

# NEW JERSEY REGISTER



*Official Publication of the State of New Jersey*

WILLIAM T. CAHILL, Governor  
Paul J. Sherwin, Secretary of State  
Albert E. Bonacci, Director of Administrative Procedure  
Peter J. Gorman, Rules Analyst  
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## IN THIS ISSUE

### AGRICULTURE

- Proposed Animal Tuberculosis Rule ..... 3 N.J.R. 198(a)
- Hearing on Milk Marketing Held ..... 3 N.J.R. 198(b)

### EDUCATION

- Adopt Free School Meal Policy ..... 3 N.J.R. 199(a)
- Revise Rules for Handicapped ..... 3 N.J.R. 200(a)
- Rule on Filing of Stays ..... 3 N.J.R. 200(b)

### ENVIRONMENTAL PROTECTION

- Action on Shellfish Beds ..... 3 N.J.R. 200(c)
- Air Pollution Code Amended ..... 3 N.J.R. 201(a)

### HEALTH

- Proposed Rules on Hearings ..... 3 N.J.R. 201(b)
- Proposed Certification Standards ..... 3 N.J.R. 202(a)
- Proposed Retail Food Controls ..... 3 N.J.R. 203(a)
- Administrative Manual Revised ..... 3 N.J.R. 203(b)

### INSTITUTIONS AND AGENCIES

- Administration Manual Proposal ..... 3 N.J.R. 203(c)
- Financial Assistance Proposal ..... 3 N.J.R. 205(a)
- Revise Manual of Administration ..... 3 N.J.R. 205(b)
- Revise Public Assistance Manual ..... 3 N.J.R. 205(c)

- Revise Administration Manual ..... 3 N.J.R. 205(d)
- Revise General Assistance Manual ..... 3 N.J.R. 206(a)
- Adopt Nursing Home Manual ..... 3 N.J.R. 206(b)
- Define Physical Therapist ..... 3 N.J.R. 206(c)

### LAW AND PUBLIC SAFETY

- Proposed Dentistry Exam Change ..... 3 N.J.R. 206(d)
- Adopt Firearm Dealer Rule ..... 3 N.J.R. 207(a)

### TRANSPORTATION

- Adopt Rule on Maintenance ..... 3 N.J.R. 207(b)

### TREASURY

- Adopt Linen Rentals Rules ..... 3 N.J.R. 207(c)
- Proposed Farm Taxation Rules ..... 3 N.J.R. 208(a)
- Proposed Income Tax Rule ..... 3 N.J.R. 210(a)
- Revise Auto Sales Tax Rules ..... 3 N.J.R. 211(a)
- Revise Investment Council Rules ..... 3 N.J.R. 211(b)

### WATERFRONT COMMISSION OF NEW YORK HARBOR

- Adopt Rules for Pier Guards ..... 3 N.J.R. 211(c)

**PUBLIC INTEREST** News Items - Pages 16-20

**NEWS DEADLINE NEXT ISSUE** - October 21

**NEW JERSEY ADMINISTRATIVE CODE**

is still available — see last page

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Proposed Tuberculosis Control And Eradication Rule Changes

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:15-18 to 53.4, proposed at its meeting on September 16, 1971, certain changes in rules and regulations pertaining to tuberculosis control and eradication which changes the testing schedule for tuberculosis from biennially to every three (3) years.

The text of the revised rules and regulations follows:  
Subchapter B—Tuberculosis Control and Eradication

The program for control and eradication of bovine tuberculosis is largely delineated by law, R.S. 4:5-1 et seq. These regulations supplement the provisions of the law and are established under authority there provided.

#### 2:2-6 Testing for Tuberculosis

The official tuberculin test shall be the intradermal injection method. Other methods may be used when authorized by the Department of Agriculture.

All cattle two (2) years of age and older and goats one (1) year of age and older shall be tuberculin tested every three (3) years.

At the time herds are being subjected to test, they shall be placed in quarantine until the tests are completed and the results made known.

Herds in which reaction occur shall remain in quarantine until released by the Secretary of Agriculture. No tuberculin test shall be conducted within sixty (60) days of a prior test, except when the cervical test is used by a State or Federal veterinarian.

Accredited private veterinary practitioners who tuberculin test animals in connection with the tuberculosis eradication program shall be paid \$5.00 for each herd stop and \$.50 for each animal tested. This fee shall be for injecting tuberculin and reading the test seventy-two (72) hours after injection according to procedures approved by the Department of Agriculture; properly identifying the animals tested; preparing records and reports; and providing general instructions to the herd owner regarding the control and eradication of tuberculosis, and all other related actions regarding the testing for tuberculosis.

A fee of \$1.00 will be paid to the accredited veterinarian

for each report of a dispersed herd or one moved to another area. This fee will be paid only for each disposition report, regardless of the number of projects or individuals involved.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before November 1, 1971 to:

Director  
Division of Animal Health  
Department of Agriculture  
P.O. Box 1888  
Trenton, New Jersey 08625  
Telephone: (609) 292-3965

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Notice of Hearing on Marketing Agreement and Handling of Milk

Notice is hereby given that, pursuant to authority of N.J.S.A. 4:12-1 et seq. and particularly Section 25, the Division of Dairy Industry conducted a public hearing jointly and concurrently with the U.S. Department of Agriculture in the Caesar's Forum, Holiday Inn Downtown, Baltimore, Maryland, at 10:00 a.m. on September 21, 1971, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic milk marketing area.

Purpose of the hearing was to receive evidence with respect to the economic and marketing conditions which relate to proposed amendments and appropriate modifications thereof to the tentative marketing agreement and to the order. Testimony also was received on a proposed advertising and promotion program for milk products under the order.

## NEW JERSEY REGISTER

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

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Copies of this Notice and the Notice of the U.S. Department of Agriculture, together with proposed amendments, may be reviewed at the Division of Dairy Industry, Department of Agriculture, State of New Jersey, John Fitch Plaza, Trenton, New Jersey.

W. W. Moffet Jr.  
Director  
Division of Dairy Industry  
Department of Agriculture

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

(a)

## EDUCATION

### THE COMMISSIONER

#### Policies for Free and Reduced Price Meals in Schools

On August 23, 1971, Carl L. Marburger, Commissioner of Education, pursuant to authority of N.J.S.A. 18A:58-7.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules which revised the policies for free and reduced price meals concerning certain children participating in the National School Lunch Program, by deleting N.J.A.C. 6:79-1 in its entirety and substituting in place thereof the following rules:

#### TITLE 6: EDUCATION

##### SUBTITLE M:

#### BUREAU OF GRANTS MANAGEMENT SERVICES

##### CHAPTER 79:

#### OFFICE OF FOOD PROGRAM ADMINISTRATION

N.J.A.C. 6:79-1 Revised Policies for Free and Reduced-Price Meals

N.J.A.C. 6:79-1.1 Introduction:

In accordance with Federal regulations, the Office of Food Program Administration has revised state-wide eligibility standards for free and reduced-price meals. Effective September 1, 1971, these standards will be employed by all New Jersey school districts which participate in the National School Lunch Program and the School Breakfast Program.

This introduction and following regulations outline the procedures to be used in all school districts for eligibility determination, application, appeal, preserving the anonymity of low-income students, and public announcement of the revised policies.

As in previous years, free and reduced-price meals must be provided to children unable to pay the full price of the meal. Under Federal regulations, a reduced-price lunch means a lunch sold for not more than 20 cents, but less than the full price of the lunch.

In order to facilitate the work of the local districts, the Office of Food Program Administration has developed a policy which will be used by all local school districts. A copy of the policy is attached. It must be signed and returned to the Office of Food Program Administration not later than September 30, 1971. Districts are encouraged to sign and return the policy as quickly as possible. In future years districts will be required to complete the policy by September 15. As in previous years this signed policy will become a part of the school district's School Feeding Agreement with the State Department of Education.

#### N.J.A.C. 6:79-1.2 Eligibility

All children from families that receive public assistance from Aid to Families with Dependent Children and the Food Stamp Program, will be eligible for a free meal.

In addition, for those families not receiving any form of public assistance, two minimum family size-income scales have been prepared for use in New Jersey. Attached is a copy of the minimum scales to be used by all districts. A school district may elect to use only one scale for all needy children. In such cases, the school district must use the attached reduced-price scale as the income criteria for free meals. Districts wishing to use higher income scales must submit their scales to the Department for prior approval.

#### N.J.A.C. 6:79-1.3 Application

The attached application form—personalized with the district's name and address—is to be used by all school districts. It is a simple statement of family income, family size, participation in public assistance programs, and other hardship reasons for eligibility. A copy of the application form and the notice to parents is available in Spanish, on request, for use in those districts with a number of Spanish-speaking parents. A copy of the application form actually in the district must be submitted with the policy statement.

Upon receipt of the completed application by the school, the child's eligibility for a free or reduced-price meal must be determined from the information submitted on the form. The child must begin to eat as soon as the determination has been made. If the school has reason to challenge the information given, the child must continue to receive the free or reduced-price meal until this information is found to be incorrect by an established appeal procedure. In cases where parents will not or cannot apply for free meals for their children, the school may authorize free or reduced-price meals for the children on the basis of a recommendation of the teacher, nurse, or other school official. As a matter of record, the school should complete application forms for such children to document these cases of known or suspected need.

#### N.J.A.C. 6:79-1.4 Appeal

The right of appeal must be granted to any parent whose child's application for a free or reduced-price lunch is denied by the school district. Hearing procedures for these appeals must be developed in accordance with the requirements outlined in the policy statement. A record of all applications and appeals, and the action taken by designated hearing officials, must be kept on file for the duration of the school year.

#### N.J.A.C. 6:79-1.5 Anonymity

The identity of children receiving free or reduced-price meals must be protected at all times. The names of eligible children cannot be published, posted or announced. As a condition of receiving a free or reduced-price meal, eligible children cannot be required to:

- a. use a separate lunchroom entrance or serving line;
- b. eat a different meal, or at a different time, or use a different medium of exchange from paying children;
- c. work for their meals. (Children may work in the lunchroom, but not as a condition of receiving the free or reduced-price meal.)

In addition, districts must use one or more of the payment procedures specified in the attached policy in order to protect the identity of children receiving a free or reduced-price meal.

#### N.J.A.C. 6:79-1.6 Public Announcement

Each school district is required to publicize the availability of free and reduced-price meals. Public announcement of the program will include community-wide publication of the family size-income scale, information on how families can apply for free and reduced-price meals and appeal procedures. These public announcements must be made at least once during a school year, no later than September 30. Parents may make application for a free or reduced-price meal at any time during the school year.

The following two methods must be used as a minimum:

a. Notice of the availability of free and reduced-price meals and an application form shall be sent home to all parents; and

b. Notice of the availability of free or reduced-price meals shall be published in the appropriate news media, such as the local newspaper.

Several districts may issue a joint news release in order to meet this requirement. Joint district releases are permitted as long as every participating school in each district is mentioned by name.

Attached for your convenience are sample copies of these two methods of public announcement. A copy of the published news release and a copy of your notice to parents must be submitted with your policy statement.

The school district must also notify local governmental welfare and other major charitable agencies of its policy: A list of agencies so notified must be submitted with your policy statement.

#### N.J.A.C. 6:79-1.7 Review and Evaluation

Your implementation of the free and reduced-price meal policy will be reviewed and evaluated through our Administrative Review process of the Office of Food Program Administration. Reimbursements may be withheld from school districts not in compliance with State and Federal regulations.

School districts may not alter or amend standards set forth in their approved policy statement without advance approval from the Office of Food Program Administration, Department of Education.

Note: N.J.A.C. 6:79-1.8 (Policy for Determining Eligibility for Free and Reduced-Price Meals), N.J.A.C. 6:79-1.9 (Family Size Income Scale for New Jersey), N.J.A.C. 6:79-1.10 (Application Form for New Jersey School Districts), N.J.A.C. 6:79-1.11 (Notice to Parents), and N.J.A.C. 6:79-1.12 (Newspaper Announcement) are not reproduced herein. Copies of this material may be obtained from:

Clyde E. Lieb  
Office of the Commissioner  
Department of Education  
225 West State Street  
Trenton, N. J. 08625

An order adopting these rules was filed and effective August 31, 1971, as R.1971 d.151 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revision of Rules on Facilities For the Physically Handicapped

On September 14, 1971, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18:18-2.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules on facilities for the physically handicapped, as proposed in the Notice published July 8, 1971, at 3 N.J.R. 129(d).

An order adopting these revisions was filed and effective September 16, 1971, as R.1971 d.161.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Filing for Stays from Commissioner's Decisions

On September 14, 1971, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-10 and 18A:6-27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the filing for stays from the Commissioner's decisions, as proposed in the Notice published June 10, 1971, at 3 N.J.R. 102(a).

An order adopting this rule was filed and effective September 16, 1971, as R.1971 d.162.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELL FISHERIES

#### Open and Close Certain Shellfish Beds

On September 1, 1971, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency conservation order concerning the opening and closing of certain shellfish beds.

The text of the Conservation Order follows:

#### CONSERVATION ORDER OF SEPTEMBER 1, 1971 CLOSING CERTAIN BEDS

Whereas the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have stated that certain of the shellfish beds in the tidal waters of the Delaware River, Delaware Bay and tribu-

taries are in a depleted condition and have recommended that they be closed, and

Pursuant to the recommendations of the aforementioned, which I have examined and feel to be correct and in the best interests of conservation, and

Pursuant to the powers vested in me by the statutes in such case made and provided,

It is hereby ordered that the following beds be closed to the taking of Shellfish on September 1, 1971 and shall remain closed until further notice:

Maurice River from its source up to a point commonly known as the Summer Line, better described in N.J.S.A. 50:3-14.

#### OPENING CERTAIN BEDS

Whereas the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in Delaware Bay below what is commonly known as the Southwest Line (described in 50:3-7 R.S.) that are now closed be opened, and

Whereas, the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in the said waters that are now closed be opened, and

Whereas, I am satisfied that the recommendations of the aforementioned are accurate and correct and that it would be in the best interests of conservation to open the same, and

Pursuant to the powers vested in me by the statutes in such case made and provided

It is hereby ordered that all creeks above and below the Southwest Line be open on September 6, 1971, for the taking of three inch oysters by tongs, except those creeks which have been condemned by the Division of Water Resources in the Department of Environmental Protection—Section 36, Rules and Regulations dated January 1, 1971, and shall remain open until further notice. Each working day shall begin at 7 a.m. and close at 3 p.m. Eastern Daylight Time or Eastern Standard Time, whichever prevails.

An order adopting the above emergency Conservation Order was filed August 30, 1971 as R.1971 d.150, to be effective September 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Amendments to Chapter 10-A Of Air Pollution Control Code

On August 27, 1971, Joseph T. Barber, Acting Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Chapter 10-A of the Air Pollution Control Code as proposed in the Notice published July 8, 1971, at 3 N.J.R. 130(a).

An order adopting these amendments was filed September 23, 1971, as R.1971 d.165 to be effective November 22, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Rules of Practice and Procedure On Conduct of Hearings

Dr. James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-13 et seq., proposes to adopt rules of practice and procedure concerning the conduct of hearings within the New Jersey State Department of Health.

The text of these proposed rules follows:

#### Chapter 1 - Rules of Practice and Procedure Sub-Chapter 1: General

##### 1:1-1 Scope of Rules

Unless otherwise provided by rule or statute, the following shall constitute the rules of practice and procedure and shall govern the conduct of all hearings in the Department of Health.

##### 1:1-2 Construction

These rules shall be liberally construed to permit the Department and its various agencies to discharge its statutory functions. The Commissioner or any agency chief may, upon notice to all parties, in the interest of justice, relax the application of these rules.

##### 1:1-3 Practice Where Rules Do Not Govern

The Commissioner may rescind, amend or expand these rules from time to time, and such new rules shall be filed with the Secretary of State as provided by law. In any matter that arises not governed by these rules, the Commissioner or any agency chief shall exercise his discretion.

##### 1:1-4 Definitions

(a) "Department" is the New Jersey State Department of Health.

(b) "Agency" is any division, bureau, or office within the Department.

(c) "Commissioner" is the Commissioner of the Department.

(d) "Agency chief" is any director, bureau chief or other head of an agency within the Department.

(e) "Attorney for the Department" shall be an attorney appointed or assigned by the Attorney General of New Jersey to represent the Department or any agency therein.

(f) "Hearing Examiner" is any person designated by the Commissioner to hold any hearing.

(g) "Respondent" is any party who is charged with a violation of any statute or Department rule, or who has requested a hearing to contest any Department action.

#### Sub-Chapter 2: Administrative Orders

##### 1:2-1 Administrative Orders

All administrative orders shall state clearly the rule or statute violated or the specific activity to be halted, and the time within which compliance with the orders is to be achieved. Such orders may require the performance of interim measures directed towards final compliance with the orders. All such orders shall contain notice that if the recipient wishes a hearing he must request one within a period specified by the department in the order of not more than 30 days, or within such period as may be prescribed by a pertinent statute.

##### 1:2-2 Stay of Order

The commissioner or any agency chief may, upon written application by the respondent and for good cause, stay

the operation of any administrative order pending a hearing.

#### 1:2-3 Service of Orders

All administrative orders shall be served upon the respondent by certified mail, return receipt requested, and in all other respects in accordance with R. 4:4-4 of the Rules Governing the Courts of the State of New Jersey.

#### Sub-Chapter 3: Conduct of Hearings

##### 1:3-1 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 et seq.

##### 1:3-2 Conduct of Hearings

All hearings shall be conducted before a hearing examiner. The hearing examiner shall have authority and discretion to control the order of proceedings, to swear witnesses, to rule on any procedural motion or evidential questions, and to make such other rulings as may be necessary to conduct a fair and orderly hearing. The hearing examiner may, in his discretion, examine witnesses.

##### 1:3-3 Time and Place of Hearing

Hearings shall be held at a time and place designated by the commissioner or any agency chief.

##### 1:3-4 Appearances and Attorneys

The attorney for the department shall present the evidence on behalf of the department. The respondent may present evidence either through his attorney or pro se.

##### 1:3-5 Failure to Appear

If any party fails to appear on the date set for a hearing, the hearing examiner shall hear the evidence presented by the department and render his decision or report his findings to the commissioner, whichever procedure is appropriate.

##### 1:3-6 Transcripts

The proceedings before the hearing examiner shall be recorded either stenographically or on electronic tape.

#### Sub-Chapter 4: Issuance of Final Decision

##### 1:4-1 Hearing Examiner's Report

The hearing examiner shall render his report and decision not later than 30 days after the final date of hearings, or if a transcript is ordered, 30 days after receipt of the transcript. Where the hearing examiner is not empowered to render a final decision, his report, including recommended findings of fact and conclusions of law, shall be filed with the commissioner or agency chief and delivered or mailed to the parties of record, and an opportunity shall be afforded each party of record to file exceptions and objections thereto within 10 days after receipt of the hearing examiner's report.

##### 1:4-2 Final Argument

Where the hearing examiner is not empowered to render a final decision, the parties of record shall be afforded the opportunity to present argument in writing within 10 days following receipt of the hearing examiner's report to the commissioner or agency chief empowered to render the final decision.

##### 1:4-3 Final Decision

The final decision shall be in writing, except that where the hearing examiner is empowered to render the final decision he may render said decision orally on the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Where the decision is rendered by one other than the hearing examiner, the hearing ex-

aminer's report may be adopted and incorporated by reference in the final decision. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 27, 1971, to:

Jules M. Erdie  
Administrative Practice Officer  
Office of the Commissioner  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

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

James R. Cowan, M.D.  
Commissioner  
Department of Health

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed Standards for Certification Of Narcotic Treatment Centers

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2G-25, proposes to adopt standards for certification of narcotic and drug abuse treatment centers. The proposed standards are concerned with the provision of quality treatment and rehabilitation services to persons addicted to or suffering from the use or abuse of narcotics or controlled dangerous substances.

The proposed standards establish classes of treatment centers, definitions and specific requirements for physical facilities, sanitation, personnel practices, treatment programs and record keeping, in order to obtain approval as a Narcotic and Drug Abuse Treatment Center.

Copies of the proposed standards and procedures for certification of Narcotic and Drug Abuse Treatment Centers may be obtained from:

New Jersey Department of Health  
Division of Narcotic and Drug Abuse Control  
Post Office Box 1540  
Trenton, New Jersey 08625

Interested persons may present statements or comments relevant to the proposed action at a public hearing to be held on Thursday, October 28, 1971, at 10:30 a.m. in Training Room B, First Floor, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may also present statements or arguments in writing relevant to the proposed action on or before October 29, 1971, to the Division of Narcotic and Drug Abuse Control at the above address.

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

James R. Cowan  
Commissioner  
Department of Health

(a)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Proposed Regulations Concerning Construction, Operation and Maintenance Of All Retail Food Establishments

The Public Health Council, pursuant to authority of N.J.S.A. 26:1A-7, proposes to adopt a new Chapter in the State Sanitary Code setting forth regulations concerning the construction, operation and maintenance of retail food establishments.

These regulations concern all establishments, whether fixed or mobile, in which foods or drinks are prepared for retail sale or for service on the premises or elsewhere, and to any other retail food establishment or operation where food is served, stored, handled or provided for the public, with or without charge.

The proposed regulations concern the transportation, handling and storage of fresh food, raw fruits and vegetables, milk and milk products, frozen deserts, shellfish, meat and meat products, poultry and poultry meat products, bakery products and non-acid and low acid hermetically sealed food.

The regulations also deal with requirements for cleanliness on the part of personnel employed in retail food establishments, equipment and its installation and maintenance, sanitary facilities and controls, garbage and rubbish disposal, vermin control, maintenance of floors, walls, ceilings, lighting, ventilation, dressing rooms, lockers and housekeeping.

Other provisions deal with temporary retail food establishments and enforcement provisions such as inspections, examinations of records, condemnation of food, closure for infection and penalties.

A public hearing will be held regarding these proposed regulations by the Public Health Council on November 8, 1971, at 10:00 a.m. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present statements or arguments at the hearing or may present statements or arguments in writing relevant to the proposed action on or before November 8, 1971, to:

Francis Timko  
Chief, Bureau of Food and Milk  
New Jersey State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

A copy of the proposed regulations (50 double-spaced pages) may be seen in the office of any municipal or county health office and gratis copies may be obtained by writing to the Bureau of Food and Milk at the above address.

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

James R. Cowan  
Commissioner  
Department of Health

(b)

## HEALTH

### DIVISION OF COMMUNITY HEALTH SERVICES

#### Revisions to Administrative Manual For the State Health Aid Act

On August 30, 1971, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Administrative Manual for the State Health Aid Act concerning certified health services of the State Health Aid Act, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 150(b).

An order adopting these revisions was filed and effective August 30, 1971, as R.1971 d.149.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revision of Rules In Manual of Administration

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise the Manual of Administration of the Division of Public Welfare concerning Sections 2993 (Procedures Affecting the Division of Public Welfare) and 2994 (Procedures Affecting County Welfare Boards).

The text of these revised rules follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

2993. Procedures Affecting the Division of Public Welfare

##### 1. Notification to Vendors

Hospitals, nursing homes, child-care agencies and institutions, health service agencies, and similar facilities in the State which receive payment for services directly from the State or the county welfare boards will be notified of their obligation to comply with Title VI of the Civil Rights Act of 1964 by the [Director of the Division of Public Welfare.] **State or local agency responsible for the payment of such services.** This shall be accomplished by the dissemination of Form WD-1, Obligation of Vendors under the Civil Rights Act of 1964.

##### 2. Special Procedures in Regard to Licensed Nursing Home Facilities

a. [The Division of Public Welfare shall arrange to have on-site visits made to those facilities which have indicated their intent to provide services to public assistance recipients, in order to determine their compliance with the provisions of Title VI. These visits shall be made on an annual basis.]

Effective July 1, 1971, the Department of Health on behalf of the Department of Institutions and Agencies will conduct, at least once annually, an on-site Title VI compliance review of all such facilities. A copy of the written report of the review will be transmitted to the appropriate official in the Department of Institutions and Agencies.

b. The county welfare boards will be informed by the Division of Public Welfare of the status of these homes in regard to this requirement on an annual basis.

1) Any uncertainty on the part of the county welfare board in regard to the status of a particular facility may be resolved by contacting the Division of Public Welfare.

#### 2994. Procedures Affecting County Welfare Boards

##### .1 Notification to Vendors

[Physicians, dentists, optometrists, pharmacists, opticians, podiatrists, and other individual] All vendors in the State who receive payment for services directly from the county welfare boards will be notified by mail from the county welfare board.

a. For those vendors currently providing service to clients and who have not received such notice, this will be accomplished by the enclosure of Form WD-1, Obligation of Vendors under the Civil Rights Act of 1964, in the first payment for services made after the effective date of this regulation.

b. For any vendor who, subsequent to this date, provides services to public assistance recipients, Form WD-1 will be enclosed in the first payment for services made.

c. The county welfare board shall establish procedures to ensure that all vendors currently providing services to their clients will receive a copy of Form WD-1 on an annual basis.

d. A record of those vendors who have received this form with the date of mailing shall be maintained by the county welfare board.

##### .2 Assurance of Compliance by Vendors

a. [Effective immediately, the county welfare board shall arrange to have imprinted or stamped on existing supplies of the official invoice forms (MD, RX, M3, NH and vouchers for administrative expenses) before issuance to the vendor, the following statement:

"Services are provided to all recipient(s) without regard to race, color or national origin."

When new supplies of any of the above forms are to be reordered, such forms must be revised so as to incorporate the above statement directly above the vendor's signature.]

**All official invoice forms of the county welfare board shall contain the following statement directly above the vendor's signature:**

"Services are provided to all recipient(s) without regard to race, color or national origin."

b. The county welfare board, in the course of regular work activities, will seek information concerning compliance and will instruct staff to be alert to discover instances of discrimination on the part of physicians, dentists, optometrists, pharmacists, opticians, podiatrists, and other individual vendors in New Jersey, who receive payment for services directly from the county welfare board or from the Division of Medical Assistance and Health Services in behalf of public assistance recipients.

c. Any evidence of discrimination by the vendors described in b. above which comes to the attention of the county welfare board shall be reported immediately to the Director, Division of Public Welfare.

##### .3 Information to Staff

The county welfare board shall inform all staff members of their obligations in regard to Title VI of the Civil Rights Act of 1964. This shall be accomplished by:

a. furnishing each staff member who has not received such a statement, a copy of Form WD-1B, A Statement Concerning Obligation of Personnel of Public Welfare Agencies Under the Civil Rights Act of 1964, immediately after the effective date of this regulation;

b. furnishing each new employee a copy of Form WD-1B;

c. inclusion of all relevant material in any manuals or other documents developed by the county welfare board for dissemination in the same manner as other agency policies; and

d. discussion at orientation and training sessions.

##### .4 Information to Applicants [and Recipients]

All persons seeking [or receiving] public assistance administered by the county welfare board shall be informed of Title VI of the Civil Rights Act of 1964. This shall be accomplished by the county welfare board [in the following manner:] by attaching a copy of Form WD-1C, A Statement Concerning Nondiscrimination in Programs of Public Assistance and Welfare Services to the appropriate application form.

[a. by mailing to each recipient who had not received such a statement, Form WD-1C, A Statement Concerning Nondiscrimination in Programs of Public Assistance and Welfare Services;

b. by supplying Form WD-1C at the time of intake, to individuals seeking such assistance.]

##### .5 Complaint Procedure

a. All persons seeking or receiving public assistance shall be afforded an opportunity to file a complaint alleging discrimination on the ground of race, color or national origin. Such complaints may be filed directly with the Regional Director, U.S. Department of Health, Education and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007, or with the Director, Division of Public Welfare, Department of Institutions and Agencies, P.O. Box 1627, Trenton, New Jersey 08625.

b. In any instance where a complaint is filed with a State or local agency, it shall be forwarded immediately to the Director, Division of Public Welfare. The Director, Division of Public Welfare, upon receipt of any such complaint, will take whatever action he deems appropriate to the situation. This action may include but is not limited to, the securing of reports from whatever sources may have knowledge pertinent to the situation; and referral to the Division on Civil Rights of the New Jersey Department of Law and Public Safety, for investigation, evaluation, and recommendations by that agency.

c. The county welfare boards shall afford full cooperation in the investigation of complaints of discrimination as may be requested by the Federal Department of Health, Education and Welfare; the Director, State Division of Public Welfare; the Director, State Division of Medical Assistance and Health Services; and the Division of Civil Rights, New Jersey Department of Law and Public Safety.

d. The Director, Division of Public Welfare, shall be responsible for all final determinations as to whether or not the fact of discrimination has been established and all final decisions as to the disposition of the complaint.

e. Each county welfare board shall comply with the decision of the Director, State Division of Public Welfare, on any complaint of discrimination, including the imposition of disciplinary action as found necessary and reasonable in the case of a staff member.

##### .6 Forms

It is the responsibility of the county welfare board to reproduce sufficient quantities of the above-mentioned forms (i.e., WD-1, Obligation of Vendors Under the Civil Rights Act of 1964, WD-1B, A Statement Concerning Obligation of Personnel and Public Welfare Agencies Under the Civil Rights Act of 1964, WD-1C, A Statement Concerning Nondiscrimination in Programs of Public Assistance and Welfare Services) to meet its needs for continuing compliance with the requirements of this section.

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to the Financial Assistance Manual

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise certain provisions in the Financial Assistance Manual concerning emergency assistance (Section 430.1) and travel costs for health care (Section 413.).

Text of the revisions following (additions indicated in boldface thus; deletions indicated in brackets [thus]):

430.1 "Emergency Assistance" is hereby established as a classification designating the following types of payments:

a. All payment(s) [issued] made during the [first] period of 30 consecutive days [following application] beginning with the initial payment, to or for any applicant for AFWP not otherwise eligible for inclusion in the Federal ADC-U program.

b. Any extra or additional payment(s), [as] authorized in accordance with Sections 430.2 and 430.3 during the period of 30 consecutive days immediately following the occurrence of an emergency as defined in 430.3, issued to or for an eligible unit otherwise receiving continuing assistance under one or more categorical assistance programs including AFWP [during a period of 30 consecutive days immediately following the occurrence of an emergency as defined in Section 430.3].

#### 413. Travel Costs for Health Care

Provision of transportation necessary for eligible persons to secure and use health services and resources, when payment for such transportation is not available under Medicaid, shall be recognized as a service. Such service, if not provided by the agency as an in-house service or by volunteer arrangements, may be purchased by the agency, or purchased by the client with prior authorization by the agency, at the most reasonable rate obtainable. Payment for such service shall be made from the administrative/service account.

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

Division of Public Welfare  
129 E. Hanover St.  
Trenton, N. J. 08625

The Department of Institutions and agencies, upon its

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Manual of Administration On Federal Assistance for Cuban Refugees

On August 27, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Manual of Administration regarding the Federal Assistance Program for Cuban Refugees, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 156(a).

An order adopting these revisions was filed and effective August 31, 1971, as R.1971 d.152.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to the Manual of Administration On Public Assistance

On August 27, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administration Procedure Act of 1968, adopted revisions to Section 2003.2 (Public Assistance Programs in New Jersey) of the Manual of Administration of the Division of Public Welfare, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 155(a).

An order adopting these revisions was filed and effective August 31, 1971, as R.1971 d.153.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Manual of Administration

On August 27, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Manual of Administration concerning the relationships between the Bureau of Children's Services District Offices and the County Welfare Boards,

substantially as proposed in the Notice published August 5, 1971, at 3 N.J.R. 154(c).

An order adopting these revisions was filed and effective August 31, 1971, as R.1971 d.154.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to General Assistance Budget Manual

On August 27, 1971, Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the General Assistance Budget Manual, substantially as proposed in the Notice published August 5, 1971, at 3 N.J.R. 154(b), but with subsequent, substantive changes not detrimental to the public, according to the Department of Institutions and Agencies.

An order adopting these revisions was filed and effective August 31, 1971, as R.1971 d.155.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Skilled Nursing Home Services Manual

On September 17, 1971, Maurice Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the Skilled Nursing Home Services Manual, substantially as proposed in the Notice published December 10, 1970, at 2 N.J.R. 99(g) but with subsequent, substantive changes not detrimental to the public, according to the Division of Medical Assistance and Health Services.

An order adopting the Manual was filed and effective September 22, 1971, as R.1971 d.163.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Definition of Qualified Physical Therapist in Medical Assistance Manuals

On September 17, 1971, Maurice Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applic-

able provisions of the Administrative Procedure Act of 1968, adopted amendments to Section 200.3 of the Home Health Manual, Section 209.1(b) of the Hospital Manual, Section 200.3 of the Independent Clinic Manual, Section 211.2 of the Physician's Manual and Section 209.1 of the Special Hospitals Manual concerning the definition of "Qualified Physical Therapist", as proposed in the Notice published August 5, 1971, at 3 N.J.R. 153(a).

An order adopting these amendments was filed and effective September 22, 1971, as R.1971 d.164.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF PROFESSIONAL BOARDS

#### BOARD OF DENTISTRY

##### Proposed Amendment Concerning Examinations

The State Board of Dentistry, pursuant to authority of N.J.S.A. 45:6-3, proposes to amend sub-section 1 of N.J.A.C. 13:30-9. This proposed amendment will have the practical effect of no longer permitting an examinee to substitute a Class II, III or IV gold foil restoration for the gold inlay.

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

##### 13:30-9 Examinations

A permanent schedule of examinations cannot be announced at this time. Examination dates will be published in the Journal of the American Dental Association and will be sent to approved schools.

Clinical examinations are given in June and November. They will be given at one or both of the New Jersey dental schools, New Jersey College of Dentistry, Jersey City, or Fairleigh Dickinson University, Teaneck.

Clinical examinations require two days, one for operative dentistry and the other for prosthetic dentistry.

The oral diagnosis and treatment planning examinations are held in Trenton, New Jersey, at the War Memorial Building, and are of one-day duration.

The examinations are given in three sections, with 70 per cent considered a passing grade in all sections.

**CLINICAL OPERATIVE DENTISTRY.** Each candidate must bring his patient, who must be at least 16 years of age, and also all instruments. A chair and engine (but no hand-pieces) will be provided. The following practical tests will be required:

1. Gold Inlay — The preparation of the cavity, the wax pattern by the direct, indirect ~~direct~~ or indirect method, the investing and casting and the cementation of a gold inlay [Class II (2 surface) Black's classification] ; **two or more surface cavity on a bicuspid or molar.** Cavity must be reasonably difficult, with approximating and opposing teeth in position.

2. Amalgam Restoration — The preparation of the cavity and the insertion of a Class II (2 surface) amalgam restoration. Completed amalgam restoration must be properly contoured, carved and in contact with adjacent natural tooth of normal contour. Natural occluding teeth must be present.

[3. Gold Foil Restoration — An acceptable Class II, III, or IV gold foil restoration may be substituted for the gold inlay requirement.]

**SPECIAL INSERT**

**LAW AND PUBLIC SAFETY**  
**OFFICE OF THE ATTORNEY GENERAL**

**Notice of Proposed Adoption of Rules Implementing  
The "Legislative Activities Disclosure Act of 1971"**

Notice is hereby given that the Attorney General pursuant to the authority delegated in N.J.S.A. 52:13 C-20 (f) and 53:13 C-35 proposes to adopt as Chapter 2 of Title 13 of the New Jersey Administrative Code rules pertaining to legislative agents.

The following is the complete text of the proposed rules:

**13:2-1 DEFINITIONS**

"Communication" means "communication to the Legislature" or "to the Governor or his staff" as defined herein.

"Communication to the Legislature" or "to the Governor or his staff" means any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated to the Legislature or the Governor or his staff or to any part thereof or member thereof as distinguished from the general public including but not limited to the Legislature or the Governor or his staff. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication to the Legislature or the Governor or his staff and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to the Legislature or the Governor or his staff or any part thereof or member thereof, such communication, reproduction or excerpt shall be deemed a communication to the Legislature or the Governor or his staff by such person.

"Influence Legislation" means to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation, or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, or the approval, amendment or disapproval thereof by the Governor in accordance with his Constitutional authority.

"Legislation" means all bills, resolutions, amendments, nominations and appointments pending or proposed in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

"Person" means an individual, partnership, committee, association, corporation, and any other organization or group of persons.

"Statement" means a notice of representation or a report required by the act.

**13:2-2. LEGISLATIVE AGENTS**

The following persons shall be deemed legislative agents and subject to the registration and reporting requirements of the Act:

a. Any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value to influence legislation by communicating

personally or through any intermediary.

b. Any person who receives or agrees to receive, directly or indirectly, expenses which exceed \$100.00 in any three month period to influence legislation by communicating personally or through any intermediary.

c. Any person who holds himself out as engaging in the business of influencing legislation by communicating personally or through any intermediary.

d. Any person who incident to his regular employment engages in the business of influencing legislation unless his activities in engaging in influencing legislation are isolated, exceptional or infrequent as hereinafter provided:

(1) Such person's activities in engaging in influencing legislation shall be considered "infrequent" if they constitute less than 20 hours or less than 1% of the time he spends working at his employment, whichever is the lesser, during any calendar year.

(2) Any such person's activities in engaging in influencing legislation shall be considered "exceptional" if such activities are not contemplated by his employment and are limited to less than three items of legislation in any two-year Legislative term.

(3) Any such person's activities in engaging in influencing legislation shall be considered "isolated" if they are limited to one appearance before the Legislature or the Governor and his staff or to one item of legislation during any two-year Legislative term.

**13:2-3. VOLUNTARY STATEMENTS**

Any persons not covered by the Act or by the regulations promulgated herein wishing to file a voluntary statement with the Attorney General may do so upon the same forms as are provided for registration and reporting under the Act.

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Interested persons may present statements or arguments, orally or in writing, relevant to the proposed rules, at a public hearing to be held October 18, 1971, at 10:00 A.M., in the Senate Chamber, State House, State Street, Trenton, New Jersey.

Written comments relevant to the proposed rules may be presented before October 27, 1971, to:

Office of the Attorney General  
State House Annex  
Trenton, New Jersey 08625

The Attorney General, upon his own motion or at the instance of any interested party, may thereafter adopt the above rules substantially as proposed without further notice.

**GEORGE F. KUGLER, JR.**  
Attorney General  
State of New Jersey



Note: In all cavities, caries must be beyond incipient state. Radiographs are mandatory for each cavity.

[If the gold foil restoration is substituted for the gold inlay requirement, the same time will be allowed for the complete examination. Candidates must come equipped with all the armamentarium for the gold foil restoration including rubber dam, gold foil, pluggers, alcohol lamp or electric heater, etc.]

**CAVITIES TO BE ACCEPTABLE MUST HAVE CARIES EXTENDING INTO DENTINE AND CLINICALLY DEMONSTRABLE. INTERPROXIMAL RADIOGRAPHS ARE REQUIRED.**

Time for clinical operative examination: 8:30 a.m. to 12:30 p.m.; 1:30 p.m. to 4:00 p.m. During the lunch hour, candidates may cast their inlays, but are not permitted to work on their patients.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 28, 1971, to:

New Jersey State Board of Dentistry  
150 East State Street  
Trenton, New Jersey 08608  
Telephone: (609) 292-5416

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

Joseph L. Konzelman  
Secretary  
New Jersey State Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF STATE POLICE

#### Rules Governing Security Systems for Firearms Dealers

On September 1, 1971, Colonel David B. Kelly, Superintendent of the New Jersey State Police in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 2A:151-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing security systems for firearms dealers, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 158(a).

An order adopting these rules was filed and effective September 3, 1971, as R.1971 d.158.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### DIVISION OF CONSTRUCTION AND MAINTENANCE

#### Rules Governing Obstructions To Maintenance Operations

On August 30, 1971, John C. Kohl, Commissioner of Transportation, pursuant to N.J.S.A. 39:4-136 and Chapter

295, Laws of 1970 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing obstructions to maintenance operations, as proposed in the Notice published July 8, 1971, at 3 N.J.R. 137(d).

An order adopting these rules was filed and effective August 31, 1971, as R.1971 d.156.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rules on Taxability Of Certain Linen Rentals

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to revise existing rules concerning the taxability of certain linen rentals.

Text of the revisions follows (additions indicated in bold-face thus; deletions indicated in brackets [thus]):

18:24-14.1 Adjustment of linen rental tax liability

Pursuant to the provisions of the New Jersey Sales and Use Tax, the total charge for the furnishing by rental of laundered dust cloths, mats, mops, industrial wiper cloths, fender covers, bed linens, hospital linens, table linens, linen supply towels and hair cloths may be adjusted in the following manner to determine the portion thereof subject to the sales tax.

18:24-14.2 Reduction percentage of adjusted charge

The total charge for the furnishing of such product may be reduced by 66 $\frac{2}{3}$ % of the total charge.

18:24-14.3 Tax computation; inclusion on invoice

The tax must be calculated at the rate of [3%] 5% on the adjusted charge as set forth in paragraph 2. The invoice given to the customer must show the total charge prior to the reduction, the percentage reduction and the net total charge subject to the sales tax.

It must also contain a calculation showing a multiplication by [.03] .05 times the net charge to effectuate the imposition of the [3%] 5% tax due.

18:24-14.4 Improper indication of tax rate

It is improper for a vendor of linen furnishings to indicate that the effective rate of tax is [1%] 1 $\frac{2}{3}$ % of the total charge.

18:24-14.5 Subchapter inapplicable in certain situations

This ruling is not applicable to those invoices where the charge for the rental of the linens and the charge for laundering services are separately stated; in such situations the charge for the laundering service would be exempt from the tax, but the full rental charge would be subject to tax.

18:24-14.6 Expiration date

This ruling is effective for the six-month period ending [December 13, 1969] **December 31, 1971.**

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 27, 1971, to:

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

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rules Governing Tax on Farm Personal Property Used Directly In Production

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24, proposes to adopt new rules governing the sales taxation of personal property used directly and exclusively in farm production. Such rules, including Schedules "A" and "B", will be included in Chapter 24 of Title 18 of the New Jersey Administrative Code.

Full text of the proposed rules follows:

Personal property used directly and exclusively in farm production.

N.J.A.C. 18:24-31.1 Scope of Rule — This section is intended to clarify the application of the Sales and Use Tax Act (N.J.S.A. 54:32B-1, et seq.) to sale, rental or leasing of tangible personal property used directly and exclusively in the production for sale of tangible personal property on farms (N.J.S.A. 54:32B-8(p)).

N.J.A.C. 18:24-31.2 Definitions — For the purposes of this Rule:

(A) "Farmer". A farmer is a person as defined in subsection 2(a) of the Sales and Use Tax Act (N.J.S.A. 54:32B-2(a)), who operates or manages a farm for gain or profit, either as owner or tenant.

(B) "Farms". A farm is an enterprise using land and improvements thereto for agricultural and horticultural production for the sale of tangible personal property. Farms include, but are not limited to, such enterprises producing: forages and sod crops; grains and feed crops; dairy products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products.

(C) "Productive Animals". An animal is deemed to be a productive animal if it is raised for its meat, for the edible products which it produces, for its fur, wool, or skin, for breeding purposes or for farm work. Thus, the following are examples of productive animals: dairy cows, poultry, swine, sheep, food fish, rabbits and other game animals raised for meat or fur, chinchillas and minks; also, cows and bulls held for breeding purposes, stallions, brood mares and plow horses.

The following list includes, but is not limited to, animals which are not productive animals: pets, including fish, dogs (including work dogs), cats, horses, ponies, birds, rabbits; race horses, riding horses; animals for game farms and gun clubs.

(D) "Dairy Farming". Dairy farming is the business of breeding, feeding and raising of cattle and other milk producing animals, and the production of feed for them by the owner of such animals, but does not include operations such as the making of butter, cheese or ice cream.

N.J.A.C. 18:24-31.3 — The exemption provided by N.J.S.A. 54:32B-8(p) applies only to the purchases of tangible personal property. There is no exemption for the purchase of taxable services.

N.J.A.C. 18:24-31.4 Directly in Production — The use of the phrase "directly in production" in the Statute makes the exemption status of property depend upon the particular use of such property and does not exempt the property solely on the basis that such property is used on a farm.

(A) Property which is used in some manner prior to the actual commencement of production or in some manner after production has terminated is not used "directly" in production within the meaning of the law.

(1) Property used to collect, convey, or transport property, and storage facilities or devices used to store property, prior to its use in the actual farming operation, is subject to tax.

(2) Property used to transport or convey the farm product after the final farming operation (which includes but does not extend beyond the operation of packaging for the ultimate consumer), and storage facilities or devices used to store the product, are not used directly in farming and are taxable. For example, equipment which loads packaged products into cases or cartons for ease of handling in delivery is subject to tax. Machinery, equipment, supplies, and other property used to convey, transport, handle or store the packaged product are also taxable.

(B) Production machinery, equipment, implements and other articles have exempt status when used exclusively in the growing, stimulation of growth and processing of crops to a marketable state.

(1) Machinery or equipment used in clearing, reclaiming and draining of land does not constitute a direct use inasmuch as the items and their use result only in making land suitable for subsequent cultivation and production of crops.

(2) The purchase or use of tangible personal property by a person engaged in the business of farming is exempt from tax if such property is exclusively used by him directly in farming operations. However, purchases of automobiles, trucks, trailers and truck-trailer combinations as well as supplies and repair parts for such vehicles are subject to tax.

(C) In determining whether property is directly used, consideration must be given to the following factors:

(1) The physical proximity of the property in question to the production process in which it is used;

(2) The proximity of the time and use of the property in question to the time of use of other property used before and after it in the production process; and

(3) The active causal relationship between the use of the property in question and the production of a farm product. The fact that particular property may be considered essential to the conduct of the business of farming because its use is required either by law or practical necessity does not, of itself, mean that the property is "used directly" in farming operations.

(D) The purchase or use by a farmer of property in the following categories, when used directly and exclusively in farming, is exempt from tax. Where a single unit of such property is put to use by a farmer in two different

activities, one of which is a "direct use" and the other of which is not, the property is not exempt from tax.

(1) General. — Machinery, equipment and supplies which are used in actual farm production, or to transport, convey, handle or store the product as a part of such production are considered to be directly used in farming operations. Repair parts which are installed and become an integral part of such property are also exempt from tax.

(2) Testing and Inspection. — Property used to test and inspect the product during the actual farm production is considered to be directly used in the farming operation.

(3) Cleaning of Returnable Containers. — Property used to wash, sterilize or inspect returnable containers prior to their being filled is exempt when used in packaging the product if the container will be delivered to the ultimate consumer.

(4) Packaging. — Wrapping supplies (including internal packing materials) used in packaging which passes to the ultimate consumer are exempt.

(5) Handling, Preserving. — Property used to handle and preserve farm products upon the farm premises, and to prevent or deter the destruction, injury or spoilage of farm products, or productive animals or plants, is exempt from tax. Examples of such property include: (1) Chemicals used for pest control and equipment used to dispense it; (2) property used to groom productive animals so as to preserve their health (including property such as dehorners, debeakers and hoof trimmers) and harnesses used to control productive animals on the farm premises; (3) refrigerating devices (including ice) used upon the farm premises to cool raw milk or to preserve perishable vegetables or other farm products; (4) chemicals and disinfectants used to clean and sterilize milking equipment, milk cans and bulk milk tanks, so as to prevent animal infection or the contamination or spoilage of milk; (5) medicines, cleaning solutions, compounds and supplies used to clean and groom productive animals so as to preserve their health.

(6) Farm Products — Property Which Becomes a Constituent or a Part of a Farm Product. — Property which is or becomes a constituent or a part of a farm product is "used directly in farming operations". Property consumed by productive animals such as feed and food additives, and property used for plant growth such as seed, fertilizer and chemical additives, is also "used directly in farming".

(7) Planting and Tilling — Caring for Crops or Productive Animals. — Property which is used to cause other property to become a constituent or part of a farm product, or to be consumed by productive animals or to foster plant growth is exempt from tax. Examples of such property include: (1) seeders, planters, plows, harrows, cultivators, sprayers and similar equipment used to till the soil, to plant seed, and to care for and cause the growth of productive plants; (2) portable equipment used to feed and water productive animals and to administer medication to them, such as portable tubs, buckets, cans, feed scoops, feed carts, portable watering devices, portable incubators and brooders, and artificial breeding equipment; (3) fuel used for heating and power.

(8) Harvesting or Collecting Farm Products. — Property which is used to extract or separate a farm product from productive animals, the soil or plants is exempt from tax. Such property includes harvesters, combines, binders, forage blowers, milking equipment including strainers and strainer discs, egg collecting equipment, pickers and man-

ure or feed handling equipment such as shovels, scoops, forks, barn brooms and carts.

(E) Property Not Directly Used.—Property in the following categories is not used directly in a farming operation, and the purchase or use of such property is subject to tax.

(1) Real Estate. — The term "farming" does not include the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of real estate. The purchase or use of tangible personal property by a farmer for such purpose is subject to tax, even though the structure may house or otherwise contain equipment or other facilities used directly in farming.

Remodeling, repairing, or maintaining buildings (including houses, garages, barns, stables, greenhouses, mushroom houses and storehouses), fences and stanchions permanently affixed to real estate, dams, roads, spillways, and other improvements to real estate, is not a "farming operation", and property used in such work is taxable. Activities such as land reclamation, land clearing, landscaping, and similar activities which are intended to improve or preserve real estate, are not "farming operations".

(2) Maintenance Facilities. — Maintenance, service, and repair work is not a farming operation. Maintenance facilities, including tools, equipment and supplies predominantly used in performing such work (Examples: chain hoists, tire spreaders, welding equipment, drills, sanders, wrenches, paint brushes and sprayers, oilers, absorbent compounds, dusting compounds, air blowers, wipers, and paint or other protective or decorative coatings) are subject to tax. However, replacement parts which are used to replace worn parts upon exempt machinery and equipment (Examples: motors, belts, screws, bolts, cutting edges, air filters or gears) are not subject to tax. Equipment and supplies, including soaps and cleaning compounds, brushes, brooms, mops, and similar items, used in general cleaning and maintenance of farm property are subject to tax.

(3) Managerial, Sales or Other Non-Operational Activities. — Property used in managerial, sales or other non-operational activities is not directly used in farming and therefore subject to tax. This category includes, but is not limited to, property used in any of the following activities:

Farming Management and Administration. — Office furniture, supplies and equipment, textbooks and other educational materials, books and records, and all other property used in farming recordkeeping and other administrative and managerial work are subject to tax. Such property includes, but is not limited to, supplies used to record the quality and quantity of work in production, of goods in storage, the flow of work, the results of inspection, or to instruct workers in routing work or other production activities.

Selling and Marketing. — Property used in advertising farm products for sale, or in marketing, transporting such products to a market or to customers, or selling such products, is not within the scope of the farming exemption.

Exhibition of Farm Products. — Property used in the exhibition of farm products or of farming operations is subject to tax. Such property includes blankets, halters, prods, leads, harnesses, dressings, ribbons, clippers and similar show grooming and display equipment.

Safety and Fire Prevention. — Property used to prevent or fight fires, and equipment and supplies used for such programs as safety, accident prevention or first aid is subject to tax, even though such equipment or property is required by law.

Employee or Personal Use. — Property used for the personal comfort or convenience of the farmer, his family, his employees, or persons associated with him is subject to tax. Examples of such property include: Beds, mattresses, blankets, tableware, stoves, refrigerators, and other equipment used in conjunction with the operation of a migrant labor camp, or facilities for farm employees.

Property Used During Farming Operations. — Property used in managerial, sales or other non-production activities, is subject to tax even though it is used during farming operations. Illustrations of such property include safety, heating and ventilation equipment, planking or grating for crosswalks or platforms, and maintenance equipment or facilities.

Additional Processing of Farm Products.—Property used in making butter, sausage, canned goods, jellies, flour, juices, cheeses, ice cream, and other items which are not deemed to be "farm products" is not exempt from tax under the farming exemption.

(F) The following businesses are not deemed to be farms, and purchases made in the furtherance of such businesses are not accorded the farmer's exemption:

(1) The breeding or raising of dogs, cats and other pets; game animals, birds or fish; or other animals which are intended for use in sporting or recreational activities such as, but not limited to, hunting and fishing.

(2) The operation of stockyards or slaughter houses.

N.J.A.C. 18:24-31.5 Farmer's Exemption Certificate — ST-7 — A farmer may issue this Certificate to his supplier to cover his purchases of tangible personal property which have been declared in this Rule to be exempt, provided he enters all the required information on such Certificate. Sales which are not supported by a properly executed exemption certificate shall be deemed taxable retail sales. A blanket Farmer's Exemption Certificate may be furnished to the vendor by the farmer to cover additional purchases of the same general type of tangible personal property. Each sales slip or purchase invoice based on such blanket Certificate must show the farmer's name, address and Social Security or Federal Identification Number.

N.J.A.C. 18:24-31.6 Taxable and Exempt Items — Examples of items of tangible personal property taxable and exempt under N.J.S.A. 54:32B-8(p) follow:

(Items followed by an asterisk (\*) are exempt only when they meet the use criteria, i.e., when directly and exclusively used in production for sale on farms.)

NOTE: Schedule "A" (Exempt Sales to Farmers) and Schedule "B" (Taxable Sales to Farmers) are not reproduced in this Notice but should be considered as part of the above proposal. These schedules list various items which are examples of exempt and taxable sales to farmers.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 27, 1971, to:

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

The Department of the Treasury, upon its own motion or at the instance of any interested party, may thereafter

adopt the above rules substantially as proposed without further notice.

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### TRANSFER INHERITANCE TAX BUREAU

##### Proposed Rule Regarding Income Tax Due on Income of Decedents

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 (P.L. 1936, c. 263), proposes to adopt a new rule concerning the taxation of decedents under the Transfer Inheritance Tax Act (N.J.S.A. 54:33-1 et seq.).

The text of the proposed rule follows:

N.J.A.C. 18:26-87. RULE REGARDING INCOME TAXES DUE ON "INCOME IN RESPECT OF A DECEDENT" AS DEFINED BY THE INTERNAL REVENUE CODE PAR. 691(a)(1) LAWS OF 1954.

Where the assets of a decedent include in the valuation of the estate "Income in respect of a decedent" as defined in I.R.C. Sec. 691(c) Reg. P. 1.691(c)(1), the Federal Income Tax payable thereon by the Estate or by the Beneficiary, who by reason of the death of the decedent acquired the right to receive the amount by bequest, devise or inheritance, will be allowed as a deduction in the New Jersey Transfer Inheritance Tax proceeding, provided that the amount deducted shall be reduced by the proportionate part of the Federal Estate Tax attributable to the net value of the income item.

In the event a decedent's estate is not subject to a Federal Estate Tax but the assets include "Income in respect of a decedent," as defined in I.R.C. Sec. 691(c) Reg. P. 1.691(c)(1), which is reported in the New Jersey Inheritance Tax Return, the income tax thereon, paid by the Estate or by the person who by reason of the death of the decedent acquired the right to receive such income, will be allowed as a deduction provided the claim for the deduction is accompanied by a statement showing the computation of the amount claimed as attributable to the income item.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 27, 1971, to:

Estelle M. Cohen, Legal Analyst  
Transfer Inheritance Tax Bureau  
Division of Taxation  
Department of the Treasury  
West State and Willow Streets  
Trenton, New Jersey 08625  
Telephone: (609) 292-5996

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

Sidney Glaser  
Director  
Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF TAXATION

#### Revisions in Sales Tax on Motor Vehicles

On August 27, 1971, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of certain existing rules concerning the sales taxation of motor vehicles under the Sales and Use Tax Act, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 162(a).

An order adopting these revisions was filed and effective September 2, 1971, as R.1971 d.157.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revisions in Rules of State Investment Council

On August 25, 1971, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Reg. 16:3-4.100 (Purchases subject to regulations; United States Treasury obligations), Reg. 16:3-6.100 (Permissible investments), Reg. 16:3-6.110 (Applicable funds), Reg. 16:3-6.120 (Pension and Annuity Group, Static Group, Demand Group), Reg. 16:3-7.110 (Pension and Annuity Group; Static Group; Trust Group) and Reg. 16:3-8.100 (Permissible Investments for Pension and Annuity or Trust Group), as proposed in the Notice published August 5, 1971, at 3 N.J.R. 161(b).

An order adopting these revisions was filed September 8, 1971, as R.1971 d.159.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## WATERFRONT COMMISSION OF NEW YORK HARBOR

#### Adopt Pier Guard's Uniform And Standards of Conduct

On September 1, 1971, James J. Davitt, Secretary of the Waterfront Commission of New York Harbor, pursuant to authority of N.J.S.A. 32:23-10(7), the Waterfront Commission Act of 1953, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to certain of the Commission's rules concerning pier guard's uniforms and standards of conduct.

Text of these amendments is as follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### PIER GUARD'S UNIFORM and STANDARDS OF CONDUCT

5.11 Pier guard's uniform. Every pier guard shall wear an appropriate visor cap or safety helmet while on duty and may wear a uniform and cap or safety helmet furnished by his employer. **The color and design of any safety helmet to be worn by a pier guard while on duty shall be approved by the commission.** Under special circumstances and upon application to the commission by the employer, the requirement to wear a cap or safety helmet while on duty may be waived for the licensees named therein. [This requirement] **The requirements of this section shall not be applicable to pier security officers licensed under paragraph (2) of subdivision (a) of section 5.1.**

5.17 Standards of conduct. (a) Any license or temporary permit issued to a pier guard or a pier security officer may be revoked or suspended for such periods as the commission deems in the public interest or the licensee reprimanded for any act or conduct in violation of the Act or this Chapter.

(b) Among other things, failure by a pier guard to adhere to the following standards of conduct and any terms or conditions of his license or temporary permit will be considered by the commission in determining whether the license or temporary permit should be revoked or suspended. Every pier guard shall:

(1) have in his possession at all times while on duty his license or temporary permit;

(2) wear his Waterfront Commission badge or temporary badge as required by this Chapter and only in the performance of his duties as a pier guard;

(3) wear a cap or safety helmet as required by this Chapter;

(4) before completing his tour of duty submit to his immediate superior a detailed written report of any theft or attempted theft of cargo which comes to his attention during such tour;

(5) remain at his assigned post except when his duties as a pier guard require otherwise or unless otherwise authorized by his superior;

(6) be in a sober condition and refrain from consuming any intoxicating beverage while on duty;

(7) remain awake while on duty;

(8) refrain from smoking or carrying lighted cigarettes, cigars or pipes in prohibited areas;

(9) while on duty, comply with any special requirements of his license or temporary permit to meet the physical fitness standards of section 5.5;

(10) while assigned to guard an entrance or exit to any pier or waterfront terminal, check and collect gate passes from all trucks leaving the pier or terminal where gate passes are issued on such pier or terminal;

(11) while assigned to guard an entrance or exit to any pier or waterfront terminal, examine [a] any motor vehicle and its contents where there is reasonable ground to believe that such motor vehicle is carrying merchandise from the pier or terminal without authority;

(12) perform the duties assigned to him in a diligent, conscientious and careful manner; and

(13) keep and maintain his memorandum book as required by this Chapter.

An order adopting these amendments was filed September 15, 1971, as R.1971 d.160 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

## CAHILL SEES CONTINUING DROP IN STATE'S UNEMPLOYMENT ROLLS

Commenting on the announcement last month by the state Department of Labor and Industry that unemployment in New Jersey in July had dropped by 10,700 to an estimated total of 254,100, Gov. William T. Cahill said, "this most recent report, which indicates that the adjusted unemployment rate dropped to 7 per cent in July against 7.6 per cent in June, is certainly encouraging."

Noting that unemployment is normally aggravated at this time of the year by work stoppages and layoffs and the usual vacation closings and seasonal changeovers, Governor Cahill added: "It is my earnest hope that currently improving conditions will continue to brighten as the efforts of our state programs and the actions of President Nixon are felt. The indications we have now are that unemployment will continue to be reduced in the months ahead."

Pointing out that President Nixon's new economic program had then been in effect less than a month, Governor Cahill said he felt the wage-price freeze and the 10 per cent import tax and other parts of the program will have a positive influence on New Jersey's unemployment picture.

The Governor took particular note of the potential effect of the proposed Federal job development tax credit of 10 per cent for investment in new equipment. "Our economists have indicated to me that this tax credit alone may save New Jersey corporations an estimated \$95 million. This allowance should contribute to increase employment in our state," he said.

Commenting on the Emergency Employment Act under which New Jersey has received \$30.2 million in Federal funds, Governor Cahill said: "The judicious use of this 'seed' money by the state government and designated county and municipal governments will make a significant impact on New Jersey's economy."

"While at first view it may seem that these funds will create only an estimated 3,000 public service jobs, the indirect effects make its importance even greater. It is accepted economic theory that for every direct job created, three to four indirect jobs are produced. This is the so-called 'multiplier effect', which we should see in operation in New Jersey with the ultimate creation of some 10 to 12,000 new jobs. This could not have come at a better time, and I strongly believe that this and other steps by the state and federal government will continue us on our path of improved economic conditions."

## CRYSTAL ELECTER BOARD MEMBER OF NATIONAL PURCHASING ASSOCIATION

Herman Crystal, of Interlaken, Deputy Director of the State Treasury's Division of Purchase and Property, has been elected to the executive board of the National Association of State Purchasing Officials.

Appointed to his present post in 1954, Crystal is a 36-year career state employee. He was business manager of the 1947 New Jersey Constitutional Convention which completely revised the State Constitution and served in the same capacity for the 1966 Constitutional Convention which provided a new system of redistricting the State Legislature.

Known throughout the nation as "Mr. Purchasing" for his work in the field, Crystal participated in the organization of the Bureau of Economic and Business Research at Rutgers University and later conducted his own governmental research firm prior to joining state service.

# STATE NEWS OF PUBLIC INTEREST

## PROPERTY INSURANCE FIRMS WARNED ON INFORMATION ON NON-RENEWALS

Commissioner of Insurance Robert L. Clifford has on Sept. 23, 1971 sent a letter to presidents of all companies authorized to write property and liability insurance in New Jersey calling their attention to Chapter 152, Public Laws of 1971 (A-2168) which became effective May 20, 1971.

The Act provides in part as follows:

"Where a policy of insurance is not renewed because of failure to meet the then current underwriting standards, the notice of non-renewal shall identify the underwriting standard and specify in detail the factual basis upon (which) said underwriting standard has not been met."

The Commissioner, pointing out that some companies may have assumed that a Federal law would supersede the New Jersey law, said:

"It has come to my attention that in some instances this provision is being disregarded in that the insured is informed of neither the underwriting standard that has not been met nor the factual basis underlying that determination. In lieu thereof the insured is informed that in accordance with the Fair Credit Reporting Act (Public Law 91-508 effective April 25, 1971) the action cancelling the insurance was influenced by information in a consumer report made at the company's request. The Fair Credit Reporting Act neither abrogates nor is a substitute for Chapter 152, Public Laws of 1971. All companies are required to comply with the cited provisions of Chapter 152 in any and all non-renewal actions."

There are some 450 companies involved in the property and liability insurance business in New Jersey. If there are instances of non-compliance, the companies involved will be subject to punitive action by the Department, Commissioner Clifford said.

## STATE REVOKES LICENSE OF BLOOD BANK IN NEWARK

Dr. James R. Cowan, Commissioner of Health, last month revoked the license of the blood bank known as Universal Biologicals, Inc., 411 Springfield Ave., Newark, a subsidiary of Miami-based North American Biologics, because its documented violations of Chapter 10 of the State Sanitary Code were determined to be dangerous to the public health.

Dr. Cowan had suspended the blood bank's license on July 9, 1971 when it was charged with 34 classes of violations of regulations relating to blood banking. These violations were disclosed in inspections by personnel of the Department of Health.

Among other things, the firm was charged with taking blood from individuals more frequently than permitted and with taking volumes of blood in excess of what the regulations permit; with failing to make accurate checks to safeguard the health of donors who were repetitively bled; with continuing to take blood from individuals whose blood pressure was outside set limits; and with failing to report to the Department of Health individuals whom it found to be infected with syphilis.

The Department of Health scheduled a revocation hearing for Aug. 3 and rescheduled it for Aug. 24 at the request of Universal Biologicals. The firm failed to have anyone appear on Aug. 24 and the revocation followed.

## BLUEPRINT COMMISSION TO STUDY FUTURE OF STATE'S AGRICULTURE

A new Blueprint Commission on the Future of New Jersey Agriculture held its initial meeting last month and appointed eight task forces which will explore various areas essential to the preservation of agriculture in New Jersey.

Each task force chairman is a member of the 20-man commission; other officers are not necessarily members. The commission plans to involve a broad cross-section of the agricultural leadership of the state in its work, which is to chart the future course of agriculture in the Garden State.

The commission agreed to meet again late this month to hear preliminary reports from chairmen of the task forces. It tentatively scheduled two public hearings for late November when recommendations and advice will be received from the public at large. They will probably be held in Clayton to hear South Jersey views and in Flemington to receive opinions from the northern counties.

Task force officers are as follows:

**Business Climate:** chairman, Atlantic County Assemblyman Samuel A. Curcio, Hammonton; vice chairman, C. William Haines Sr., Masonville, retired fruit grower and former member of the State Legislature; and secretary, C. H. Fields, secretary, New Jersey Farm Bureau.

**Research and Education:** chairman, George G. Trautwein, Closter, retired vegetable grower and former president of the State Board of Agriculture; vice chairman, Carroll W. Barclay, Colts Neck fruit grower; and secretary, Dr. John P. Mixner, chairman, Department of Animal Sciences, Rutgers College of Agriculture and Environmental Science.

**Production:** chairman, John E. Brockett, Linwood, former senior county agent, Atlantic County; vice chairman, Takaski Moriuchi, Moorestown apple grower; and secretary, W. Bradford Johnson, specialist in vegetable crops, Rutgers College.

**Marketing:** chairman, John L. Hendrickson Jr., Middletown, fruit grower and immediate past president of the State Board of Agriculture; vice chairman, Joseph K. Hepner Jr., Cedarville, vegetable grower and member of the State Board of Agriculture; and secretary, Donald P. Persing, chief, Bureau of Market News and Cooperatives, Department of Agriculture.

**Management and Commercial Services:** chairman, Wallace E. Johnson, Holmdel, a field crop grower and custom equipment operator; vice chairman, Frank App Jr., Bridgeton engineer; and secretary, Morris S. Fabian, specialist in marketing, Rutgers College.

**Land and Water Resources:** chairman, Stephen V. Lee, Chatsworth cranberry grower; vice chairman, Edward V. Lipman, New Brunswick, area manager Ocean Spray Cranberries and president, State Board of Agriculture; and secretary, Samuel R. Race, executive secretary, State Soil Conservation Committee.

**Agribusiness:** chairman, James Sexton, Ashland, member of the staff of Food Machinery and Chemical Corporation; vice chairman, William A. Haffert Jr., Garden State Publishing Company, Sea Isle City; and secretary, John Van Zandt, economist, Division of Rural Resources, Department of Agriculture.

**Organizations:** chairman, Arthur H. West, president, New Jersey Farm Bureau; vice chairman, William A. Schlechtweg Sr., Freehold, Master, New Jersey State Grange; and secretary, John J. Repko, director, Division of Markets, Department of Agriculture.

Executive director of the commission is Francis A. Raymaley, director, Division of Rural Resources, Department of Agriculture. Assistant executive director is John M. Hunter, specialist in agricultural policy, at Rutgers College of Agriculture and Environmental Science.

Commission members were appointed by Agriculture Secretary Phillip Alampi at the request of Governor Cahill.

## 100 CITIZEN LEADERS SUPPORTING EDUCATION, GREEN ACRES BOND ISSUES

Gov. William T. Cahill announced the formation of a bipartisan committee of outstanding New Jerseyans to support the \$155 million bond issue for Higher Education and the \$80 million Green Acres bond issue which will be on the November ballot for voter approval.

Cahill named Robert W. Kleinert, president of New Jersey Bell Telephone Company, as chairman of the campaign committee of approximately 100 citizens seeking public support for the two bond issues.

The Green Acres bond issue would provide \$40 million for state acquisition of land and an additional \$40 million to be used as partial grants to municipalities and counties for acquisition of land for conservation and recreational purposes.

The Higher Education bond issue would provide for construction of additional buildings at New Jersey College of Medicine and Dentistry, county colleges, Newark College of Engineering, Rutgers and the state colleges to accommodate an additional 22,000 students.

The committee includes two former Governors, Alfred E. Driscoll and Richard J. Hughes, Republican State Committee Chairman John Dimon and Democrat State Committee Chairman Salvatore Bontempo and well-known leaders of business, labor and civic groups.

## FOUR NAMED TO REVIEW COMMISSION ON HIGHER EDUCATION IN STATE

Gov. William T. Cahill last month appointed four men, all involved in education, to the 12-member New Jersey Higher Education Master Plan Commission.

They are Joseph G. Connor, graduate dean of Seton Hall University; Dr. Robert F. Goheen, president of Princeton University; Joseph H. Rodriguez, Camden attorney; and Sydney G. Stevens, board chairman of the New Jersey National Bank.

The Governor said, "each man has demonstrated a dedication to providing quality education consistent with orderly planning for the needs of the future and with fiscal responsibility."

The commission was created in June to undertake a thorough and continuing study and review of the state's comprehensive master plan for higher education.

## GOVERNOR ANNOUNCES THREE NEW AGENCY APPOINTMENTS

Gov. William T. Cahill recently announced the appointment of Margaret Esposito to be a member of the Mercer County Board of Elections. Mrs. Esposito, of Williams Street, Trenton, replaces her late husband, Edward J. Esposito, for the remainder of his term, running until March 1, 1973.

The Governor also reappointed Mary G. Roebeling of Trenton to the State Investment Council, and appointed Clarence N. York of Haddonfield chairman of the State Development Disabilities Council.

## MAJOR RECOMMENDATIONS MADE FOR ESTABLISHING EROSION CONTROLS

With the third meeting of the state Sediment Control Committee last month, New Jersey took a big step forward in its goal of establishing statewide erosion and sediment controls.

The committee was organized at Cabinet level by Secretary of Agriculture Phillip Alampi in December, 1970 to devise means for uniform state control of erosion and sedimentation.

Major recommendations of subcommittees which were discussed and adopted covered the following broad areas:

1. The state soil Conservation Committee should adopt minimum statewide standards and specifications for establishment of erosion control measures on lands undergoing major disturbances. These standards, which will be completed by the end of 1971, should then be adopted and implemented by the 15 soil conservation districts. All state agencies should amend their land use procedures to include these control measures and compliance should be required.

2. These controls should be incorporated in appropriate portions of the proposed revision of state land use planning laws and all ensuing statewide legislation affecting land use.

3. Ordinances should be enacted by municipalities requiring all major land disturbances to be carried out in accordance with a locally approved erosion and sediment control plan. Enforcement would be the responsibility of local municipal government through building permit and subdivision approval procedure. Plans should be reviewed by local soil conservation district personnel.

4. Model ordinances developed by the committee to assist municipalities to write erosion and sedimentation control ordinances should be adopted and disseminated.

5. Voluntary implementation of erosion control should be pursued to the greatest possible extent before attempts are made to enact mandatory statewide controls.

6. The state Soil Conservation Committee and the soil conservation districts should expand programs and provide leadership and coordination for all agencies of government to secure rapid implementation of erosion and sedimentation controls.

The committee also recommended that a statewide program be developed to provide for removal of existing silt accumulations in reservoirs and waterways.

The recommendations will go in a formal report to Agriculture Secretary Alampi, who is also chairman of the state Soil Conservation Committee.

The report is being prepared under the guidance of Mrs. Robert Roop, Sewell, of the League of Women Voters; Mrs. Robert Lechner, Clinton, of the Hunterdon County Soil Conservation District and the South Branch Watershed Association; and Daniel Bernstein, Plainfield, of the New Jersey Federation of Planning Officials.

Eugene Hanchett, Somerset, of the U.S. Soil Conservation Service, and Samuel Race, Trenton, executive secretary of the state Soil Conservation Committee, serve as advisors.

## HOME LEAF BURNING PUT UNDER POLLUTION BAN

Smoke haze from piles of burning leaves is soon to join such things as buggy whips and hoop skirts as being just a memory, at least in the state of New Jersey.

The burning of leaves and other wastes from plant life grown on any premises has been outlawed by the recently-revised Chapter 2 of the New Jersey Air Pollution Control Code.

# STATE NEWS OF PUBLIC INTEREST

The Department of Environmental Protection announced that the revised code, which deals with all types of open burning, was promulgated on Aug. 13 and will become effective statewide on Oct. 12, 1971, as R.1971 d.139 (Ref. — 3 N.J.R.177(a)).

The code is significantly revised by a new prohibition of open burning of fallen leaves and vegetation grown on home premises. This was specifically exempted in the original Chapter 2 promulgated in 1956.

In recent years, however, the state has encouraged the passage of local ordinances forbidding leaf burning. Many municipalities have enacted such regulations and established systems of collection and disposal. Also, growing urbanization and evidence that smoke from burning leaves and vegetation may aggravate allergic and respiratory conditions underscored the importance of controlling burning of plant life on a statewide basis, the Department maintains.

Revised Chapter 2 stipulates that beginning Jan. 1, 1971 fallen leaves cannot be disposed of by open burning, and that "plant life" may not be disposed of in this way beginning Jan. 1 of 1973. The revised code refers specifically to "fallen leaves" and define "plant life" as including all vegetation.

In those instances where it is expedient to handle the disposal of leaves on a municipal basis, the Jan. 1, 1972 deadline gives those localities which have not already made provisions over two months (from Oct. 12) in which to finalize plans for dealing with the situation. It is not within the scope of Chapter 2 to make any suggestions or recommendations in this matter.

The prohibition of open burning as a means of disposing of general refuse and trade wastes or for the purpose of salvage operations was carried over from the original form of Chapter 2. This provision is credited with having virtually ended New Jersey's air pollution from burning dumps and salvage operation.

The original Chapter 2 was one of the first regulatory codes under the State's 1954 Air Pollution Control Law, the first such statewide law in the nation. Since the original three chapters of the code became effective on May 1, 1956, the number of such regulatory codes has grown to 15, with more under current study.

## PHONE INFORMATION OFFICES SET UP FOR QUESTIONS ON WAGE-PRICE FREEZE

Twelve regional information offices have been established in New Jersey to facilitate the implementation of President Nixon's wage and price freeze.

The offices are in the Internal Revenue Service field offices.

Questions relating to the implementation of the President's freeze can be directed to Federal employees at these offices.

The phone numbers are: Newark, (201) 645-3200; Atlantic City, (609) 348-3184; Camden, (609) 963-2541; New Brunswick, (201) 442-3800; Vineland, (609) 692-1200; Jersey City, (201) 433-4510; Trenton, (609) 394-7113; Hackensack, (201) 487-8981; Perth Amboy, (201) 442-3800; Asbury Park, (201) 775-1800; Morristown, (201) 538-3950; and Toms River, (201) 244-6500.

## FEASIBILITY STUDY BEGINS ON STOLport AIR FIELD IN NORTHEAST NEW JERSEY

A study of proposed sites for a new type of commuter air service in the New York-New Jersey metropolitan area was approved under an agreement signed by state Transportation Commissioner John C. Kohl for a STOLport (short takeoff and landing airport) feasibility study.

The New York City consulting firm of Parsons, Brinckerhoff, Quade and Douglas is surveying the feasibility of a STOLport operation in the northeast New Jersey metropolitan area under a \$344,000 contract.

Cost of the study is being shared by three agencies, the Federal Aviation Administration, \$290,000; Port of New York Authority, \$140,000; and State of New Jersey, \$14,000. The Port Authority is participating because the STOLport is expected to be located within the legal jurisdiction of the bi-state agency, which then would operate the facility.

The study will investigate potential passenger volumes, air cargo possibilities, transit and access, design and location of facilities, environmental effects and community benefits, among others. Target date for completion of the study is next June.

A STOLport is a short takeoff and landing airport which requires so little land it can be located in urban areas. Such airports are made possible by use of aircraft which require short distances for landings and takeoffs and have acceptable noise characteristics. STOLplanes are envisioned as providing valuable service for commuters traveling from outlying urban areas, and for short-haul travel within the Boston-Washington corridor, Kohl said.

He added that an important stimulus in developing the feasibility study was provided by Rutgers University's Center for Transportation Studies of the Eagleton Institute of Politics. "The efforts of Cooper Bright, director of the Center, in Project Eagle and in other research have contributed significantly to the STOLport development program," he said.

## MEET ON SETTING UP ANOTHER AREA HEALTH PLANNING AGENCY

First steps were taken last month to form an agency to direct health planning for six counties in central Jersey.

The state's Comprehensive Health Planning Agency (CHPA) met with county and municipal representatives involved in health, including consumers, government, business, labor and civic organizations at a series of three meetings where the organizational procedure was explained by CHPA Director J. Robert Lackey.

Lackey explained that the new group would be one of four so-called "B" agencies to pass initially on local applications for construction or expansion of hospitals, nursing homes and other health facilities and agencies, and on Federal grant applications.

The applications then must clear two other steps under the state's recently enacted Certificate of Need legislation—a review by the state Health Planning Council, New Jersey's "A" agency, and finally by the new state Health Care Administration Board.

Lackey and staff members explained the role of the areawide agency in solving community health problems under both the Federal Partnership for Health Program and the state Health Care Facilities Planning Act, the latter covering the Certificate of Need procedure.

Areawide agencies already are in operation for two other regions—Metropolitan (Essex, Morris, Union and Warren counties) and Southern (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem). Organiz-

ments of Health and of Environmental Protection." ation of the Northern (Bergen, Hudson, Passaic and Sussex) region also has begun, thus covering the entire state.

## MYSTERY OF AILING GRIDDERS SOLVED BY FAST ACTION OF TWO STATE AGENCIES

Fast detective work last month by personnel of two state departments, Health and Environmental Protection, revealed the reason why some players on at least ten school athletic teams in north central New Jersey had experienced irritation of the throat and lungs.

The cause appears to have been high concentrations of oxidants in the atmosphere, according to Dr. James R. Cowan, state Commissioner of Health. He said his staff had immediate consultations with Department of Environmental Protection experts but that a change in the weather the following day remedied the situation as it was being uncovered.

The situation came to light Sept. 16 when the state Department of Health was alerted to a possible pesticide exposure episode on the part of football players at Quibbletown Junior High School. The players suffered respiratory distress after practicing that Thursday afternoon on a field that had allegedly been sprayed with pesticide that morning.

Some of the players were examined at Muhlenberg Hospital, Plainfield, and all sent home. Eight others were admitted to Raritan Valley Hospital, Green Brook, Somerset County.

The Department of Health made immediate arrangements to collect blood specimens from the football players and summoned part of its laboratory staff to duty in the middle of the night to find out quickly whether pesticide intoxication had occurred.

By 2 a.m. Friday morning, laboratory results indicated that the irritation suffered by the football players had not been due to pesticide intoxication.

Consultation with the Department of Environmental Protection revealed high levels of oxidants in the atmosphere at certain fixed monitoring stations in north central Jersey on Thursday, suggesting the possibility that air pollution might have been associated with the Quibbletown football players' distress.

Personnel of the Health Department promptly canvassed by telephone 15 area hospitals and a large number of school districts in north central Jersey. This canvass disclosed that some athletes in at least ten other school systems who had been practicing Thursday afternoon had also experienced upper respiratory distress.

The State of California has had extensive experience with similar episodes when oxidants in the atmosphere rise above critical levels. The first individuals to suffer symptoms are those persons, particularly athletes, engaged in severe and prolonged physical exertion.

Dr. Cowan commented: "It appears on the basis of circumstantial evidence that air pollution was the culprit. My staff acted quickly to determine whether there had been pesticide intoxication at Quibbletown and found there had been none. My staff then acted imaginatively and found that similar incidents had occurred elsewhere in the area.

"I also appreciate the prompt response of laboratory personnel who rose from their beds in the middle of the night to assure that laboratory results would be known as soon as possible. These investigations could not have been carried out so promptly and effectively without an integrated, cooperative effort on the part of the Depart-

# RESPONSE TO ADMINISTRATIVE CODE TERMED "ENCOURAGING"

Initial response of subscribers to the New Jersey Administrative Code has been "encouraging", according to Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State.

As the state's first loose-leaf legal reference to rules of all state agencies, the Code was opened to charter subscribers last month, and in the initial two weeks several hundred signed up either for the complete set of 20-plus volumes which will make up the final compilation, or for individual Departmental Titles, the administrative director said.

A set of the official codification of state rules is priced at a \$50 initial payment with an agreement for three years or updating service at \$100 per year. The per-volume price is \$5 each with updating for three years at \$10 a year per volume.

The administrative director noted that this is the first time rules of all 17 State Departments will be available in one source. "And, of course, these rules and regulations have the same effect as do laws passed by the State Legislature and they impinge on more of the public than do most laws," he added.

"Equally important, under state law, the Administrative Code is legally citable and judicial notice will be taken of it."

Publication of the bulk of the Administrative Code, totaling over 17,000 pages, is anticipated within six months, Bonacci said, with automatic updating after that time. The Code has been over a year in preparation.

While early subscriptions for individual Departmental Titles are below what was anticipated, Bonacci said he expected that these would rise as each Title is announced.

He said that advance notice of publication of the various Titles would be announced in future issues of this New Jersey Register, but with copies sent automatically to charter subscribers.

Distribution of the first volumes is anticipated before the end of the year.

(A list of all Departmental Titles is in the next column. Because of an error last month, this notes an increase in the number of volumes required for Title 12 — Department of Labor and Industry — from two to five volumes.)

The director pointed out that the price for a Departmental Title is on a per-volume basis rather than for the Title. However, he added that it has been decided that if only one section of any Departmental Title is required, subscribers need purchase only that one volume rather than the full Title, which for six of the 17 Departments requires from two to five volumes.

Bonacci also asked that the official Charter Subscription Form, published in last month's (September) New Jersey Register, be used in ordering. "Because of legal technicalities, we need the signature on the contract form of the person ordering," he explained.

Checks or money orders must accompany orders, and should be made out to: Director, Div. of Administrative Procedure.

Copies of the charter subscription form are still available from: Division of Administrative Procedure, 10 North Stockton Street, Trenton, N. J. 08608. Telephone: (609) 292-6060.

## OFFICIAL LISTING OF TITLES AVAILABLE TO CODE BUYERS

The list of Titles available in the New Jersey Administrative Code includes all 17 State Departments, with Treasury broken into two Titles for Taxation and General rules.

Title 1 — Chief Executive — also includes the general provisions of the Administrative Procedure Act, the rules of administrative procedure and the preface to the entire Code.

Six of the Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis.

Numbers in the list below are the official Title numbers now assigned to various Departments. Future Departments will be added following No. 18:

1. CHIEF EXECUTIVE
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
5. COMMUNITY AFFAIRS—In 2 Volumes.
6. EDUCATION
7. ENVIRONMENTAL PROTECTION—In 2 Volumes.
8. HEALTH
9. HIGHER EDUCATION
10. INSTITUTIONS AND AGENCIES—In 3 Volumes.
11. INSURANCE
12. LABOR AND INDUSTRY—In 5 Volumes.
13. LAW AND PUBLIC SAFETY—In 2 Volumes.
14. PUBLIC UTILITIES
15. STATE
16. TRANSPORTATION
17. TREASURY-GENERAL
18. TREASURY-TAXATION—In 2 Volumes.

Final  
Title OTHER AGENCIES, including inter-state (later).

## CONSTRUCTION GO-AHEAD FOR THIRD OF STATE'S FOUR PUBLIC TV STATIONS

The Federal Communications Commission has issued a construction permit for the New Jersey Public Broadcasting Authority's Channel 58 in Warren Township.

Channel 58, one of four to be operated by the NJPBA, is expected to be on the air with full color public and educational programs to the New Brunswick area by next summer.

Approval of the construction permit by the FCC clears the way for erection of the transmitting tower and building.

The NJPBA's first station, WNJT-TV Channel 52, is now transmitting programs from Trenton. Work has started on Channel 23 at Waterford Works in Camden County, and FCC approval of the construction permit is expected shortly for Channel 50 in Montclair, according to Dr. Lawrence T. Frymire, executive director of the Authority.