportionately, according to units owned, in each investment held by the Common Fund. When such proportionate distribution is impracticable in the judgment of the Director, he may instead distribute on liquidation, cash or temporary investments held by the Common Fund. Distribution upon liquidation shall occur within 5 days after a valuation date and shall be based upon the principal value per unit determined upon such valuation date. No liquidation will be effectuated without the approval by the State Investment Council of a plan of distribution of the assets of the Common Fund.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before January 20, 1971, to:

Director
Division of Investment
State House
Trenton, New Jersey 08625
Telephone: (609) 292-5106

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

Norman E. Hardy
Deputy State Treasurer
Department of the Treasury

STATE NEWS OF PUBLIC INTEREST

STATE AIDING IN BATTLE AGAINST KIDNEY DISEASE

More than 90 persons with chronic kidney disease have been helped financially in the last 18 months under the Chronic Renal Disease Program of the New Jersey State Department of Health.

This was reported in the December issue of Public Health News, publication of the department, in an article written by William J. Harris, Acting Coordinator of the Chronic Renal Disease Program.

Mr. Harris wrote that, "Assistance from the state program is provided to patients who are considered to be medically indigent, i.e., able to take care of their daily needs, but unable to afford extensive medical costs over a long period of time. Financial help is provided on an individual basis. The services available include the leasing of the artificial kidney which is installed in the patient's home, costs of the supplies necessary for each dialysis treatment and, if indicated, water softening equipment. In addition, the department will provide funds for the training in home dialysis for the patient and his family."

New Jersey was among the first states to establish such a program, according to Mr. Harris. Legislation establishing the program was enacted in June 1969. Since then, guidelines and policies were established and 16 hospitals were approved for participation in the program. The nine hospitals in New Jersey which have been approved are Helene Fuld Hospital, Trenton; Holy Name Hospital, Teaneck; Jersey Shore Medical Center, Neptune; Martland Hospital Unit, New Jersey College of Medicine and Dentistry, Newark; Muhlenberg Hospital, Plainfield; Newark Beth Israel Medical Center; Our Lady of Lourdes Hospital, Camden; St. Barnabas Medical Center, Livingston; and Shore Memorial Hospital, Somers Point. There are also five hospitals in Pennsylvania and two in New York approved for participation because some New Jersey residents had already sought treatment in those institutions.

"Other sources of help," according to Mr. Harris, "are the New Jersey Rehabilitation Commission, Medicare, Medicaid, and private hospital and medical insurance programs. Another major source of assistance for New Jersey patients is the Ruth Gottscho Kidney Foundation, which provides artificial kidneys for eligible patients."

Mr. Harris reported that the National Kidney Foundation estimates 3,300,000 persons in the United States have unrecognized and undiagnosed infections in the kidney and 100,000 deaths occur annually because of such diseases and complication.

"Until recently, a person who reached a critical stage in his kidney illness was doomed to a quick death. New advances in chronic hemodialysis have changed this picture considerably. Although the artificial kidney cannot take over all the function of the kidney, it can regulate fluid and electrolyte balance as well as removing metabolic waste products. It is now relatively simple to connect the patient to the artificial kidney two or three times a week for five to eight hours in order to receive this life-saving procedure."

Mr. Harris reported that as of November 1, 1970, the program had received 150 applications for assistance and had helped in 92 cases.

He also noted that it may be some years before surgical transplantation is developed to the point of being a generally applicable treatment for chronic renal failure. The state program has not yet provided funds for surgical transplantation.

NJHFA FINANCES CONSTRUCTION FOR MODERATE INCOME HOUSING

The New Jersey Housing Finance Agency (NJHFA) today sold \$42,657,000 in bond anticipation notes to finance the construction of moderate income housing.

New Jersey National Bank, Trenton, acting as agent for First National City Bank of New York, was awarded the entire issue.

The issue was divided into two sections. The first section was for a total of \$28,072,000, to continue financing current housing construction. This issue is for a term of six months, December 15 to June 15, at a rate of 3.46 per cent per year.

The second section was for a total of \$14,585,000, to finance new construction of moderate income housing in Ventnor, East Orange and Newark. This issue is for a one-year term, from December 15 to December 15, 1971, at a rate of 3.57 per cent per year.

John P. Renna, Jr., executive director of NJHFA said on December 8, 1970, "We are pleased by the excellent rate we received at today's note sale. The rate is a significant improvement over our previous public note sale less than six months ago." On July 29, 1970, NJHFA sold \$12,737,000 in notes at an interest rate of 5.45 per cent per year for an eight-and-one-half month term.

Renna also noted that the Guarantee Bank and Trust Co. of Atlantic City had agreed to accept the interest rate on the first section of notes sold today—3.46 per cent—as the effective rate for \$750,000 in bond anticipation notes it had purchased privately on November 25. The bank will hold the notes for a four-month term, from December 15 to April 15, 1971. This private sale was in addition to the \$42,657,000 in notes sold today at public bid. The \$750,000 was for the start of construction of an NJHFA-financed development in Ventnor. The balance of notes for this project was sold today.

The November 25 private sale and today's sale brought to \$79,042,000 the total of bond anticipation notes sold to date by NJHFA.

Renna said section two of the notes sold today (\$14,585,000) will finance construction of three new developments: the 196-unit Amity Village II-A rehabilitation project in Newark, the 203-unit Doddtown II elderly housing development in East Orange, and the 198-unit Waterview Village development in Ventnor.

PUC GRANTS 1% INTRASTATE RAIL FREIGHT HIKE

The Board of Public Utility Commissioners has granted New Jersey railroads a 1% intrastate freight rate hike. The New Jersey Board's action follows a November 20, 1970 Order of the Interstate Commerce Commission granting a 6% interstate freight hike. The ICC has previously approved a 5% hike and then amended that grant to 6%. The PUC therefore followed the federal procedure and granted the additional 1% on the state level.

The new rate will be effective on December 16, 1970.