

# NEW JERSEY REGISTER



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

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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### Hog Cholera Quarantine

On November 15, 1971, Philip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, issued a Notice of Quarantine concerning the spread of hog cholera.

Complete text as follows:

#### NOTICE OF QUARANTINE

By order of the State Board of Agriculture and pursuant to R.S. 4:1-21.5 of the agricultural laws of New Jersey and in order to control the spread of hog cholera, an infectious and contagious disease of swine, that portion of Burlington and Camden Counties east from the New Jersey Turnpike on Route 30 to the intersection with Route 534; north-east on Route 534 to the intersection with Route 541; northwest on Route 541 to the intersection with Route 70; west on Route 70 to its intersection with the New Jersey Turnpike, is hereby quarantined.

No feeder or breeder swine may be moved from said quarantined area. Slaughter hogs may be moved directly to a Federal- or State-licensed slaughter establishment, but must be accompanied by an official health certificate authorizing such swine movement from the quarantined area.

This quarantine is effective November 15, 1971 and until further notice.

An order adopting this Notice of Quarantine was filed November 17, 1971, as R.1971 d.209.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Rules Concerning Approved Stock Investment

James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-25.2 and 17:9A-25-3, proposes to adopt rules concerning approved stock investments. Such new rules will constitute Subchapter 6 (Approved Stock Investment) of Chapter 11 of Title 3 of the New Jersey Administrative Code.

Complete text of the proposed rules follows:

#### SUBCHAPTER 6 APPROVED STOCK INVESTMENT

##### 3:11-6.1 Approval of limited investment in Minibanc Capital Corporation

Banks are authorized to subscribe for, purchase and hold common stock in the Minibanc Capital Corporation. Such investment shall not exceed 2 per cent of the total capital stock and surplus of the bank.

##### 3:11-6.2 Surplus defined

Surplus as defined in this regulation shall include surplus, undivided profits, reserve for contingencies, other capital reserves and capital notes and debentures.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

James C. Brady Jr.  
Commissioner  
Department of Banking  
State House Annex  
Trenton, New Jersey 08625

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

James C. Brady, Jr.  
Commissioner  
Department of Banking

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Proposed Revisions in Rules Of Civil Service Commission

James A. Alloway, President of the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A.

## 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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11:5-1, proposes to revise certain rules of the Civil Service Commission.

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

#### 4:1-1.3 Amendments

The Commission may prescribe, amend or rescind any rule at any time after holding a public hearing thereon. Public notice of the place and time of said hearing shall be published by the Commission at least [20] 5 business days prior to the date of said hearing.

##### 4:1-3.7 Powers and duties of the President

The President is by law the presiding officer of the Commission, and the principal executive and request officer of the Department and is authorized to: . . . .

(j) Prescribe the newspapers in which [notices of tests to be held] advertisement of the availability of the Civil Service Examination Announcement Bulletin shall be made and other public notices shall be published; . . . .

##### 4:1-3.8 Powers and duties of the Chief Examiner and Secretary

The Chief Examiner and Secretary, as required by law, shall act as secretary to the Commission, attend all regular and special meetings, record minutes of its official proceedings and other official acts, and certify to the same when required. In addition, and under the direction and supervision of the President, he shall: . . . .

(m) Establish and administer procedures in order to:

1. Determine the examinations to be conducted, the subjects to be covered in each examination, the methods of testing and the relative weights and the minimum eligibility requirements of applicants;

2. Prepare and issue [public announcements of examinations to be held,] Civil Service Examination Announcement Bulletin or other civil service examination announcements, including pertinent information and instructions for applicants, and receive and process applications; . . . .

##### 4:1-5.6 Execution of relief

(a) When the relief to be accorded to the petitioner does not require that a hearing be held, the Commission shall issue appropriate orders or directives to effectuate its determination and mail true copies thereof to the petitioner and other parties affected thereby.

(b) When the relief to be accorded to the petitioner provides that a hearing be held by the Commission, it shall:

1. Determine whether the hearing is to be heard by the Commission as a body or by one or more members which it shall designate;

[2. Determine the regulations to be followed when the hearing is to be conducted by a hearing officer who has been designated and appointed by the President of the Commission;]

[3.] 2. Determine whether the hearing is to be in the nature of a public hearing which may be restricted or open to the public but requiring notices only to the petitioner and other affected parties;

[4.] 3. Set the matter down for hearing.

(c) When the hearing is to be conducted by a hearing officer designated and appointed by the President of the Commission, it will adhere to the procedures outlined in Subchapter 5 (Hearings) of this Chapter, except that:

1. Copies of the report and recommendations of hearing officers must be prepared and submitted to the Commission in the written form described in Section 5.11

(Findings and decision) of this Chapter within 10 days of return of the transcript of the hearing.

2. Copies of the Hearing Officer's Report and Recommendations will be served promptly on all parties to the proceeding. Copies of any exceptions to the Hearing Officer's Report and Recommendations and any supporting briefs may be filed by any party with the Commission within seven (7) days after the service of the report and recommendations, provided, however that the President of the Commission may for good cause shown extend the time for filing such exceptions. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such services shall be furnished to the Commission.

3. Exceptions to a Hearing Officer's Report and Recommendations shall:

i. Cite the precise findings of fact, conclusion, or procedure to which exceptions are taken;

ii. Identify that part of the Hearing Officer's Report and Recommendations to which objection is made;

iii. Cite the precise portions of the transcript relied on and state the grounds for the exceptions.

4. Any exception to a finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded. Any brief in support of exceptions shall contain no matter not included within the scope of the exceptions.

5. Cross-exceptions and supporting briefs may be filed within seven (7) days of the end of the period for filing exceptions, provided, however that the President of the Commission may for good cause shown extend this time limit. Copies of same shall be served simultaneously on all other parties, and a statement of such services, and copies of such briefs and cross-exceptions shall be furnished to the Commission.

6. Copies of the Hearing Officer's Report and Recommendations and any exceptions, answering briefs, or cross-exceptions received will be presented to the Commission.

7. The Commission, either as a body or by one or more members which it shall designate, after consideration of the Hearing Officer's Report and Recommendations and any briefs or exceptions, will amend, modify, reject or adopt the Hearing Officer's Report and Recommendations and issue the Commission's decision to all parties.

##### 4:1-8.3 Notice of examinations

(a) [Public] Notice of open competitive examinations shall be given [not less than three weeks before the announced closing date for filing applications for such examinations] by:

1. Announcements displayed at the Offices of the Commission [and the respective offices of the local governing bodies];

2. Announcement in the Civil Service Examination Announcement Bulletin or other civil service examination announcement at least two weeks before the closing date for filing applications;

[2.] 3. [Advertising open competitive examinations] Advertisement of the availability of the Civil Service Examination Announcement Bulletin prior to each publication date:

i. For positions in the State service [and the local government services when the examination is open to residents outside the local government area], at least once in three daily newspapers of general circulation in the state;

ii. For positions in the local government services, [when the examination is open only to residents of the local government area,] at least once in [a newspaper] the newspapers of general circulation [in the local area or section of the State] throughout the State and any county, municipality, or school district as the Commission shall prescribe.

(b) Individual notices of each promotion examination and an application form shall be provided by the Department of Civil Service or through the appointing authority to each employee qualified for admission to such examinations.

(c) Notices of examinations shall include:

1. The title of the class for which the examination is to be held;
2. The salary rate or range;
3. A reference to duties and responsibilities;
4. Minimum qualification requirements for admission of applicants;
5. The parts and respective examination weights;
6. Information concerning the filing of applications.

#### 4:1-8.10 Questions not to be asked

No question in any application for examination or in any examination shall be so framed as to elicit or attempt to elicit information concerning the political or religious opinions or affiliations, or the race, color or national origin, place of birth or ancestry of any applicant, competitor or eligible person. The age of the applicant may be asked only where it is required for the position by law and where it is lawfully an occupational requirement.

#### 4:1-8.14 Action against prospective employees

(a) The Chief Examiner and Secretary shall take the following actions for any cause listed in subsection (b) of this Section or for any other good cause:

1. Reject the application of a person for admission to an examination;
2. Refuse to test an applicant;
3. Refuse to place the name of a person on the employment list;
4. Refuse to certify the name of an eligible person; or
5. Remove from the employment list the name of an eligible person.

(b) Any of the following shall constitute good cause for such action by the Chief Examiner and Secretary against any prospective employee who:

1. Lacks the [minimum] established qualification requirements [set forth in the public notice of the examination] for the position or employment for which he applies; . . .

(c) The rejection of an application or other action against any person, under this rule, shall not be effective until the person is notified in writing of such action, together with the reasons therefor [, and afforded a reasonable opportunity for a review of the rejection or refusal].

#### 4:1-8.15 Right of [appeal] review

(a) Any person who is aggrieved by a ruling or determination of the Chief Examiner and Secretary concerning [the qualifications of applicants, the certification of eligible persons, or any matter pertaining to an examination, may appeal to the] a matter listed under Section 8.14 (Action against prospective employees) of this Chapter shall be afforded an opportunity to submit facts to the Commission in writing within 20 [business] days after receipt of notice of such ruling or determination for consideration in a review of the determination.

(b) No such [appeal] request for a review shall stay or

prevent the promulgation of an employment list or certification or appointment of an eligible person unless ordered otherwise by the Commission.

#### 4:1-8.16 Admission to examination pending [appeal] review

At the discretion of the Chief Examiner and Secretary, a person whose application for examination has been rejected and who has filed [an appeal from] a request for a review of such rejection may be admitted to the examination, pending final disposition of the [appeal] request for review. Such admission shall be without prejudice and, while the [appeal] review is pending, the test papers and any other examination materials of the applicant shall not be processed.

#### 4:1-12.12 Notice of removal

Any person whose name is to be removed in accordance with the provisions of Section 12.11(b) through (h) (Removal of names) of this Chapter shall be notified of the [contemplated] removal and given [reasonable] an opportunity to [show cause to the Chief Examiner and Secretary why his name should not be removed] submit facts to the Civil Service Commission in writing within 20 days after receipt of notice of removal for consideration in a review of the determination.

#### 4:1-16.14 Resignation resulting from unauthorized absence

(a) Any employee who is absent from duty for five consecutive business days without notice and approval of his superior of the reason for such absence and the time he expects to return or who fails to report for duty within five business days after the expiration of any authorized leave shall be held to have resigned not in good standing.

(b) The employee shall be properly notified [of the action] by personal service or certified mail [as provided by regulation] return receipt requested of his involuntary resignation and the precise reasons therefor, and entitlement to a departmental hearing if he so desires in accordance with Section 5.15 (Departmental hearing) of this Chapter. The appointing authority shall report the resignation to the Department of Civil Service.

#### 4:1-21.2 Discrimination

No person in seeking admission to the classified service shall be discriminated against because of his political or religious opinions or affiliations nor because of his sex, race, ancestry or national origin. Age shall be a valid factor for employment only where it is required for the position by law and where it is lawfully an occupational requirement.

Interested persons may present statements or arguments concerning the proposed actions at a public hearing to be held on Tuesday, January 4, 1972, at 2:00 p.m. in the Civil Service Commission Room, Third Floor, State House, Trenton, New Jersey, or may present statements or arguments in writing relevant to the proposed action on or before January 4, 1972, to:

Civil Service Commission  
State House  
Trenton, New Jersey 08625

After full consideration of all submissions respecting the proposed action, the Civil Service Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the revisions substantially as proposed without further notice.

James A. Alloway  
President  
Civil Service Commission  
Department of Civil Service

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions in Rules On Pupil Bus Transportation

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to revise certain rules concerning pupil transportation. Such rules presently constitute Subchapter 5 (School Bus Chassis Specifications) and Subchapter 6 (School Bus Body and Equipment Specifications) of Chapter 21 of Title 6, Education, of the New Jersey Administrative Code.

The revisions regarding the School Bus Chassis Specifications concern specifications for air cleaners, batteries, brakes, bumpers, exhaust systems, fuel tanks, generating systems, horns, instruments, passenger loads, power and gradeability, tires, transmissions and undercoating.

The revisions concerning the School Bus Body and Equipment Specifications concern specifications for bumpers, color, construction, defrosters, doors and emergency windows, fire extinguishers, floor coverings, heaters, identification, insulation, interior, lamps and signals, mirrors, sanders, seat belts, seats, steps and step treads, storage compartment, sun shield, undercoating, ventilation, wheel housing, windshields, windshield washers and wipers and wiring.

The complete text of these proposed revisions is available from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 4, 1972, to the Department of Education at the above address.

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

Carl L. Marburger  
Commissioner of Education  
Secretary of the State Board of Education

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Emergency Rule Revising Approval Of High Schools - Approval Period

On November 4, 1971, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-23 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule revising N.J.A.C. 6:27-2 (Approval of High Schools—Approval Period).

Such emergency action is considered necessary to notify secondary schools that their approvals are being extended and that the Department of Education will not carry out a program of secondary school approval during 1971-72. If not immediately notified, these schools will begin an extensive self-study program which is not commensurate

with the Department's plans for district-wide K-12 school improvement.

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

#### 6:27-2 Approval Period

(a) A visit for evaluation of the school by an authorized representative of the Commissioner of Education shall be a prerequisite to approval by the State Board of Education.

(b) In a district maintaining more than one high school, approval of each school shall be granted separately.

(c) The maximum approval period of a high school shall be [five] **seven** years. Conditional approval may be granted for a shorter period of time.

(d) Approval of a high school by the State Board of Education shall constitute approval of the curriculum on the effective date of the action by the State Board. Subsequent additions of courses offered for diploma credit shall be reviewed and approved by the Director of Secondary Education.

(e) Approval may be revoked if the school does not maintain the established standards or if the school fails to adhere to the program for which it has been approved.

An order adopting this emergency rule was filed and effective November 8, 1971, as R.1971 d.200 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELL FISHERIES

#### FISH AND GAME COUNCIL

#### Proposed Supplement to 1972 Fish Code

The Fish and Game Council of the Division of Fish, Game and Shell Fisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to supplement the 1972 Fish Code by adopting a new rule concerning Furnace Brook Lake.

Complete text of the proposed supplement follows:

#### FURNACE BROOK LAKE

23:5-1 This newly constructed impoundment, located in Oxford Township, Warren County, shall be closed to all fishing throughout 1972 and until the opening day of trout season in 1973.

Interested persons may present statements or comments orally or in writing relevant to the proposed action before a meeting of the Fish and Game Council to be held at 2:00 p.m. on January 11, 1972, in Room 702, State Labor and Industry Building, Post Office Box 1809, Trenton, New Jersey 08625. Interested persons may also present statements or comments in writing relevant to the proposed action on or before January 11, 1972, to the Fish and Game Council at the above address.

After full consideration of all submissions respecting the proposed action, the Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt the supplement substantially as proposed without further notice.

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

(a)

# ENVIRONMENTAL PROTECTION

## THE COMMISSIONER

### Proposed Overall Plans To Attain National Air Quality Standards

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., and in accordance with Section 420.4, Part 420, Chapter IV, Title 42, Code of Federal Regulations, proposes to adopt and to amend and revise chapters of the Air Pollution Control Code and to formalize such related plans as concern attainment of national ambient air quality standards.

Chapters of the Air Pollution Control Code proposed for revision and amendment are: Chapter 5—Control and Prohibition of Air Pollution from Combustion of Solid Fuel, Chapter 7—Control and Prohibition of Air Pollution from Solid Particles, and Chapter 12—Prevention and Control of Air Pollution Emergencies. Proposed for adoption is Chapter 16—Control and Prohibition of Air Pollution from Volatile Organic Substances.

Additional details of the proposed plan will be available for inspection during office hours and from December 6, 1971 until date of hearing at:

Warren County Health Department  
151 West Washington Avenue  
Washington, New Jersey 07882

N. J. Bureau of Air Pollution Control  
Metropolitan Field Office  
25 Route 22  
Springfield, New Jersey 07081

Atlantic County Health Department  
1200 Harding Highway  
Mays Landing, New Jersey 08330

N. J. Bureau of Air Pollution Control  
Southern Field Office  
5635 Westfield Avenue  
Pennsauken, New Jersey 08110

N. J. Dept. of Environmental Protection  
Office of the Commissioner  
Room 801, Labor & Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

Notice is given that a public hearing on the proposed action will be held January 6 and 7, 1972 from 10:00 a.m. to 8:00 p.m. at:

Fine Arts Center  
Rider College  
Trenton, New Jersey

This hearing will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to January 6, 1972 will be considered.

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

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(b)

# ENVIRONMENTAL PROTECTION

## THE COMMISSIONER

### Proposed Revisions of Air Pollution Rules For Fly Ash Emissions

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., proposes to amend and revise Chapter 5 (Control and Prohibition of Air Pollution From Combustion of Solid Fuel) of the Air Pollution Control Code, to read as follows:

CHAPTER 5 — CONTROL AND PROHIBITION OF AIR POLLUTION FROM COMBUSTION OF SOLID FUEL, which became effective on July 1, 1958 and was amended March 1, 1966, is hereby repealed. This repeal shall not affect actions, proceedings or departmental orders pending or outstanding on the effective date of the new regulation; said actions, proceedings or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted.

Text of the proposed new regulation follows.

#### PROPOSED CHAPTER 5 CONTROL AND PROHIBITION OF SOLID PARTICLES FROM COMBUSTION OF FUEL

##### SECTION 1 DEFINITIONS

1.1 SOLID PARTICLES: Particles of rigid shape and definite volume.

1.2 PARTICLES: Any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

1.3 LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

1.4 STANDARD CONDITIONS: Shall be 70°F and one atmosphere pressure (14.7 psia or 760 mm Hg).

1.5 DEPARTMENT: The Department of Environmental Protection.

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

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

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

1.9 MAXIMUM ALLOWABLE EMISSION RATE: The maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

1.10 HEAT INPUT RATE: The rate at which the aggregate heat content based on the higher heating value of the fuel, is introduced into the fuel burning equipment.

1.11 PERFORMANCE TEST PRINCIPLE: A concept of measurement as required for determining compliance with a specific standard for the emission of air contaminants.

1.12 ISOKINETIC: A method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

1.13 SAMPLING TRAIN: A combination of entrapment

devices, instruments, and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

1.14 **EQUIPMENT:** Any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

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

1.16 **CONTROL APPARATUS:** Any device which prevents or controls the emission of any air contaminant.

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

**SECTION 2 STANDARDS FOR THE EMISSION OF PARTICLES**

2.1 No person, shall cause, suffer, allow or permit solid particles arising from the combustion of fuel to be emitted from any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined from Table 1. For a heat input rate between any two consecutive heat input rates stated in Table 1, the maximum allowable emission rate shall be as determined by interpolation.

**TABLE 1**

<b>HEAT INPUT RATE (Millions of British Thermal Units per Hour)</b>	<b>MAXIMUM ALLOWABLE EMISSION RATE (Pounds per Hour)</b>
1	0.6
10	6
20	8
30	9
40	10
50	11
60	12
70	13
80	14
90	14.5
100	15
120	16.5
140	17.5
160	18.5
180	19.3
200	20
400	40
600	60
800	80
1,000	100
2,000	200
3,000	300
4,000	400
5,000	500
6,000	600
7,000	700
8,000	800
10,000	1,000

**SECTION 3 PERFORMANCE TEST PRINCIPLE**

3.1 For purposes of measuring emissions in accordance with the provisions of this chapter, solid particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the solid particles determined gravimetrically after removal of uncombined water. The measured emission weight shall be the combined weight of all solid particles collected from the gas stream. The specifications for the sampling train and sample procedures shall be as published by the Department or approved equivalent.

**SECTION 4 EMISSION TESTS**

4.1 Any person responsible for the emission of particles arising from the combustion of fuel shall, when requested by the Department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the rate at which the particles are or may be discharged from the fuel burning operation. During such testing by the Department, the fuel burning operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the equipment as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

**SECTION 5 PERMIT TO CONSTRUCT, INSTALL OR ALTER AND CERTIFICATE TO OPERATE**

5.1 No person shall construct or install any new fuel burning equipment, or any new control apparatus, or alter any existing fuel burning equipment, or any control apparatus without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Chapter 9 of the New Jersey Air Pollution Control Code.

5.2 No person shall use or cause to be used any new or altered fuel burning equipment, or any new or altered control apparatus without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Chapter 9 of the New Jersey Air Pollution Control Code.

5.3 No person shall use or cause to be used any fuel burning equipment unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use, in accordance with the Permit to Construct and the Certificate to Operate.

**SECTION 6 EXCEPTIONS**

- 6.1 The provisions of this Chapter shall not apply
  - (a) when the heat input rate to the fuel burning equipment is less than 1,000,000 British Thermal Units per hour
  - (b) to marine installations, vehicles or other movable or portable equipment

Notice is given that a public hearing on the proposed action will be held on January 6 and 7, 1972 from 10:00 a.m. to 8:00 p.m. at:

Fine Arts Center  
Rider College  
Trenton, New Jersey

These hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

Although previously-proposed amendments to Chapter 5 were submitted to public hearing on February 9 and 10,

1971, subsequent enlargement of the proposals warrants rehearing.

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to January 6, 1972, will be considered.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt Chapter 5 of the Air Pollution Control Code substantially as proposed without further notice.

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Revisions of Air Pollution Rules For Emission of Solid Particles

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., proposes to amend and revise Chapter 7 (Control and Prohibition of Air Pollution from Solid Particles) of the Air Pollution Control Code, to read as follows:

CHAPTER 7—CONTROL AND PROHIBITION OF AIR POLLUTION FROM SOLID PARTICLES, which became effective on October 1, 1964, is hereby repealed. This repeal shall not affect actions, proceedings, or departmental orders pending or outstanding on the effective date of the new regulation; said actions, proceedings, or departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new regulation had not been adopted.

Text of the proposed new regulation follows:

#### PROPOSED CHAPTER 7

#### NEW JERSEY AIR POLLUTION CONTROL CODE CONTROL AND PROHIBITION OF PARTICLES FROM MANUFACTURING PROCESSES

##### SECTION 1 DEFINITIONS

1.1 PARTICLES: Any material, except uncombined water, which exists in finely divided form as liquid particles or solid particles at standard conditions.

1.2 LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

1.3 SOLID PARTICLES: Particles of rigid shape and definite volume.

1.4 STANDARD CONDITIONS: Shall be 70°F and one atmosphere pressure (14.7 psia or 760 mm Hg).

1.5 DEPARTMENT: The Department of Environmental Protection.

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

1.7 PERFORMANCE TEST PRINCIPLE: A concept of measurement as required for determining compliance

with a specific standard for the emission of air contaminants.

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

1.9 SOURCE OPERATION: Any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

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

1.11 MAXIMUM ALLOWABLE EMISSION RATE: The maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

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

1.13 ISOKINETIC: A method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

1.14 SAMPLING TRAIN: A combination of entrapment devices, instruments, and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

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

1.16 EQUIPMENT: Any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

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

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

1.19 REFUSE: Rubbish, garbage, trade waste and plant life.

1.20 CONTROL APPARATUS: Any device which prevents or controls the emission of any air contaminant.

1.21 POTENTIAL EMISSION RATE: The mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

1.22 SOURCE GAS: Air or gases passed through or generated by a source operation and discharged from the source operation.

1.23 DILUTION GAS: Air or gas from any source whatsoever added to the source gas emitted from a source operation.

##### SECTION 2 STANDARDS FOR THE EMISSION OF PARTICLES

2.1 No person shall cause, suffer, allow or permit particles as measured by the performance test principle set forth in Section 3 to be emitted from any source operation

through any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined from Table 1 below.

TABLE 1  
MAXIMUM ALLOWABLE EMISSION RATE  
FOR PARTICLES

1 POTENTIAL EMISSION RATE FROM SOURCE OPERATION (lbs. per hr.)	3 SOURCE GAS EMITTED FROM SOURCE OPER. (Standard cu. ft. per min.)	2 ALLOWABLE EMISSION RATE (lbs. per hr.) (Based on 99% efficiency of collection)	4 ALLOWABLE EMISSION RATE (lbs. per hr.) (Based on 0.02 gains per SCF)
50 or less	3,000 or less	0.5	0.5
100	6,000	1.0	1.0
1000	35,000	10.0	6.0
2000	70,000	20.0	12.0
3000 or greater	140,000	30.0	24.0
	175,000 or greater		30.0

#### INSTRUCTIONS

a. From columns 1 and 2 above, determine the allowable emission rate based upon the potential emission rate of solid particles from the source operation.

b. From columns 3 and 4 above, determine the allowable emission rate based upon the source gas emitted from the source operation. Whenever dilution gas is, for any purpose, added to the source gas from a source operation, the source gas emitted shall be considered to be the gas discharge rate prior to such dilution.

c. The greater of the two emission rates as determined from a and b above shall be the maximum allowable emission rate. For rates between any two consecutive values stated in columns 1 and 3, the corresponding allowable emission rates shall be as determined by interpolation.

2.2 No person shall cause, suffer, allow or permit particles to be emitted from any stack or chimney into the outdoor air the shade or appearance of which is greater than 20% opacity, exclusive of water vapor.

#### SECTION 3 PERFORMANCE TEST PRINCIPLE

3.1 For purposes of measuring emissions in accordance with the provisions of Section 2.1 of this chapter, particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the particles determined gravimetrically after removal of uncombined water. The measured emission weight shall be the combined weight of all particles collected in the sampling train, including any liquid particles which have the form of a solid particle at standard conditions. The procedures shall be as published by the Department or approved equivalent.

#### SECTION 4 EMISSION TESTS

4.1 Any person responsible for the emission of particles from a source operation shall, when requested by the Department, provide the facilities and necessary equipment for determining the opacity of emissions being discharged through a stack or chimney and shall conduct such opacity tests using methods approved by the Department. Opacity test data shall be recorded in a per-

manent log at such time intervals as specified by the Department and shall be maintained for a period of not less than one year and shall be available for review by the Department.

4.2 Any person responsible for the emission of particles from a source operation shall, upon request of the Department, provide such sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of particles being emitted from the source operation. During such testing by the Department, the source operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the source operation as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

#### SECTION 5 VARIANCES

5.1 Whenever a person responsible for the emission of particles from a source operation believes that advances in the art of control for the kind and amount of particles emitted has not developed to a degree which would enable the requirements of Section 2 of this chapter to be attained, he may apply to the Department for a variance setting forth his reasons and justifications. The Department may issue a variance from Section 2.1 and/or 2.2 and such variance shall be valid for a period not to exceed five years from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation. Variances issued under the provisions of this section shall be conditional on the compliance with any requirements which the Department deems to be necessary.

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

#### SECTION 6 PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

6.1 No person shall construct or install any new equipment or any new control apparatus, or alter any existing equipment or control apparatus from which particles are emitted through any stack or chimney into the outdoor air without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Chapter 9 of the New Jersey Air Pollution Control Code.

6.2 No person shall use or cause to be used any new or altered equipment, or any new or altered control apparatus from which particles are emitted through any stack or chimney into the outdoor air without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Chapter 9 of the New Jersey Air Pollution Control Code.

6.3 No person shall use or cause to be used any equipment from which particles are emitted through any stack or chimney into the outdoor air unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use, in accordance with the Permit to Construct, Install or Alter and the Certificate to Operate.

## SECTION 7 EXCEPTIONS

7.1 The provisions of this chapter shall not apply:

- (a) to indirect heat exchangers
- (b) to incinerators

(c) for a period of five years from the date of issuance of a valid permanent Certificate to Operate to a source operation equipped with control apparatus for which a valid Permit to Construct, Install or Alter or the permanent Certificate to Operate was issued by the Department during the period June 15, 1967 to the effective date of this chapter.

Notice is given that a public hearing on the proposed action will be held January 6 and 7, 1972 from 10:00 a.m. to 8:00 p.m. at:

Fine Arts Center  
Rider College  
Trenton, New Jersey

These hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

Although previously-proposed amendments to Chapter 7 were submitted to public hearing on February 9 and 10, 1971, subsequent enlargement of the proposals warrants rehearing

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to January 6, 1972, will be considered.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt Chapter 7 of the Air Pollution Control Code substantially as proposed without further notice.

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(a)

# ENVIRONMENTAL PROTECTION

## THE COMMISSIONER

### Proposed Revisions of Air Pollution Rules For Emergencies

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to Authority of N.J.S.A. 26:2C-1 et seq., proposes to revise and amend Chapter 12 (Prevention and Control of Air Pollution Emergencies) of the Air Pollution Control Code to read as follows:

CHAPTER 12 — PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES, which became effective on October 24, 1969, is hereby repealed. The text of the proposed new regulation follows.

#### PROPOSED CHAPTER 12 PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES

### SECTION 1 DEFINITIONS

The following terms as used in this Chapter shall mean and include:

1.1 AIR CONTAMINANTS: Solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

1.2 PRIMARY METALS INDUSTRIES: Establishments engaged in the smelting, refining, sintering and alloying of ferrous and non-ferrous metals from ore, pig

or scrap, and the manufacture of castings, forgings, powdered metals and other basic products of ferrous or non-ferrous metals including the production of coke.

1.3 PETROLEUM REFINING AND RELATED INDUSTRIES: Establishments engaged in petroleum refining, the manufacture of paving and roofing materials from petroleum products and compounding paving and building materials from petroleum products.

1.4 CHEMICAL AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of (1) basic chemicals such as acids, alkalis, salts, industrial gases and organic chemicals, (2) chemical products to be used in further manufacturing such as synthetic fibers, plastics, dry colors and pigments, (3) finished chemical products to be used for ultimate consumption such as drugs, cosmetics, soap, paints, fertilizers and explosives.

1.5 PAPER AND ALLIED PRODUCTS INDUSTRIES: Establishments engaged in manufacturing wood pulp from wood or other materials and the manufacture of paper, paperboard and building papers.

1.6 GLASS, CLAY AND CONCRETE PRODUCTS INDUSTRIES: Establishments engaged in the manufacture of glass, glassware, textile fibers, glass insulation wool, structural clay products, concrete products, gypsum and plaster products, lime, abrasives and asbestos.

### SECTION 2 EMERGENCY CRITERIA

A condition justifying proclamation by the Governor of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, or AIR POLLUTION EMERGENCY shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place, locality, county or other area in the state is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public. Such determinations shall be in accordance with criteria on file with the Department.

### SECTION 3 CRITERION FOR EMERGENCY TERMINATION

In making a determination that the threat resulting from the accumulation of air contaminants no longer exists the Commissioner shall be guided by a United States Weather Service advisory that a high air pollution potential is terminated.

### SECTION 4 STANDBY PLANS

4.1 Any person responsible for the operation of a source of air contamination as set forth in Table 1 of this Section shall prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere, during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III which are made a part of this Section.

4.2 Any person responsible for the operation of a source of air contamination not set forth under Section 4.1 shall, when requested by the Department in writing, prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III.

4.3 Standby plans as required under Sections 4.1 and 4.2 shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants and a brief description of the manner in which the reduction will be achieved during an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY.

4.4 During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY standby plans as required by this Section shall be made available on the premises to any person authorized to enforce the provisions of the Air Pollution Emergency Control Act.

4.5 Standby plans as required by this Section shall be submitted to the Department upon request within thirty days of the receipt of such request; such standby plans shall be subject to review and approval by the Department. If, in the opinion of the Department, such standby plans do not effectively carry out the objectives as set forth in Tables I-III the Department may disapprove said standby plans, state its reason for disapproval and order the preparation of amended standby plans within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised plan is entitled to a hearing in accordance with C.26:2C-14.1 of the Air Pollution Control Act. If the person responsible fails within the time period specified in the order to submit an amended standby plan which in the opinion of the Department meets the said objectives, the Department may revise the standby plan to cause it to meet these objectives. Such revised plan will thereafter be the standby plan which the person responsible will put into effect upon the issuance of an appropriate order by the Governor.

## EMISSION REDUCTION OBJECTIVES

### Source of Air Contamination

1. Coal or oil-fired electric power generating facilities.
2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.
3. A — Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location:
  - Primary Metals Industries
  - Petroleum Refining and Related Industries
  - Chemical and Allied Products Industries
  - Paper and Allied Products Industries
  - Glass, Clay and Concrete Products IndustriesAND  
B — Other persons required by the Department to prepare standby plans.
4. Municipal and commercial refuse disposal operations.

### Table I IN AIR POLLUTION ALERT

#### For No. 1

- a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.

#### For No. 2

- a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Reduction of steam load demands consistent with continuing plant operations.

#### For No. 3

- a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
- c. Reduction of heat load demands for processing consistent with continuing plant operations.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

#### For No. 4

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.

### Table II IN AIR POLLUTION WARNING

#### For No. 1

- a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.

#### For No. 2

- a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Reduction of steam load demands consistent with continuing plant operations.
- d. Making ready for use a plan of action to be taken if an emergency develops.

#### For No. 3

- a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
- b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
- c. Reduction of heat load demands for processing consistent with continuing plant operations.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

#### For No. 4

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Complete elimination of the use of incinerators.

**Table III**  
**IN AIR POLLUTION EMERGENCY**

**For No. 1**

- a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.

**For No. 2**

- a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
- b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Taking the action called for in the emergency plan.

**For No. 3**

- a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
- b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
- c. Maximum reduction of heat load demands for processing.
- d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

**For No. 4**

- a. Maximum reduction by prevention of open burning on all refuse disposal areas.
- b. Complete elimination of the use of incinerators.

**SECTION 5 STANDBY ORDERS**

Following are standby orders which might be appropriate for use by the Governor upon his declaration that an Air Pollution Emergency exists:

**5.1 AIR POLLUTION ALERT:**

a. Any person responsible for the operation of a source of air contamination as set forth in Table I of Section 4 shall take all AIR POLLUTION ALERT actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION ALERT.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 p.m.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 p.m.

**5.2 AIR POLLUTION WARNING:**

a. Any person responsible for the operation of a source of air contamination as set forth in Table II of Section 4 shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION WARNING.

b. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

c. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

d. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such

operations only between the hours of 12:00 Noon and 4:00 p.m.

**5.3 AIR POLLUTION EMERGENCY:**

a. Any person responsible for the operation of a source of air contamination as described in Table III of Section 4 shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contamination; and shall particularly put into effect the standby plans for an AIR POLLUTION EMERGENCY.

b. All manufacturing establishments except those included in Section 5.3a will institute such action as will result in maximum reduction of contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.

c. All places of employment described below shall immediately cease operations:

(1) Mining and quarrying of non-metallic minerals.

(2) All contract construction work except that which must proceed to avoid physical harm.

(3) Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

(4) All officers of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute.

(5) All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.

(6) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.

(7) Wholesale and retail laundries; laundry services and cleaning and dyeing establishments, photographic studios; beauty shops, barber shops; shoe repair shops.

(8) Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.

(9) Automobile repair, automobile services, garages.

(10) Establishments rendering amusement and recreation services including motion picture theatres.

(11) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. There shall be no open burning by any person of tree waste, vegetation; refuse, or debris in any form.

e. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

f. The use of motor vehicles is prohibited except in emergencies with the approval of local and state police.

Notice is given that a public hearing on the proposed action will be held January 6 and 7, 1972 from 10:00 a.m. to 8:00 p.m. at:

Fine Arts Center  
Rider College  
Trenton, New Jersey

These hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testi-

mony offered to the Department in writing and received by the Department prior to January 6, 1972 will be considered.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt Chapter 12 of the Air Pollution Control Code substantially as proposed without further notice.

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Air Pollution Rules For Volatile Organic Substances

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq., proposes to adopt Chapter 16 (Control and Prohibition of Air Pollution from Volatile Organic Substances) of the Air Pollution Control Code which reads as follows:

#### PROPOSED CHAPTER 16

#### CONTROL AND PROHIBITION OF AIR POLLUTION FROM VOLATILE ORGANIC SUBSTANCES

##### SECTION 1 DEFINITIONS

1.1 VOLATILE ORGANIC SUBSTANCE: Any organic substance having a vapor pressure of 0.01 pounds per square inch absolute or greater at 80°F, including but not limited to petroleum crudes, petroleum fractions, petrochemicals, solvents, diluents and thinners.

1.2 ORGANIC SUBSTANCE: Any chemical compound or mixture of chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonate.

1.3 CONSERVATION VENT VALVE: A weight loaded valve designed and used to reduce evaporation losses of volatile organic substances by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

1.4 FLOATING ROOF: A pontoon type or double-deck type roof resting on the surface of the liquid contents in a storage vessel, and equipped with a mechanism providing a tight seal in the space between the roof rim and the vessel shell throughout the entire vertical travel distance of the roof.

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

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

1.7 PARTICLES: Any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

1.8 LIQUID PARTICLES: Particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

1.9 SOLID PARTICLES: Particles of rigid shape and definite volume.

1.10 STANDARD CONDITIONS: Shall be 70°F and one atmosphere pressure (14.7 psia or 760 mm Hg).

1.11 MAXIMUM ALLOWABLE EMISSION RATE: The maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

1.12 POTENTIAL EMISSION RATE: The mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

1.13 DEPARTMENT: The Department of Environmental Protection.

1.14 EQUIPMENT: Any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

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

1.16 CONTROL APPARATUS: Any device which prevents or controls the emission of any air contaminant.

##### SECTION 2 STORAGE TANKS

2.1 No person shall store a volatile organic substance in any stationary storage tank, reservoir or vessel having a maximum cross-sectional area of 25 square feet or greater unless such tank, reservoir or vessel is provided with an evaporation control device equal to or more effective in preventing the emission of organic vapors into the outdoor air than the minimum requirement as set forth in this Table 1:

MAXIMUM HORIZONTAL CROSS-SECTIONAL AREA (Square feet)	Table 1 VAPOR PRESSURE OF VOLATILE ORGANIC SUBSTANCE (Pounds per Square Inch Absolute at 80°F)		MINIMUM REQUIREMENT FOR EVAPORATION CONTROL
	Less than 1.0	Greater than 10.0	
220 or greater	Less than 1.0		Conservation Vent Valve
	1.0 to 10.0		Floating Roof
	Greater than 10.0		Pressure tank with safety vent only
Greater than 100 but less than 220	Less than 5.0		Conservation Vent Valve
	5.0 to 10.0		Floating Roof
	Greater than 10.0		Pressure tank with safety vent only
25 to 100	8.0 to 13.0		Conservation Vent Valve
	Greater than 13.0		Pressure tank with safety vent only

### SECTION 3 TRANSFER OPERATIONS

3.1 No person shall transfer any volatile organic substance into a stationary or mobile receiving vessel of greater than 10,000 gallon capacity unless such receiving vessel is provided with an evaporation control device equal to or more effective in preventing the emission of organic vapors into the outdoor air than a fill pipe outlet location not greater than 6 inches from the bottom of the receiving vessel.

### SECTION 4 SURFACE COATING, DEGREASING, DRY CLEANING AND PRINTING OPERATIONS

4.1 No person shall cause, suffer, allow or permit volatile organic substances from the application of any surface coating, the degreasing of metals or other materials, the dry cleaning of fabrics or the printing of inks on any surface to be emitted through any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined from Table 2. For a potential emission rate between any two consecutive potential emission rates stated in Table 2, the maximum allowable emission rate shall be determined by interpolation.

Table 2

Potential Emission Rate (Pounds per hour)	Maximum Allowable Emission Rate (Pounds per hour)
25 or less	10
50	15
100	20
500	25
1000	30
2500 or greater	50

### SECTION 5 ODORS

5.1 No person shall cause, suffer, allow or permit to be emitted into the outdoor air volatile organic substances which will result in odors detectable by sense of smell in any area of public use or occupancy off the premises, notwithstanding compliance with the requirements of Sections 2, 3 and 4 of this chapter.

### SECTION 6 EMISSION TESTS

6.1 Any person responsible for the emission of volatile organic substances shall, upon request of the Department, provide such sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of volatile organic substances being emitted into the outdoor air. During such testing by the Department, the equipment and all components connected, or attached to, or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

6.2 Any person responsible for the emission of volatile organic substances shall, when requested by the Department, provide the facilities and necessary equipment for determining the quantity and identity of volatile organic substances emitted into the outdoor air through a stack or chimney and shall conduct such tests using methods approved by the Department. Test data shall be recorded in a permanent log at such time intervals as specified by the Department and shall be maintained for a period of not less than one year and shall be available for review by the Department.

### SECTION 7 VARIANCES

7.1 Whenever a person responsible for the emission of volatile organic substances believes that advances in the art of control for the kind and amount of volatile organic substances emitted has not developed to a degree which would enable the requirements of Sections 2, 3 and 4 of this chapter to be attained, he may apply to the Department for a variance setting forth his reasons and justifications. The Department may issue a variance and such variance shall be valid for a period not to exceed one year from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation. Variances issued under the provisions of this section shall be conditional on the compliance with any requirements which the Department deems to be necessary.

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

### SECTION 8 PERMIT TO CONSTRUCT AND CERTIFICATE TO OPERATE

8.1 No person shall construct or install any new equipment, or any new control apparatus, or alter any existing equipment or control apparatus from which volatile organic substances are emitted into the outdoor air without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the Provisions of Chapter 9 of the New Jersey Air Pollution Control Code.

8.2 No person shall use or cause to be used any new or altered equipment, or any new or altered control apparatus from which volatile organic substances are emitted into the outdoor air without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Chapter 9 of the New Jersey Air Pollution Control Code.

8.3 No person shall use or cause to be used any equipment from which volatile organic substances are emitted into the outdoor air unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use.

### SECTION 9 EXCEPTIONS

9.1 The provisions of this chapter shall not apply for a period of five years from the date of issuance of a valid permanent Certificate to Operate to equipment with control apparatus for which a valid Permit to Construct, Install or Alter or the permanent Certificate to Operate was issued by the Department during the period June 15, 1967 to the effective date of this chapter.

Notice is given that a public hearing on the proposed action will be held January 6 and 7, 1972 from 10:00 a.m. to 8:00 p.m. at:

Fine Arts Center  
Rider College  
Trenton, New Jersey

These hearings will be held in accordance with the provisions of the Air Pollution Control Act (1954) as amended by Chapter 106, P.L. 1967.

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to January 6, 1972, will be considered.

The Department of Environmental Protection, upon its

own motion or at the instance of any interested party, may thereafter adopt Chapter 16 of the Air Pollution Control Code substantially as proposed without further notice.

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Wetlands Order

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq. proposes to adopt a Wetlands Order.

A synopsis of the proposed Order follows:

The proposed Wetlands Order is composed of nine sections.

Section 1 delineates the geographic area affected by the order. The areas are shown on maps filed in the office of the county recording officer for Ocean and Salem Counties.

Section 2 is the definitions section. The activities regulated by the order are divided into two classes, Type A and Type B. Type A permits cover relatively small projects and the review procedure is abbreviated. Type B permits would be required for substantial projects and the review process is more detailed. An applicant for a Type B permit would be required to prepare an environmental impact statement.

Section 5 prohibits certain activities in the affected area. The prohibited activities include the disposal of garbage, refuse and debris and the dumping or discharge of domestic sewage and industrial wastes.

Copies of the complete text of the proposed Wetlands Order may be obtained from:

Bureau of Marine Lands Management  
Division of Marine Services  
Department of Environmental Protection  
Post Office Box 1889  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 19, 1972, to the Division of Marine Services at the above address.

A public hearing on the proposed action will be held in two parts as follows:

Part 1 (Salem County) — January 19, 1972, beginning at 1:00 p.m. and continuing a second day, January 20, 1972, at 9:00 a.m., if necessary, at the Holiday Inn, Exit 1, New Jersey Turnpike and Interstate Highway 295, Upper Penns Neck Township, New Jersey.

Part 2 (Ocean County) — January 24, 1972, beginning at 1:00 p.m. and continuing a second day, January 25, 1972, at 9:00 a.m., if necessary, at the Ocean County College, Lecture Hall, Hooper Avenue, Toms River, Dover Township, New Jersey.

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

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Regulations Governing Installation of Sewerage Facilities in Critical Areas

On November 16, 1971, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 58:11-23 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the regulations governing the installation of sewerage facilities in critical areas, substantially as proposed in the Notice published May 6, 1971, at 3 N.J.R. 78(a), but with subsequent, substantive changes not detrimental to the public, according to the Department of Environmental Protection.

An order adopting these regulations was filed November 16, 1971, as R.1971 d.208 to become effective January 15, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF ENVIRONMENTAL QUALITY

#### Amendments to Air Pollution Control Code On Smoke From Combustion of Fuel

On November 10, 1971, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to Chapter 4 (Control and Prohibition of Smoke from Combustion of Fuel) of the Air Pollution Control Code, substantially as proposed in the Notice published January 1, 1971, at 3 N.J.R. 4(c), but with subsequent, substantive changes not detrimental to the public, according to the Department of Environmental Protection.

An order adopting these amendments was filed November 17, 1971, as R.1971 d.210 to become effective January 16, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

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

On November 4, 1971, Dr. James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of practice and procedure on conduct of hearings, as proposed in the Notice published October 7, 1971, at 3 N.J.R. 201(b).

An order adopting these rules was filed and effective November 8, 1971, as R.1971 d.197.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### DIVISION OF LABORATORIES AND EPIDEMIOLOGY

#### Revisions to Chapter 10 Of State Sanitary Code

On November 9, 1971, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Chapter 10 of the State Sanitary Code concerning blood banks, substantially as proposed in the Notice published August 5, 1971, at 3 N.J.R. 151(a).

An order adopting these revisions was filed and effective November 12, 1971, as R.1971 d.203.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### DIVISION OF COMMUNITY HEALTH SERVICES

#### Revision On Certified Health Services

Revisions On Certified Health Services—10 U & L

On November 9, 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 regarding certified health services, substantially as proposed in the Notice published August 5, 1971, at 3 N.J.R. 150(c).

An order adopting these revisions was filed and effective November 12, 1971, as R.1971 d.204.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### THE COMMISSIONER

#### Standards for Certification Of Narcotic Treatment Centers

On November 15, 1971, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2G-25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the standards for certification of narcotic treatment centers, as proposed in the Notice published October 7, 1971, at 3 N.J.R. 202(a).

An order adopting these standards was filed November 15, 1971, as R.1971 d.205, to become effective November 17, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## HEALTH

### THE COMMISSIONER

#### Revision to Manual of Operation Standards for Long-Term Care Facilities

On November 16, 1971, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revisions to the manual of operation standards for long-term care facilities, as proposed in the Notice published August 5, 1971, at 3 N.J.R. 152(a).

The revisions were initially proposed by the State Board of Control in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1 et seq. Since the activities involved herein have been transferred to and placed under the jurisdiction of the Department of Health, the Department of Health is now adopting such revisions pursuant to authority cited.

An order adopting these revisions was filed and effective November 16, 1971, as R.1971 d.207.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Regulations and Standards For Institutions of Higher Education

The Board of Higher Education, pursuant to N.J.S.A. 18A:68-3, proposes to adopt the document "Regulations and Standards for New Jersey Institutions of Higher Education" which supersedes Administrative Bulletin Number One, "Standards for Appraising New Jersey Colleges and Professional Schools", adopted by the Board of Education on June 28, 1967.

The proposed document sets forth revised rules pertaining to licensure and approval. The purpose of the document is to assist institutions seeking to fulfill the necessary requirements outlined in 18A:68-3 and 18A:68-6, and to aid the Department of Higher Education in making judgments concerning institutions. These rules are in the form of regulations having the force of law and of standards which specify good practice.

Copies of the proposed document may be obtained from:  
Chancellor Ralph A. Dungan  
Department of Higher Education  
225 West State Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971 to the above address.

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

Ralph A. Dungan  
Chancellor  
Department of Higher Education

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions to Dental, Pharmacy, Physician and Podiatry Manuals

Maurice G. Kott, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise certain sections in each of the Dental, Pharmacy, Physician and Podiatry Manuals of the New Jersey Health Services Program.

The proposed revisions follow (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### DENTAL MANUAL

##### Section 234.3—Prescription Policies

###### G. Services Requiring Prior Authorization

[The prescribing practitioner will be required to obtain prior authorization from the local medical assistance office for certain therapeutic classes or forms of prescription drugs or devices. If approval is granted, the prescriber must record on his original prescription, the authorization number furnished by the local medical assistance office. The following classes or forms of drugs or devices require prior authorization:

1. Oral antibiotics and anti-infectives in quantities greater than a ten-day supply.
2. Vitamins or minerals or combinations thereof, legend or non-legend.

EXCEPTIONS: a. Children under six.  
b. Adults over 65.  
c. Pregnant women and lactating mothers].

The following therapeutic classes and dosage forms require Prior Authorization obtained by the prescribing practitioner from the local medical assistance unit. If the request is approved, an authorization number will be provided and must appear on the prescriber's original prescription. The pharmacist must check the box in the space provided on the Prescription Claim Form (MC6) identifying a prior-authorized item, and enter the authorization number in the proper space in this area.

- (1) Antiobesics and Anorexics
- (2) Oral antibiotics, oral penicillin, and oral penicillin derivatives when prescribed in quantity greater than a ten-day supply.
- (3) Injectable Medication

EXCEPTIONS: (A) Insulin

(B) All injectable medication when prescribed for and provided to a patient in a long term care facility, i.e., Skilled Nursing Home, infirmary section of a Home for the Aged or Public Medical Institution.

###### H. Pharmaceutical Services Not Eligible for Payment

1. Drugs for which adequate literature, i.e. package inserts, etc., and price catalogues are not readily available.
2. Experimental drugs.
3. Drugs administered or directly furnished by the practitioner. (Payments for drugs will be made only when dispensed by a registered pharmacist in a licensed pharmacy.
4. Drugs and biologicals provided without charge through

programs of other public or voluntary agencies (i.e., New Jersey State Department of Health, etc.).

5. Medications prescribed for use by hospital inpatients.
6. [Prescribed non-legend (OTCP) drugs for patients in skilled nursing homes (including extended care facilities), infirmary sections of homes for the aged and public medical institutions.]

Prescribed non-legend (OTC) drugs for patients in long term medical care facilities (i.e., skilled nursing homes, infirmary sections of a home for the aged or public medical institutions).

Exceptions: (a) Insulin

(b) All vitamins, minerals, vitamin-mineral combinations.

7. Prescriptions written and dispensed with non-specific directions.
8. Telephoned "refill" prescriptions.
9. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in an extended care facility (ECF).
10. Prescribed non-legend drugs unless specifically listed in Appendix B (Allowable Non-Legend Drugs).
11. Food supplements, milk modifiers, infant formula and therapeutic diets.
12. Methadone  
Policy  
The New Jersey Health Services Program will not reimburse pharmacies for prescriptions for Methadone. This policy applies to all uses of the drug and is not limited to its uses in persons who are addicts.
13. Injectables, used either as diluents or directly as parenteral solutions in which the major ingredient is water, electrolytes or nutritive material (such as but not limited to Dextrose in Water, Lactated Ringers' Solution, Normal Saline Solution, Water for Injection, etc.) for patients in Long Term Medical Care Facilities.
14. All Irrigating Solutions, (i.e., for use in irrigating or bathing body tissues, organs, wounds or indwelling catheters or tubes) for patients in Long Term Medical Care Facilities such as but not limited to Sodium Chloride Solution, Suby's Solution, Water for Irrigation, etc.
15. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their New Drug Application (NDA).

#### PHARMACY MANUAL

##### Section 205—Services Requiring Prior Authorization

###### (3) Injectable Medication

Note: Parenteral Solutions as defined and partially listed in 206.13 (Pharmaceutical Services not eligible for payment) are NOT reimbursable in a long term care facility.

##### Section 206—Pharmaceutical Services

###### Not Eligible For Payment

- (13) [All Parenteral Solutions normally packaged in bottles of 150 cc. or larger] Injectables used either as diluents or directly as parenteral solutions in which the major ingredient is water, electrolytes or nutritive material (such as but not limited to Dextrose in Water, Lactated Ringers' Solution, Normal Saline Solution, Water for Injection, etc.) for patients in Long Term Medical Care Facilities.

#### PHYSICIAN MANUAL

##### Section 220—Prescription Policies

- G. Pharmaceutical Services Not Eligible for Payment
10. Methadone  
Policy

The New Jersey [Hospital Service Plan] Health Services Program will not reimburse pharmacies for prescriptions for Methadone. This policy applies to all uses of the drug and is not limited to its uses in persons who are addicts.

11. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in an extended care facility (ECF).
12. Prescribed non-legend drugs unless specifically listed in Appendix B (Allowable Non-Legend Drugs).
13. Injectables, used either as diluents or directly as parenteral solutions in which the major ingredient is water, electrolytes or nutritive material (such as but not limited to Dextrose in Water, Lactated Ringers' Solution, Normal Saline Solution, Water for Injection, etc.) for patients in Long Term Medical Care Facilities.
14. All Irrigating Solutions, (i.e., for use in irrigating or bathing body tissues, organs, wounds or indwelling catheters or tubes) for patients in Long Term Medical Care Facilities such as but not limited to Sodium Chloride Solution, Suby's Solution, Water for Irrigation, etc.
15. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their New Drug Application (NDA).

#### PODIATRY MANUAL

Section 213.2H—Pharmaceutical Services Not Eligible For Payment

9. [Methadone in any form, i.e., tablets, capsules, liquid or powder]

#### Methadone Policy

The New Jersey Health Services Program will not reimburse pharmacies for prescriptions for Methadone. This policy applies to all uses of the drug and is not limited to its uses in persons who are addicts.

10. Medication prescribed for a Title XIX (Medicaid) covered person who is receiving benefits under Part A of Title XVIII (Medicare) as a patient in an extended care facility (ECF).
11. Prescribed non-legend drugs unless specifically listed in Appendix B (Allowable Non-Legend Drugs).
12. Food supplements, milk modifiers, infant formula and therapeutic diets.
13. Injectables, used either as diluents or directly as parenteral solutions in which the major ingredient is water, electrolytes or nutritive material (such as but not limited to Dextrose in Water, Lactated Ringers' Solution, Normal Saline Solution, Water for Injection, etc.) for patients in Long Term Medical Care Facilities.
14. All Irrigating Solutions, (i.e., for use in irrigating or bathing body tissues, organs, wounds or indwelling catheters or tubes) for patients in Long Term Medical Care Facilities such as but not limited to Sodium Chloride Solution, Suby's Solution, Water for Irrigation, etc.
15. Drugs for which final orders have been published by the Food and Drug Administration, withdrawing the approval of their New Drug Application (NDA).

Interested persons may present statements or arguments in writing relevant to the proposed actions on or before December 31, 1971, to:

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

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### STATE BOARD OF CONTROL

#### Proposed Manual of Standards For Group Day Care of Infants

Lloyd B. Westcott, President of the State Board of Control, pursuant to authority of N.J.S.A. 30:1-14 et seq., proposes to adopt a manual of standards for group day care of infants. The proposed manual defines the standards for group day care of infants for the person or group of persons planning to open, or who operate a group day care center for children under the age of two.

Copies of the proposed manual may be obtained by writing to:

Bureau of Children's Services  
163 West Hanover Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 30, 1971, to the Bureau of Children's Services at the above address.

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

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

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Amendments to Manual of Administration Concerning Cuban Refugees

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 amend Section 2980. (Federal Assistance Program for Cuban Refugees) of the Manual of Administration.

The proposed, amended Section follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### 2980. FEDERAL ASSISTANCE PROGRAM FOR CUBAN REFUGEES

This Federal program was authorized because the Miami area which has the largest concentration of Cuban refugees is considered an impacted area. The program includes aid to public schools in Miami, health services, employment service, resettlement, welfare services to unaccompanied children and financial assistance.

Federal funds made available to meet the economic needs of Cubans who are resettled from Miami area by approved voluntary agencies are administered by established public welfare agencies of states which have agreed to participate in the program.

The State's plan for the comparable [categorical] assistance program will be followed in receiving applications, determining eligibility, establishing the method and frequency of payments, visits and redeterminations of eligibility and providing social services. The standards used in determining the amount of the assistance grant will be in keeping with those used by the agency for the [categorical] applicable program. All Cuban refugee families, including those not ceremonially married, which meet the criteria of the Assistance to Families of the Working Poor program, are to be budgeted in accordance with standards of that program. (See Financial Assistance Manual 116.)

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 30, 1971, to:

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

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

Maurice G. Kott  
Acting Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revision to Financial Assistance Manual

On October 29, 1971, Maurice G. Kott, Acting 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 Financial Assistance Manual concerning emergency assistance (Section 430.1) and travel costs for health care (Section 413.), as proposed in the Notice published October 7, 1971, at 3 N.J.R. 205(a).

An order adopting these revisions was filed and effective November 8, 1971, as R.1971 d.198.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revision of Rules in Manual of Administration

On October 29, 1971, Maurice G. Kott, Acting 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 Administra-

tion of the Division of Public Welfare concerning Sections 2993 (Procedures Affecting the Division of Public Welfare) and 2994 (Procedures Affecting County Welfare Boards), as proposed in the Notice published October 7, 1971, at 3 N.J.R. 203(c).

An order adopting these revisions was filed and effective November 8, 1971, as R.1971 d.199.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSURANCE

### THE COMMISSIONER

#### Proposed Regulation on Educational Prerequisites for Agent's License

Robert L. Clifford, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e) and 17B:22-10(d), proposes to adopt a regulation concerning a program of studies as a prerequisite to the issuance of a life, accident and health, or life, accident and health agent's license.

The hours of instruction proposed for life insurance, for accident and health insurance, and for a combined life and accident and health insurance course are summarized as follows:

Part	Hours of Classroom Instruction		
	Life	A & H	Combined
I—General Elements of Insurance	6	6	8
II—Fundamental Elements of Underwriting	5	5	8
III—Policy Provisions and Requirements	6	6	12
IV—Agents' Duties and Responsibilities	4	4	4
V—Course Review and Examination	3	3	4
Total	24	24	36

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

W. Morgan Shumake  
Deputy Commissioner  
Department of Insurance  
Trenton, New Jersey 08625

A public hearing will be held regarding this proposed regulation on December 29, 1971, at 10:00 a.m. at the Department of Insurance, 201 East State Street, Trenton, New Jersey. Interested persons may present relevant statements or comments concerning the proposed action at that hearing. The time and date of any subsequent hearing, if such is determined to be necessary, will be announced at the hearing to be held on December 29, 1971. However, no notice of any subsequent hearing will appear in the New Jersey Register.

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

Robert L. Clifford  
Commissioner  
Department of Insurance

(a)

## LABOR AND INDUSTRY

### DIVISION OF LABOR

#### Proposed Regulations On Liquefied Natural Gas

Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:6A-9, the Worker Health and Safety Act, proposes to adopt regulations governing the storage, handling, charging, transfer, vaporization and liquefaction of liquefied natural gas, to be designated as Chapter 136, Liquefied Natural Gas, of Title 12 of the New Jersey Administrative Code.

The purpose of this chapter is to establish reasonable requirements to protect the life, health and safety of employees. More specifically, the purpose of this chapter is to provide reasonable standards for the storage, handling, charging, transfer, vaporization, and liquefaction of liquefied natural gas for the protection of the health and safety of all employees. This chapter is necessary to implement the purposes of the Worker Health and Safety Act.

The proposed chapter provides reasonable safety standards for plant facilities, stationary storage facilities, vaporization facilities, piping systems and components, instrumentation and electrical services, transfer of LNG and refrigerants, and fire protection.

Copies of the proposed chapter may be obtained without charge upon request of the Department of Labor and Industry, Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey 08625.

Interested persons may present statements or arguments, orally or in writing, relevant to the proposed action at a public hearing in Room 1307, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, at 10:00 a.m. Wednesday, January 5, 1972.

Any person wishing to present statements or arguments will be required to give his name and address. Any person who wishes to present statements or arguments on behalf of an organization must present written evidence that he is authorized to represent such organization. A verbatim transcript of testimony will be made by a Certified Court Reporter. Any person desiring a record of the transcript may make arrangements with the reporter to purchase a copy.

The proposed chapter, as proposed or as changed by the Commissioner after the public hearing, may be promulgated by the Commissioner 90 days following delivery to the Industrial Safety Board, to be effective on such date as the chapter shall provide, unless disapproved by the majority of the Board, and if so disapproved, such chapter shall not become effective. The Commissioner shall call a meeting of the Industrial Safety Board for the purpose of discussing the proposed chapter and disapproval shall be by a vote of the majority of the members of the Board.

The Commissioner proposes to adopt this chapter to become effective July 1, 1972.

Ronald M. Heymann  
Commissioner  
Department of Labor and Industry

(b)

## LABOR AND INDUSTRY

### DIVISION OF LABOR

#### Regulations Regarding Field Sanitation

On November 24, 1971, Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 39:9A-39 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the regulations in Chapter 102 (Field Sanitation) of Title 12 of the New Jersey Administrative Code, substantially as proposed in the Notice published August 5, 1971, at 3 N.J.R. 157(b), but with subsequent, substantive changes not detrimental to the public, according to the Department of Labor and Industry.

An order adopting the regulations of Chapter 102 was filed November 22, 1971, as R.1971 d.211 to become effective November 24, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF MEDICAL EXAMINERS

#### Proposed Rule On Use Of Physical Therapy Modalities

Anthony J. Balsamo, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt a new rule relating to the use of physical therapy modalities by chiropractors.

Full text of the proposed rule follows:

#### USE OF PHYSICAL THERAPY MODALITIES BY CHIROPRACTORS

Physical therapy measures and modalities as defined by N.J.S.A. 45:9-37.1(b) may be utilized by a Chiropractor provided that such measures and modalities may be employed only in preparing a patient for and as an essential aid to Chiropractic manipulative therapy. Physical therapy may be administered, at the specific direction of a Chiropractor, by a Registered Physical Therapist provided that such physical therapy services shall be limited to preparing a patient for and as an essential aid to Chiropractic manipulative therapy.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before January 1, 1972, to:

Anthony J. Balsamo, M.D.  
Secretary, N. J. State Board of Medical Examiners  
28 West State Street  
Trenton, N.J. 08625  
Telephone: (609) 292-4843

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

Anthony J. Balsamo, M.D.  
Secretary, N. J. State Board of  
Medical Examiners  
Department of Law and Public Safety

(a)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### STATE BOARD OF DENTISTRY

#### Proposed Amendment to Dentistry Rules

J. L. Konzelman, Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to amend N.J.A.C. 13:30:64 to read as follows: (deletions indicated in brackets [thus]):

#### N.J.A.C. 13:30-64 Entrance Requirements

[The school of oral hygiene shall be open to women only.] Applicants must be able to present evidence of completion of four years of high school or the equivalent. A total of sixteen units must have been completed in fields as specified below:

English	4 units	
Mathematics	1 unit	(Algebra or Geometry)
Social Studies	2 units	(must include American History or Problems of Democracy)
Science	1 unit	(Biology, Chemistry, Physics, or General Science)
Electives	8 units	(four of these shall be in approved fields of mathematics, history, social studies, or a foreign language. In selecting the additional four units, it should be noted that full credit will be allowed for courses in typing and stenography.)

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

Joseph L. Konzelman, D.D.S.  
Secretary, N.J. State Board of Dentistry  
150 East State Street  
Trenton, New Jersey 08608  
Telephone: (609) 292-5416

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

Joseph L. Konzelman, D.D.S.  
Secretary, N.J. State Board of Dentistry  
Department of Law and Public Safety

(b)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### Rules of Practice and Procedures In Administrative Hearings

On October 29, 1971, Charles J. Irwin, Director of the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 56:8-3.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules of practice and procedures regarding administrative hearings.

Complete text of these rules follows:

#### CHAPTER 1

### RULES OF PRACTICE AND PROCEDURE GOVERNING ADMINISTRATIVE HEARINGS CONDUCTED IN THE DIVISION OF CONSUMER AFFAIRS, PURSUANT TO N.J.S.A. 56:8-3.1

#### Sub-Chapter 1: General

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

The following rules shall constitute the practice and procedure and shall govern all contested cases as defined by the New Jersey Administrative Procedure Act N.J.S.A. 52:14B-2(b) before the Division of Consumer Affairs, where a violation of N.J.S.A. 56:8-1 et seq. is alleged.

##### 1:1-2. Construction

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

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

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

##### 1:1-4. Definitions

(a) "Act" means the New Jersey Consumer Protection Act, N.J.S.A. 56:8-1 et seq. as amended and/or supplemented.

(b) "Division" means the Division of Consumer Affairs, Department of Law and Public Safety.

(c) "Director" means the Director of the Division of Consumer Affairs.

(d) "Attorney for the Division" means an Attorney appointed or assigned by the Attorney General of New Jersey to represent and render legal services to the Division of Consumer Affairs.

(e) "Complainant" means any person, including the Attorney General or the Director alleging an unlawful practice within the meaning of N.J.S.A. 56:8-1 et seq.

(f) "Respondent" means any person charged with an unlawful practice under N.J.S.A. 56:8-1 et seq.

(g) "Hearing Examiner" means any person designated by the Attorney General to conduct any hearing.

#### Sub-Chapter 2: Jurisdiction

##### 1:2-1. Subject Matter Jurisdiction

The jurisdiction of the Division shall extend to all sales or advertisements for the sale of merchandise between a consumer and a merchant. For the purpose of applying this rule, a "merchant" is a person as defined by N.J.S.A. 56:8-1(d) engaged in the business of selling merchandise as defined by N.J.S.A. 56:8-1(c). For the purpose of applying this rule, a "consumer" shall be defined as an individual who purchases merchandise for personal or private use or profit and not incident to any regular commercial activity.

A sale of merchandise between two private individuals shall not be deemed to be within the jurisdiction of the Division of Consumer Affairs.

##### 1:2-2. Procedure Where Division Is Without Jurisdiction

Whenever it shall appear that the Division is without jurisdiction over a consumer complaint, the complainant shall be so advised, and, where possible, the complaint shall be forwarded to the appropriate local, state or federal agency for further action.

### Sub-Chapter 3: Commencement of Formal Administrative Proceedings

#### 1:3-1. Notice of Hearing and Complaint

Whenever it shall appear to the Director that a violation of the Act has occurred, is occurring or may occur and that the matter warrants a formal administrative hearing to effectuate the policies underlying said Act, he may cause to be issued a Notice of Hearing and Complaint seeking any relief authorized by the Act. The Complaint shall be returnable in not less than five nor more than 15 days from the date of service thereof. The Complaint shall be directed to the respondent and shall be served in accordance with these rules.

The Notice of Hearing shall contain:

- (1) a statement of the time and place of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a statement that the respondent may present evidence in defense to the charges contained in the Complaint either through an attorney or personally;
- (4) a statement that should the respondent fail to appear a default will be entered and the complainant will proceed with his proofs in support of the relief demanded;
- (5) a statement that adjournments will not be granted except on timely written application to the Director and for good cause shown. Said statement shall also contain notice that in the event an adjournment is granted, any expenses incurred by the Division as a result thereof may be taxed to the respondent as a condition for granting the adjournment.

A Complaint issued by the Director shall contain:

- (1) a reference to the particular sections of the statute or rule alleged to have been violated;
- (2) a short and plain statement of the facts giving rise to the alleged statutory or rule violation;
- (3) a statement of the relief sought by the complainant.

#### 1:3-2. Service of Notice of Hearing and Complaint

Service of a Notice of Hearing and Complaint shall be made as follows:

A. Where the respondent is an individual—by delivering a copy of the Notice of Hearing and Complaint to him personally; or by leaving copies thereof at his dwelling house or usual place of abode with a competent member of his family of the age of 14 years or over then residing therein; or by delivering copies thereof to a person authorized by appointment or by law to receive service of process on his behalf. Where such service cannot be obtained, substituted service therefor may be made in the following manner:

- (a) Personal service thereof without this state; or
- (b) The mailing thereof by certified mail, return receipt requested in the last known place of business, residence or abode, within or without this state of such person for whom the same is intended.

B. Where the respondent is a domestic or foreign corporation—by delivering a copy of the Notice of Hearing and Complaint to either an officer, director, trustee, or managing or general agent; or any person authorized by appointment or by law to receive service of process on behalf of the corporation; or the person at the registered office or the principal place of business of the corporation in charge thereof. If service cannot be made upon any of the foregoing, then it may be made upon any agent, servant or employee of the corporation acting in the discharge of the duties of the corporation.

In the event that service upon either a domestic or foreign corporation cannot be effected in accordance with the above provisions, then the Notice of Hearing and Complaint shall be served without the state on any officer, director, trustee or managing or general agent at the

principal or registered place of business, or wherever such individual may be located. If such extraterritorial service cannot be effected on the stated persons, then the same shall be made upon any person authorized by appointment or by law to receive service of process on behalf of the corporation.

In the event that personal service cannot be effected in accordance with the above provisions, substituted service may be made by sending a copy of the Notice of Hearing and Complaint certified mail, return receipt requested to either the registered or principal place of business or to any agent authorized by law to accept service.

The service herein provided for shall be made by the Attorney General's agent or employee by showing the respondent the original Notice of Hearing and Complaint delivering a copy thereof to the respondent. The Attorney General's agent or employee shall evidence such service by appending to the original Order to Show Cause his affidavit of service.

### Sub-Chapter 4: Conduct of Hearings

#### 1:4-1. 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-1 et seq.

#### 1:4-2. Hearing Examiner

All hearings shall be conducted before a Hearing Examiner designated by the Attorney General. The Hearing Examiner shall have authority and discretion to control the order of proceedings, to administer oaths to witnesses, to rule on any procedural or evidential motions or objections, to order witnesses to produce evidence in accordance with the Act and/or these rules and to make such rulings as may be necessary to conduct a fair and orderly hearing and to render a final decision on any matter brought pursuant to the Act. The Hearing Examiner shall receive all evidence relevant to the matter before him without regard to the strict rules of admissibility, and may in his discretion examine witnesses. The Hearing Examiner may permit the submission of written memoranda of law or briefs.

#### 1:4-3. Time and Place of Hearing

Hearings shall be held at a time and place designated by the Director having due regard for the convenience of the parties and witnesses. The Director in his discretion or upon application made at least three days prior to the date of the hearing on behalf of any party may adjourn any hearing. Additionally, a motion to adjourn a hearing may be made during said hearing to the Hearing Examiner.

Upon granting any adjournment, the Director or Hearing Examiner shall notify all interested parties and may on notice reschedule the hearing at any time thereafter. In the event an adjournment is granted as provided herein, either the Director or the Hearing Examiner may, where appropriate, tax any costs or expenses, including but not limited to, recording fees and Hearing Examiner's fees.

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

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

#### 1:4-5. Pleadings

A respondent may file an answer to an Order to Show Cause setting forth any factual or legal defenses he may have to the allegations contained in the complaint. Where appropriate, the Director may require the respondent to

file an answer to the Complaint. Filing of an answer shall be made by forwarding an original and two copies to the Director. The failure to file an answer, except when ordered to do so, shall not be deemed a default.

A Complaint or an answer may be amended at any time prior to the hearing. Any pleading may be amended during or after a hearing with leave of the Hearing Examiner.

#### 1:4-6. Failure to Appear

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

#### 1:4-7. Transcript

The proceedings before the Hearing Examiner may be stenographically recorded at the request and expense of the respondent. If the proceedings are transcribed at the respondent's request, the respondent shall serve a copy of the transcript upon the Hearing Examiner and the Attorney for the Division. If the proceedings are stenographically recorded at the Division's request, respondent shall, upon written request, be afforded access to a copy of the same.

### Sub-Chapter 5: Issuance of Final Decision

#### 1:5-1. Hearing Examiner's Decision

The Hearing Examiner shall render his decision not later than 30 days following the final day of hearings or receipt of the transcript, whichever is later. In any contested case, the respondent may, not later than ten days following the final day of hearing, submit proposed findings of fact and conclusions of law to the Hearing Examiner, provided notice of intention to submit such finding is given to the Hearing Examiners prior to the close of the hearing. The Hearing Examiner's decision shall include findings of fact and conclusions of law, separately stated. In those cases where an unlawful practice under the Act is found, the decision shall specifically state the violation in terms of the statutory language found to be violated. A concise and explicit statement of the underlying facts supporting a finding of an unlawful practice shall be set forth. In any case where a respondent has submitted proposed findings of fact and conclusions of law, the decision shall include a ruling on each proposed finding.

In any case where a stenographic recording is not secured, the Hearing Examiner's decision shall be in writing. In those cases where a stenographic recording is made of the proceeding, the Hearing Examiner may, in his discretion and consistent with the within rules and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. render his decision orally on the record.

The Hearing Examiner's decision shall be the final decision of the Division. Review thereof shall be solely by appeal to the Appellate Division of the Superior Court in accordance with the Rules Governing the Courts of the State of New Jersey. No review of the Hearing Examiner's decision shall be available in any collection or enforcement action initiated pursuant to the Act.

#### 1:5-2. Assessment of Civil Penalties

Upon finding a violation of any provision of the Act, the Hearing Examiner may, in addition to any other remedy authorized by the Act, assess a civil penalty in accordance with N.J.S.A. 56:8-13. For the purpose of applying said section a "first offense" shall be deemed to be the first consumer transaction in which an unlawful practice is established. A finding of an unlawful practice in a second consumer transaction shall be deemed to be a second offense within the meaning of N.J.S.A. 56:8-13.

For the purpose of illustrating the within provision, if a respondent in any administrative proceeding held pursuant hereto is found to have used or employed an unlawful practice under the Act in two separate consumer transactions, said respondent shall be liable for a penalty of not more than \$2,000.00 for the first transaction and not more than \$5,000.00 for the second transaction.

#### 1:5-3. Service of Hearing Examiner's Decision

A final decision rendered in writing by a Hearing Examiner shall be served upon the respondent by sending a copy of the same certified mail, return receipt requested to the last known address of the respondent and, where applicable, to counsel for respondent. Copies shall also be forwarded to the Director and the Attorney for the Office. An affidavit of service shall be annexed to the original of the Hearing Examiner's final decision.

#### 1:5-4. Payment of Civil Penalties

In any matter wherein payment of civil penalties is ordered, payment thereof shall be made not later than ten days following service of the Hearing Examiner's decision. Payment of assessed penalties shall be by certified check or money order made payable to the State of New Jersey by forwarding the same to the Director.

#### 1:5-5. Reopening of Proceedings

The Hearing Examiner may, upon his own motion, or upon motion of the respondent on the Attorney for the Division reopen any stage of the proceeding, provided, however, that any motion to reopen shall be timely and for demonstrated good cause. A motion to reopen proceedings shall not be deemed to a matter of right but rather as matter of discretion.

#### 1:5-6. Validity of Rules if any Portion Declared Invalid

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

An order adopting these rules was filed and effective November 1, 1971, as R.1971 d.196 (Exempt, Practice Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Practice Rules Concerning Administrative Hearings

On November 15, 1971, Raphael J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted practice rules concerning administrative hearings. Such rules supersede any prior regulation or regulations relevant to the same subject.

Complete text of the adopted rules follows:

#### Section 1: Applicability

The provisions of this regulation shall apply to all adjudicatory hearings involving revocation, suspension or

refusal to renew licenses, consistent with N.J.S.A. 52:14B-9 through N.J.S.A. 52:14B-12.

#### Section 2: Requests for Hearings

The proposed action to be taken against any licensee by the Division shall become effective ten days from the date of notice except where otherwise provided, unless the licensee or his attorney shall make a request, in writing, for a hearing within ten days from the date of notice. Proposed action to be taken against a race track license may become effective 3 days from the date of notice. All requests for a hearing shall be sent to the following address:

Division of Motor Vehicles  
Driver Improvement Bureau  
25 South Montgomery Street  
Trenton, New Jersey  
Attention: Hearing Scheduling Unit

#### Section 3: Notification of Hearing Date

Upon receipt of a request for a hearing, the Division shall notify the licensee of the date, time and place of the pre-hearing conference or hearing.

#### Section 4: Subpoenas

A licensee may insure the presence of any witnesses subject to the subpoena power of the Division by requesting the Division to subpoena such prospective witnesses.

Applications for the issuance of subpoenas by the Division shall be made in writing by a licensee at least 15 days prior to the scheduled hearing date. These applications shall be sent to the following address:

Division of Motor Vehicles  
Driver Improvement Bureau  
25 South Montgomery Street  
Trenton, New Jersey  
Attention: Hearing Scheduling Unit

#### Section 5: Adjournments

(a) No hearing shall be adjourned from the scheduled hearing date except for good cause and upon order of the Director of the Assignment Officer designated by the Director. All requests for adjournment must be made in writing, with the reasons specified therein, not later than 7 days before the date scheduled for the hearing. All requests shall be sent to the following address:

Division of Motor Vehicles  
Driver Improvement Bureau  
25 South Montgomery Street  
Trenton, New Jersey  
Attention: Hearing Scheduling Unit

(b) No request shall be granted for an adjournment unless good cause is shown.

(c) No request shall be granted for the adjournment of a hearing that is made after the time as provided in paragraph (a) of this section unless the licensee can show good cause and upon order of the Director or the Assignment Officer designated by the Director.

(d) In the event a licensee is not ready to proceed at the time of a scheduled hearing (wherein an adjournment has not been granted), the proposed action against such licensee shall be taken without further opportunity for a hearing.

#### Section 6: Representation by Counsel

Any licensee in a pre-hearing conference or a hearing before the Division may be represented by a licensed New Jersey attorney at law, or the licensee may appear at a pre-hearing conference or hearing and present any defense on his own behalf.

No licensee, after having elected to represent himself at a hearing, shall be granted a re-hearing on the grounds that he lacked representation by counsel. Nor shall any licensee be entitled to a rehearing upon any claim of in-

adequacy of representation by counsel at a hearing.

#### Section 7: Hearing Officer

The hearing shall be conducted by the Director or by such departmental employees as the Director may designate in accordance with the provisions of N.J.S.A. 39:5-30. The person conducting such hearing shall be referred to as the Hearing Officer.

#### Section 8: Conduct of Hearing — Functions of Hearing Officer — Presence of Representative from Attorney General's Office — Order of Presentation

(a) The Hearing Officer shall conduct the hearing in an impartial manner and shall have the power to call, examine, cross-examine witnesses, and introduce into the record relevant documentary and other evidence. The parties shall not be bound by rules of evidence whether statutory, common law or adopted by Rules of Court, except that the Hearing Officer shall give effect to the rules of privilege recognized by law. The Hearing Officer may admit all evidence having reasonably probative value but may exclude immaterial, irrelevant or unduly cumulative evidence or evidence which might necessitate undue consumption of time or might create substantial danger of undue prejudice or confusion. Stipulations of fact may be introduced in evidence with respect to any issues. Upon the conclusion of a hearing, the Hearing Officer may accept or request additional memoranda of law and facts within a reasonable time as prescribed by the Hearing Officer.

(b) The Hearing Officer shall have the power to rule upon motions and objections made by any party to the proceeding.

(c) The Hearing Officer may take notes at the hearing and submit a written report of findings and recommendations. The report submitted shall contain a summary of (1) the testimony elicited at such hearing, including rulings made by the Hearing Officer; (2) an interview with respondent, when taken; (3) the Hearing Officer's opinion and analysis as to whether the charges alleged to have been violated are supported by the facts; and (4) the length of any suspension or revocation if recommended.

(d) The Attorney General or his duly qualified representative may present the case on behalf of the Division of Motor Vehicles.

(e) The Hearing Officer shall conduct the proceedings, as far as practicable, in the following order:

(1) Testimony and evidence in support of the Division's charges and cross-examination thereon.

(2) Testimony and evidence on behalf of licensee and cross-examination thereon.

(3) Summation (optional).

#### Section 9: Stenographic Record—Absence of Stenographic Record—Filing of Exceptions when Stenographic Record Taken

(a) Ordinarily, a stenographic record is not taken at hearings. At the request and expense of any party to the proceedings, the Hearing Officer shall permit any certified shorthand reporter or other competent stenographer to take a stenographic record of the proceedings. A stenographer, other than a certified shorthand reporter, shall be duly sworn by the Hearing Officer to make an accurate stenographic record of the proceedings.

(b) In the absence of a stenographic transcript, the Hearing Officer's notes or report, together with any other evidence admitted during the hearing or properly before the Division, shall constitute a record of all the relevant and material information that is necessary for the Director to arrive at a decision.

(c) A licensee filing exceptions to the Hearing Officer's

report (discussed under Section 11 infra) is not required to provide the Division with any copy of a transcript of a stenographic record that he may have taken at the hearing but, in the event there are any references to the stenographic record or stenographic transcript in the exceptions, the licensee shall supply the Division with a copy of all relevant portions of the transcript relating to the exceptions raised.

The Director or Hearing Unit may require such additional portions of the transcript as may be deemed necessary for a proper determination on the exceptions raised.  
Section 10: Exceptions

(a) A copy of the Hearing Officer's report shall be given or sent to the licensee. Within 15 days from the receipt of such report, the licensee may file a statement in writing setting forth in detail exceptions to any part of this report.

(b) Although the Hearing Officer may make findings and recommendations as to any of the violations and underlying issues of a proceeding, these findings and recommendations are not binding upon the Director and can be overruled; thus, the statements filed by the respondent should include exceptions to any materially adverse section of a Hearing Officer's report in addition to supporting arguments of any material part of a Hearing Officer's report which finds that a licensee is in violation.

Section 11: Final Memorandum Decision

The final memorandum decision of the Director will be based upon the Hearing Officer's report, together with any other evidence admitted during the hearing or properly before the Division and exceptions, if any, that are filed.

Section 12: Relaxation of Rules

The Director or Hearing Officer may relax or dispense with any of the aforesaid rules when the interest of justice requires.

Section 13: Procedure as to When Opportunities to be Heard are Granted

(a) The Division shall not take administrative action against a person unless it has first afforded the person an opportunity to be heard in conformity with the provisions of this Regulation except as set forth in paragraph (a), (c), (d), and (e) of this section.

(b) When the administrative action proposed by the Division against any person is one wherein the Division has authority to act without first holding a hearing, such action shall be valid, but the Division shall promptly afford the person an opportunity to be heard in conformity with the provisions of this regulation.

(c) No hearing shall be provided by the Division of Motor Vehicles when the action taken by the Division is required by any law which prescribes a suspension or revocation of a license or a privilege and which requires no exercise of discretion on the part of the Division of Motor Vehicles. No hearing shall be provided by the Division of Motor Vehicles when a suspension or revocation of a license or privilege is suspended or revoked by order of a court.

(d) When the Division receives a report from a court of competent jurisdiction that a motorist has failed to appear in court after having been issued a summons for a traffic violation, the only issue to be heard at any hearing on that matter in the Division will be whether or not the outstanding summons has been satisfied to the satisfaction of the court that notified the Division of the failure to appear.

(e) When a license is restored with the distinct understanding that any subsequent moving violation will be cause for a summary suspension, the issue of any hearing requested will be limited to:

(1) whether or not the licensee has been convicted for

a subsequent moving violation and,

(2) determining whether or not the licensee received adequate notice that his license had been restored with that distinct understanding.

An order adopting these rules was filed November 23, 1971, as R.1971 d.212 (Exempt, Practice Rule), to become effective December 1, 1971.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF STATE POLICE

#### Proposed Regulations for Control of Traffic And Parking on State Property in Trenton

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. 39:4-208, proposes to adopt revised rules governing traffic control and parking on State-owned or leased property in Trenton, to replace those rules which were filed with the Secretary of State on January 3, 1966.

Full text of the proposed revised rules follows:  
REGULATIONS FOR THE CONTROL OF TRAFFIC AND  
PARKING ON STATE PROPERTY IN TRENTON

1. Except as hereinafter provided the operator of a vehicle, shall not park the vehicle in any parking area constructed, owned and maintained at Trenton by the State of New Jersey unless such vehicle is registered with and a parking permit issued by the Property Bureau. This permit does not guarantee a parking space, a first come, first served, policy exists. Such permit parking is for work use only.

2. VISITOR PARKING — All visitor parking areas are lined in yellow. Visitor parking permits issued to persons on State business will be issued by an authorized Department Receptionist of the State Building being visited that has a Visitor Parking Area posted "VISITOR—STATE PARKING AREA—PARKING BY PERMIT ONLY—OBTAIN PERMIT FROM RECEPTIONIST".

Visitor parking permits will be issued to visitors in the Area 6 Visitors Parking Area by the Capitol Police.

All visitors permits will be issued at a first come, first served basis.

All visitors permits will be displayed from the dashboard of the vehicle.

3. Such application for the registration and the issuance of a parking permit shall be made in the following manner: Prior to the ending of the calendar year, December 31, unless otherwise specified, each State Department head will be notified by letter by the issuing agent notifying him of the parking spaces available in each parking area for his personnel. Upon receipt of such notification, the department head will submit in writing a list of names of the employees to whom permits should be issued.

4. Applications for registration and parking permits shall be denied unless the names of those submitted are full time State employees or are connected with the State Government in some capacity at Trenton, New Jersey.

5. Parking permits shall be serially numbered and shall bear the number of the authorized parking area for which issued. Except as hereinafter provided, the permit will be designed for pasting and affixed to the vehicle with the sticker adhesive as designated below:

a. On New Jersey registered vehicles, the permit shall be pasted upon the inside of the rear window in the extreme lower corner directly to the rear of the driver. On vehicles with no rear window (certain sports cars, etc.) affix the permits to the rearmost window on the driver's side.

NOTE: Motor Vehicle Laws in New Jersey prohibit the affixing of a sticker to the windshield or airvent window. Where a vehicle has no other glass area, special arrangements will be made for affixing permits by the Governmental Security Bureau.

b. On Pennsylvania registered vehicles, the permit shall be pasted upon the inside of the front windshield, directly behind the rear view mirror in accordance with Section 816 of the Pennsylvania Motor Vehicle Code.

c. Other out-of-state vehicles—by reciprocal agreement.

d. Car pool parking permits issued for designated areas shall be displayed from the driver's sunvisor in such a manner to be visible through the front windshield of the vehicle.

6. No person shall counterfeit a parking permit or make a substitute or temporary permit, or use such a permit with intent to evade or violate the requirements of these regulations.

a. No person shall loan a parking permit to another person for the purpose of using it on a vehicle other than the one for which such permit was issued. No person shall use a permit not issued to him.

b. Under no circumstance will any person place a note on their vehicle in lieu of a valid parking permit. Notes indicating that a second vehicle is being utilized in place of the first vehicle, or that a new employee is awaiting a parking permit are totally unacceptable.

c. Parking permit holders who provide written proof that their vehicle is out of service may obtain a temporary parking permit from the Property Bureau for a limited period.

7. To be valid, the parking permit must be pasted on the car at all times while parked in designated State parking areas.

8. All parking permits will expire and become void at midnight on December 31 of each year, unless otherwise specified, terminating the period for which the permit was issued.

9. Records of all permits will be kept on file at the Property Bureau Office.

10. Temporary parking permits may be issued by the issuing agent and the State Police Officer in charge of the State Police personnel at the State Capitol for emergency purposes or for any other purpose that may be necessary for official State business. These permits will be void except for the dates mentioned thereon. These permits will be affixed to the sunvisor in the down position. Permit must be visible when vehicle is on State property.

11. Reserved parking spaces may be established within the various parking areas and will be properly marked by signs and the operator of any vehicle using such areas will obey all reserved signs. The Governor's parking space is restricted at all times for the exclusive use of the Governor.

a. In addition, certain State vehicles, including but not limited to the Governor, his cabinet, State Police and emergency vehicles in connection with designated assignments and other vehicles may park in the State Complex at the direction of the Governmental Security Bureau.

12. On special or emergency occasions any State parking area may be designated as a closed area to permit holders.

On such occasions proper notice will be given to permit holders as soon as possible and such notice will designate, providing there is space, another area available to them during such time.

13. All vehicles entering the State House Complex parking areas shall enter at the Lafayette Boulevard entrance. The Annex and Education Driveways are designated as EXITS only.

a. The Annex and Education driveways shall be closed to all traffic from 6 p.m. to 9 a.m. daily; and at all times on holidays and weekends. This shall be accomplished by placing a locked chain across the driveway.

b. During hours that the Annex and Education drives are closed, all vehicles shall exit through the Lafayette Boulevard exit.

c. The entire parking complex may be closed on any-time deemed necessary to provide security to the State House and buildings within the State House Complex parking area.

14. The operator of a vehicle shall not stop, stand or park the vehicle in the driveways of any of the parking areas so as to interfere with the free and orderly movement of vehicles entering or leaving the areas.

15. The operator of a vehicle will park said vehicle in a proper manner in the spaces marked by two white or yellow lines, as the marking color may be, and they shall not park the vehicle in any other space not so marked.

16. Any vehicle illegally parked in a State Parking Area or so as to hinder or obstruct traffic flow, or other legally parked vehicles, or the removal of snow by snow removal equipment operators may be towed from the area to a place of safe storage and the cost of towing and storage will be incurred by the owner of the vehicle in violation.

17. The operator of a vehicle upon entering, remaining in or leaving the various parking areas will obey all traffic lights, signs and all police officers that may be on duty at the time.

18. The operator of any vehicle who drives a vehicle within any of the State parking areas carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger life and property shall be guilty of careless driving.

19. No person shall drive a vehicle within the State Parking Areas, grounds or roadways at a rate of speed greater than fifteen miles per hour.

20. The traffic or police officer on duty in any of the State parking areas may regulate and control the traffic and parking and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained in these Rules and Regulations.

21. Parking permits may be revoked by the issuing agent or the State Police at anytime the holder of such permit is found to be violating any of the Rules and Regulations.

22. When any area becomes filled with vehicles and there are no legal parking spaces available, the overflow traffic shall park off complex at their own expense, and shall not spill over into any other State parking area.

a. On Legislative days only, vehicles displaced from Area 2 shall be absorbed into Parking Area 6 including visitor's 6 which will be closed to visitors.

23. It shall be the responsibility of permit holders to notify the Property Bureau of any change in vehicle registration number.

PENALTY: As prescribed by Title 39:4-208 of the Revised Statutes, "Any person who shall violate any of the said regulations shall be subject to a fine of not less than (\$1.00) dollar nor more than ten (\$10.00) dollars."

24. All permits issued pursuant to these regulations shall be returned through their respective Departments to the Property Bureau upon termination of employment with either that Department or State Government.

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

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF STATE POLICE

#### Proposed Changes in Chemical Breath Testing Regulaions

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. 39:4-50.3, proposes to amend the Chemical Breath Testing regulations in order to alleviate the demand for additional breath testing coordinators.

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

#### 13:51-6 DURATION OF CERTIFICATE

On approval by the Attorney General, the operator will be issued a large certificate and replica bearing the date of course completion and will be valid [until the end of the next calendar year] through the remainder of the calendar year and through the next two calendar years. Certification will be extended upon completion of [an annual one day refresher course] a one day refresher course from the refresher course date through the next two full calendar years [and] after passing a practical test as prescribed and conducted by the Division of State Police. The certificate replica will be validated for extension when signed and dated by a breath testing instructor. [The extension will be valid until the end of the next calendar year.]

#### 13:51-7 SUSPENSION OF OPERATOR'S CERTIFICATE

(a) Suspension is automatic when an operator fails to satisfactorily complete the required [annual] refresher course. Any test conducted beyond the expiration date as explained in Section 13:51-6 will be considered invalid for court presentation.

NOTE: No amendments are proposed with regard to subsections (b) and (c) of this Section.

Interested persons may present statements or arguments

in writing, orally in person or by telephone relevant to the proposed action on or before December 31, 1971 to:

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

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

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

(b)

## LAW AND PUBLIC SAFETY

### OFFICE OF THE ATTORNEY GENERAL

#### List of Registered Legislative Agents

George F. Kugler Jr., the Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h), has released the first monthly list of all Legislative Agents registered with his office as of November 24, 1971 pursuant to N.J.S.A. 52:13C-18 et seq., together with pertinent information contained in their notices of representation.

All notices of representation and reports on file with the Attorney General are available for public inspection during regular business hours (9:00 a.m. to 5:00 p.m.) in Room 316, State House Annex, Trenton, New Jersey.

The first monthly listing below includes registration number assigned to each Legislative Agent, name and New Jersey address, whom they are representing, and their designation or title, if any:

1. Monroe A. Lewis, 972 Broad Street, Newark 07102; Tobacco Distributors Association of New Jersey; Executive Director.
2. George J. Geisinger, Sharp Street, Millville 08332; The Prudential Insurance Company of America; Director, Area Affairs.
3. Fred W. Chapman, 1 Latern Lane, Somers Point; Association of Ice Cream Manufacturers.
4. Raymond A. Peterson, 1461 Morris Avenue, Union 07083; State Federation of Teachers; Teacher.
5. Leonard A. Coyle, 332 West State Street, Trenton 08618; New Jersey Nursing Home Association, New Jersey State Association of Mutual Insurance Company; Attorney.
6. Henry J. Schwellenbach, 3530 Route 27, Kendall Park 07083; New Jersey Crushed Stone Association; Executive Director.
7. Joseph Katz Company, Joseph Katz, Jay Adelman, 130 West State Street, Trenton 08608; New Jersey Restaurant Association, New Jersey Hotel/Motel Association, The Sperry & Hutchinson Company, Milk Processors and Distributors of New Jersey, New Jersey Cemetery Association, New Jersey Automobile Dealers Association, Committee for Reform in Civil Litigation.
8. John Robert Heher, 1412 Trenton Trust Building, Trenton 08608; New Jersey Hospital Association, American Mutual Insurance Alliance, Celanese Corporation; Attorney.
9. William T. Wachenfeld, Prudential Plaza, Newark

07101; The Prudential Insurance Company of America; Vice President and Associate General Counsel.

10. Jack W. Owen, 1101 State Road, Research Park, Princeton 08540; New Jersey Hospital Association; President.

11. William H. Baker, 1101 State Road, Research Park, Princeton 08540; New Jersey Hospital Association; Assistant Director.

12. Alfred W. Sitarski, P.O. Box 222, Linden 07036; Humble Oil and Refining Company; Relations Representative — State Government.

13. Irving J. Marks, 790 Broad Street, Newark 07102; New Jersey State Council of Electrical Contractors; Electrical Contractor.

14. Gerald D. Hall, 54 Park Place, Newark 07102; New Jersey Chamber of Commerce; Director, Government and Economic Research Department.

15. Donald H. Scott, 54 Park Place, Newark 07102; New Jersey Chamber of Commerce; Executive Vice President.

16. Joseph W. Ludlum, 54 Park Place, Newark 07102; New Jersey Chamber of Commerce; Director, Employers Advisory Department.

17. Peter Dorn, 54 Park Place, Newark 07102; New Jersey Chamber of Commerce; Secretary.

18. Walter J. O'Brien, 180 West State Street, Trenton 08608; New Jersey Education Association; Director of Development.

19. Lewis R. Applegate, 180 West State Street, Trenton 08608; New Jersey Education Association; Director of Public Relations.

20. Dr. Frederick L. Hipp, 180 West State Street, Trenton 08608; New Jersey Education Association; Executive Secretary.

21. James J. Dwyer, 34 Scotch Road, Trenton 08628; New Jersey Association of School Administrators; Legislative Aide.

22. William W. Ramsay, 34 Scotch Road, Trenton 08628; New Jersey Association of School Administrators; Executive Director.

23. Gerald Paul Stoy, P.O. Box 1192, Trenton 08606; New Jersey State Employees Association; Second Vice President.

24. Charles T. DeFoe, 926 West State Street, P.O. Box 22, Trenton; New Jersey Retail Merchants Association; Executive Vice President.

25. William G. Hetherington & Company, William G. Hetherington, James C. Boyle, Albert B. Iardella, Frank G. McGuire, 744 Broad Street, Newark 07102; National Newark & Essex Bank, Midlantic Banks Inc., Raritan Valley Bank, Solid Waste Industry Council of New Jersey, New Jersey Automobile Club, Federated Department Stores, St. James Hospital, New Jersey Life Insurance Company, New Jersey Wine and Spirit Wholesalers Association, J. Wiss & Sons Company, Pre Cast Concrete Company, J. I. Kislak, Anheuser-Busch, American Airlines.

26. Sterns & Greenberg, Joel H. Sterns, William S. Greenberg, 132 West State Street, Trenton 08608; Rutgers Council of the American Association of University Professors, New Jersey Association of Public Accountants, National Association of Theatre Owners of New Jersey, Inc., Mobile Homes Manufacturing, Motion Picture Association of America; Attorneys.

27. League of Women Voters of New Jersey, Mrs. Mary Tanner, Mrs. Malcolm Wolfe, Mrs. David Ackermann, Mrs. Donnell Ballard, Mrs. Robert Danielson, Mrs. Walter Hoffman, Mrs. David Jacobson, Mrs. Elizabeth Kelley, Mrs. Stephen Lax, Mrs. Howard Levine, Mrs. Paul Mofett, Mrs. Harry Nash, Mrs. Harold Nash, Mrs. Richard Schmidt, Mrs. F. D. Smith, Mrs. George Walker, Mrs. John McCall, Mrs. John Ford, Mrs. Thomas McGrath; League of Women Voters of New Jersey, Inc.

28. William D. Hayward, 180 West State Street, Trenton 08608; New Jersey Education Association; Coordinator, Higher Education.

29. Irving J. Tecker, 911 North Kings Highway, Cherry Hill 08034; New Jersey Podiatry Society.

30. Robert H. Fust, 433 Bellevue Avenue, Room D-403, Trenton 08618; New Jersey State League of Municipalities; Executive Director.

31. Norman Leslie Hughes, 4819 Browning Road, Pennsauken 08109; New Jersey Motor Truck Association.

32. G. Stewart Francke, 1010 Holiday Inn, 222 West State Street, Trenton 08608; General Motors Corporation; Government Relations Field Representative.

33. Robert C. Forrey Jr., Executive Vice President, and Israel Spicer, Counsel, 499 Harrison Street, Princeton 08540; Thomas C. Jamieson Jr., Associate Counsel, 194 Nassau Street, Princeton 08540; New Jersey Bankers Association.

34. Arthur C. Fried, 33 Washington Street, Newark 07102; Hospital Service Plan of New Jersey (New Jersey Blue Cross Plan); Public Relations Director.

35. Thomas J. Kean, P. O. Box 62, South Amboy; New Jersey Association of Independent Insurance Agents.

36. Arthur H. West, President, and C. H. Fields, Executive Secretary, 168 West State Street, Trenton 08608; New Jersey Farm Bureau.

37. Edgar G. Samman, 5 Dianne Court, Clifton 07102; New Jersey Employees Association; Executive Director.

38. Augustus Nasmith, 744 Broad Street, Newark 07102; Associated Railroads of New Jersey, General Motors Corporation, American Insurance Association; Vice Chairman and General Consulting Attorney.

39. Charles Thompson, 108 Nokomis Trail, Medford Lakes 08055; New Jersey State Legislature Board, Brotherhood of Locomotive Engineers; Chairman.

40. Rosemarie R. Stochij, President; John Stochaj, John Stochaj, Mrs. Marian Kent, and Mrs. Alice S. Ruotolo, Volunteers; 20 Church Street, Montclair 07042; Consumers League of New Jersey.

41. Edward J. McManimon Jr., 540 Broad Street, Newark 07101; New Jersey Bell Telephone Company; Executive Assistant.

42. Walter J. Davis, 540 Broad Street, Newark 07101; New Jersey Bell Telephone Company; Public Affairs Manager, Upstate.

43. James J. Felz, 224 E. State Street, Trenton 08608; New Jersey Bell Telephone Company; Public Affairs Manager, Downstate.

44. Edward Thomas McDonald, 408 8th Avenue, Spring Lake Heights 07762; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO; Chairman, State Legislative Commission.

45. Warren Hill, President and E. V. Lawlor Jr., Executive Vice President, 10 Commerce Street, Newark 07102; Michael D. Matteo, Suite 800, the Provincial Executive, 2201 State Highway 38, Cherry Hill 08034; New Jersey Savings League; Counsel.

46. William J. Kohm, 312 Forest Avenue, Paramus 07652; AAA Auto Clubs of New Jersey, Association of General Contractors of New Jersey, Fidelity Union Trust Company, Funeral Directors Association, Hackensack Water Company, Keyes Fibre Company, New Jersey Retail Merchants Association, Society of Dispensing Opticians, Sperry & Hutchinson Company, Glass Container Manufacturers Institution.

47. W. Jefferson Lyon, 33 Washington Street, Newark 07102; Hospital Service Plan of New Jersey (New Jersey Blue Cross Plan); Vice President.

48. John J. Bachalis, P. O. Box 2708, Sullivan Way, Trenton 08607; New Jersey Manufacturers Association; Vice President.

49. Robert A. Woodford, P. O. Box 2708, Sullivan Way, Trenton 08607; New Jersey Manufacturers Association; Assistant Secretary.

50. Leonard H. Ruppert, 212 West State Street, Trenton 08608; New Jersey Petroleum Council; Executive Director.

51. William Taylor Wood Jr., Campbell Place, Camden 08101; Campbell Soup Company; Manager, Government Relations.

52. Al N. Lehman, Executive Vice President, and James F. Olsen, Business Manager, 790 River Road, Trenton 08628; New Jersey Automobile Dealers Association.

53. Philip J. Cocuzza, 2005 Route 22, Union 07083; New Jersey Builders Association; Executive Vice President.

54. John N. Petterson, 1703 East Second Street, Scotch Plains; Scientific Chemical Treatment Company, Inc.; Public Relations.

55. Edward F. Meara III, 224 West State Street, Trenton; Car and Truck Rental Association of New Jersey, New Jersey Physical Therapy Association, Medical Society of New Jersey.

56. Joseph Kevin Berry, P. O. Box 196, Glenmont, New York 12077; Independent Mutual Agents Association of New Jersey; Executive Assistant.

57. Elmer M. Matthews, 11 Commerce Street, Newark 07102; New Jersey Catholic Conference, American Reciprocal Insurance Association; Attorney.

58. David W. Lloyd, P. O. Box 2708, Sullivan Way, Trenton 08607; New Jersey Manufacturers Association; Legislature Affairs Specialist.

59. Frank Warren, Executive Director, Fred Begelman, Research Analyst, Philip W. Blyaze, Secretary and Maurice S. Shier, Director of Research, 104 North Broad Street, Trenton 08608; New Jersey Taxpayers Association, Inc.

60. Peter P. Walsh Jr., 1 West State Street, Trenton 08608; Association of Independent Colleges and Universities in New Jersey; Attorney.

61. Alvin E. Meyer, 661 Main Street, Hackensack 07601; Bergen County Chamber of Commerce; Director of Government Affairs.

62. John F. Wagner, 87 Royal Avenue, Hawthorne 07507; Jerseyans for Non-Public Education; State Coordinator.

63. Donald N. Silvey, 733 New Point Road, Elizabeth; Elizabeth Firemen's Teamster's #286; Legislature Delegate.

64. Charles H. Pillon, 28 West State Street, Trenton 08608; Ford Motor Company; Regional Manager, Civic and Government Affairs.

65. Irvin McFarland, 375 West State Street, Trenton 08618; United Transportation Union, State Legislature Director.

66. Philip E. Kunz, 176 West State Street, Trenton; New Jersey Council of Churches; Director, Office of Government Concern.

67. Paul J. Brienza, Managing Director, Edward A. Burke, Assistant Managing Director, and Arthur T. Young, Assistant Managing Director, 500 Morris Avenue, Springfield 07081; Building Contractors Association of New Jersey.

68. John D. Chussler, 511 Seminary Avenue, Rahway 07065; Rahway Fire Department, F.M.B.A. #33; Fireman.

This listing of Legislative Agents was filed November 12, 1971, as R.1971 d.202 and November 29, 1971, as R.1971 d.213.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### OFFICE OF THE ATTORNEY GENERAL

#### Rules Implementing Legislative Activities Disclosure Act of 1971

On November 4, 1971, George F. Kugler Jr., the Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-20(f) and 52:13C-35 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules implementing the Legislative Activities Disclosure Act of 1971, as proposed in the Notice published in the special insert of the New Jersey Register on October 7, 1971.

An order adopting these rules was filed and effective November 9, 1971, as R.1971 d.201.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## STATE

### DIVISION OF ADMINISTRATIVE PROCEDURE

#### Proposed Rules on Declaratory Rulings and Administrative Hearings

Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State, pursuant to authority of N.J.S.A. 52:14B-7(g), proposes to adopt new rules concerning declaratory rulings and administrative hearings. These proposed rules shall constitute Subchapters 9 and 10 of Chapter 15, Title 15 of the New Jersey Administrative Code.

Complete text of the proposed rules follows:

##### Subchapter 9. Declaratory Rulings

##### 15:15-9.1 Discretion of agencies to make declaratory ruling

Subject to the provisions of N.J.S.A. 52:17A-4b and 4e, an agency upon the request of any interested person may in its discretion make a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute or rule enforced or administered by that agency.

##### 15:15-9.2 Effect of declaratory ruling

A declaratory ruling shall bind the agency and all parties to the proceedings on the state of facts alleged.

##### 15:15-9.3 Opportunity for hearing

Full opportunity for hearing shall be afforded the interested parties.

##### 15:15-9.4 Review

Such a declaratory ruling shall be deemed a final decision or action subject to review in the Appellate Division of the Superior Court.

##### 15:15-9.5 Advisory opinions

Nothing herein shall affect the right or practice of every agency in its sole discretion to render advisory opinions.

##### Subchapter 10. Administrative Hearings

##### 15:15-10.1 Definitions

"Administrative adjudication" or "adjudication" means any and every final determination, decision or order made or rendered in any contested case.

"Contested case" means a proceeding, including any

licensing proceeding, in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

"Director" means the Director of the Division of Administrative Procedure, unless otherwise indicated by context.

"Head of the agency" means and includes the individual or group of individuals constituting the highest authority within any agency authorized or required by law to render an adjudication in a contested case.

"License" means the whole or part of any agency license, permit, certificate, approval, chapter, registration or other form of permission required by law.

"Secretary" means the Secretary of State.

#### 15:15-10.2 Notice and conduct of hearings

(a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(b) The notice shall include in addition to such other information as may be deemed appropriate:

1. A statement of the time, place and nature of the hearing.

2. A statement of the legal authority and jurisdiction under which the hearing is to be held.

3. A reference to the particular sections of the statutes and rules involved.

4. A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(c) Opportunity shall be afforded to all parties to respond, appear and present evidence and argument on all issues involved.

(d) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement or consent order.

(e) Oral proceedings or any part thereof shall be transcribed on request of any party at the expense of such party.

(f) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(g) Unless otherwise provided by any law, agencies may place on any party the responsibility of requesting a hearing if the agency notifies him in writing of his right to a hearing and of his responsibility to request the hearing.

#### 15:15-10.3 Evidence in contested cases

(a) In contested cases, the parties shall not be bound by rules of evidence whether statutory, common law or adopted by the Rules of Court.

(b) All relevant evidence is admissible, except as otherwise provided herein.

(c) The presiding officer may, in his discretion, exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion.

(d) The presiding officer shall give effect to the rules of privilege recognized by law.

(e) Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

#### 15:15-10.4 Notice of facts

(a) Notice may be taken of judicially noticeable facts.

(b) Notice may also be taken of generally recognized technical or scientific facts within the agency's specialized knowledge.

(c) Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the materials so noticed.

(d) The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

#### 15:15-10.5 Presiding officer's report and decision

(a) When a person not empowered to render an administrative adjudication is designated by the head of the agency as the presiding officer, his recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the agency and delivered or mailed to the parties of record; and an opportunity shall be afforded each party of record to file exceptions, objections and replies thereto and to present argument to the head of the agency or a majority thereof, either orally or in writing, as the agency may order.

(b) The head of the agency shall adopt, reject or modify the recommended report and decision.

(c) The recommended report and decision shall be a part of the record in the case.

#### 15:15-10.6 Final decision or order

(a) A final decision or order in a contested case shall be in writing or stated in the record.

(b) A final decision shall include findings of fact and conclusions of law, separately stated.

(c) 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.

(d) If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.

(e) Parties shall be notified either personally or by mail of any decision or order.

(f) 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.

#### 15:15-10.7 Effective date of administrative adjudication

(a) Except where otherwise provided by law, the administrative adjudication of the agency shall be effective on the date of delivery or on the date of mailing of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case.

(b) The date of delivery or mailing shall be stamped on the face of the decision.

#### 15:15-10.8 Hearings authorized for certain licenses

(a) No agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with the provisions of these rules applicable to contested cases.

(b) If a licensee has, in accordance with law and agency rules, made timely and sufficient application for a renewal, his license shall not expire until his application has been finally determined by the agency.

(c) Any agency that has authority to suspend a license without first holding a hearing shall promptly, upon exercising such authority afford the licensee an opportunity for hearing in conformity with the provisions of these rules.

(d) This section shall not apply where:

1. A statute provides that an agency is not required to grant a hearing in regard to revocation, suspension or refusal to renew a license, as the case may be.

2. The agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a judgment of a court of competent jurisdiction.

3. The suspension or refusal to renew is based solely upon failure of the licensee to maintain insurance coverage as required by any law or regulation.

#### 15:15-10.9 Administrative or judicial review

(a) Whenever under statute or agency rule there is a mode of administrative review within an agency, such review shall remain unpaired and any judicial review shall be from the final action of the agency.

(b) The administrative review within the agency need not comply with the requirements for the conduct of contested cases.

#### 15:15-10.10 Enforcement

The Director of the Division of Administrative Procedure, or any agent so designated by the Director, is empowered to enforce the rules within this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Peter J. Gorman  
Rules Analyst  
Division of Administrative Procedure  
10 North Stockton Street  
Trenton, New Jersey 08608

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

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Revision in Rule on Filing Boxing Contracts and Secret Agreements

Morris Mogelevor, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to revise certain portions of N.J.A.C. 15:25-18.12 concerning the filing of boxing contracts and secret agreements.

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

#### 15:25-18.12 Filing of boxing contracts; secret agreements

(a) Copies of all boxing contracts must be filed with the [Commission.] office of the State Athletic Commissioner. For the main bout, contracts shall be filed 30 days in advance of the contest or at such time as shall be determined at the discretion of the Commissioner. For undercard bouts, contracts shall be filed 14 days in advance of the contest.

(b) The making of secret agreements contrary to the terms of the contracts so filed is prohibited under penalty of suspension of all parties thereto.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelevor  
Deputy State Athletic Commissioner  
209 East State Street  
Trenton, New Jersey 08608

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

Morris Mogelevor  
Deputy State Athletic Commissioner  
Department of State

(b)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Rule on Public Announcements Or Advertisements of Bouts

Morris Mogelevor, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to adopt a new rule concerning public announcements or advertisements of bouts.

Complete text of the proposed rule (N.J.A.C. 15:25-8.16) follows:

#### 15:25-8.16 Public Announcements or Advertisements of Bouts

No licensed boxing promoter, matchmaker, manager or boxer may publicly announce or advertise that any bout or exhibition will take place unless such bout or exhibition has been formally approved by the office of the State Athletic Commissioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelevor  
Deputy State Athletic Commissioner  
209 East State Street  
Trenton, New Jersey 08608

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

Morris Mogelevor  
Deputy State Athletic Commissioner  
Department of State

(c)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Rule On Filing Period for Promoter's Contract

Morris Mogelevor, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to adopt a new rule (N.J.A.C. 15:25-8.15) concerning the filing period for a promoter's contract.

Complete text of the proposed rule follows:

#### 15:25-8.15 Filing Period for Promoter's Contract

All contracts between licensed boxing promoters and boxers or managers of a boxer affecting or calling for the services of a boxer shall be filed with the office of the

State Athletic Commissioner by such licensed boxing promoter within 48 hours after the execution of such a contract.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelever  
Deputy State Athletic Commissioner  
209 East State Street  
Trenton, New Jersey 08608

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

Morris Mogelever  
Deputy State Athletic Commissioner  
Department of State

(a)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Revision to Rule On Minimum Rounds per Program

Morris Mogelever, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to revise certain portions of N.J.A.C. 15:25-18.10 (Minimum Schedule of Rounds per Program).

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

15:25-18.10 Minimum schedule of rounds per program

Licensed clubs shall not schedule less than [30] 28 rounds of boxing for any one program.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelever  
Deputy State Athletic Commissioner  
209 East State Street  
Trenton, New Jersey 08608

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

Morris Mogelever  
Deputy State Athletic Commissioner  
Department of State

(b)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Revisions in Rule On Time Between Bouts

Morris Mogelever, Deputy State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to revise certain portions of N.J.A.C. 15:25-5.23 concerning time between bouts.

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

15:25-5.23 Time between bouts

For boxers in main events [or bouts of comparable importance], there shall be an interval of [at least five days] 30 days between the dates of the bouts[.] or for such time as shall be determined at the discretion of the Commissioner. [For semi-finals or preliminary bouts, the interval shall be at least four days.] For all bouts underneath the main contest, the interval shall be 14 days or for such time as shall be determined at the discretion of the Commissioner.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelever  
Deputy State Athletic Commissioner  
209 East State Street  
Trenton, New Jersey 08608

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

Morris Mogelever  
Deputy State Athletic Commissioner  
Department of State

(c)

## STATE

### STATE ATHLETIC COMMISSION

#### Proposed Rule Concerning Surety Bond For Ticket Refunds

Morris Mogelever, Acting State Athletic Commissioner, pursuant to authority of N.J.S.A. 5:2-5, proposes to adopt a new rule concerning the posting of a surety bond or a certified check by licensed promoters of boxing matches to provide for ticket refunds upon the cancellation or postponement of the match.

Complete text of the proposed rule follows:  
N.J.A.C. 15:25-18.15 Posting Security for Ticket Refunds

Licensed promoters shall post with the Commissioner a surety bond or certified check in such amount and for such time as shall be determined by the Commissioner for payment by said licensed promoter at the box office to patrons who apply for refunds on tickets already purchased when an advertised boxing program as scheduled is cancelled or postponed, except when the main contest is to be held on a scheduled rainout date indicated on the ticket.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Morris Mogelever  
Acting State Athletic Commissioner  
State Athletic Commission  
209 East State Street  
Trenton, New Jersey 08625

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

Morris Mogelever  
Acting State Athletic Commissioner  
State Athletic Commission  
Department of State

(a)

# STATE

## DIVISION OF ADMINISTRATIVE PROCEDURE

### Adopt Rules of Division Of Administrative Procedure

On November 15, 1971, Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State, pursuant to authority of N.J.S.A. 52:14B-7(g) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rules of the Division of Administrative Procedure, substantially as proposed and outlined in the Notice published January 7, 1971, at 3 N.J.R. 9(b). Such rules will constitute Chapter 15 of Title 15 of the New Jersey Administrative Code.

An order adopting these rules was filed November 15, 1971, as R.1971 d.206.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

# TRANSPORTATION

## THE COMMISSIONER

### Proposed Rules Governing Deferred Payments to Contractors

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-34, proposes to adopt rules governing deferred payments to contractors for materials supplied and work performed in the construction of State highways and related projects. Such rules are to constitute Subchapter 7, Chapter 62 of Title 16 of the New Jersey Administrative Code.

Complete text of the proposed rules follows:

Subchapter 7. Deferred Payments to Contractors for Materials Supplied and Work Performed in the Construction of State Highways and Related Projects.

#### 16:62-7.1 Definitions

The following words and terms when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

"Bond Value" means Par value or market value of the bond, whichever is lower.

"Contract" means Any contract or agreement, the terms of which require retainage to be withheld from payments due the Contractor. "Contract" shall be construed as singular or plural, depending on the circumstances.

Note: The Commissioner of Transportation may act hereunder by his designated representative.

#### 16:62-7.2 Partial Payments to Contractors

(a) Contracts may provide for partial payments to Contractors at least once each month or from time to time as the work progresses on work of construction or maintenance of State highways or related projects.

(b) Contracts may also provide for partial payments to Contractors at least once each month or from time to time as the work progresses on all materials placed along or upon the site which are suitable for the use and execution of the contract, provided the Contractor furnishes releases of liens for all materials furnished at the time each estimate of work is submitted for payment, but such partial payments shall be 80 per cent of the value of the material.

#### 16:62-7.3 Per Centum Withheld Pending Completion of Contract

Ten per centum of the amount due on partial payments on the first 50 per cent of the total contract price shall be withheld from the Contractor pending completion of the contract. Thereafter, on the remaining 50 per cent of the total contract price, no per centum of the partial payments shall be withheld from the Contractor pending such completion.

#### 16:62-7.4 Per Centum Withheld for Deferred Work

When the contract provides that a portion of the work may be deferred with the approval of the Commissioner, the sum withheld from the Contractor may not be less than 25 per cent of the value of said work.

#### 16:62-7.5 Pledge of Approved Bonds by Contractor in Lieu of Retained Percentages

(a) Any money heretofore or hereafter withheld from contract payments as provided for in this subchapter shall be paid by the State to any Contractor entitled thereto who shall deposit certain negotiable bonds with a Bank in the State of New Jersey which is an approved depository of the State of New Jersey, which has a Trust Department, and which is willing to complete the escrow agreement between the Department of Transportation, the Contractor, and the Bank.

(b) The bonds deposited by the Contractor must be issued by the State of New Jersey or any of its political subdivisions, must be approved by the Commissioner of Transportation, and must have a value at least equal to the amount of money to be paid any such Contractor.

#### 16:62-7.6 Responsibilities of Bank Designated and Appointed as Escrow Agent

(a) Upon delivery of said negotiable bonds, the Bank shall furnish a receipt to the Contractor and send a copy to the Department of Transportation. The receipt shall contain:

1. Description of the bonds deposited.
2. Rating of the bonds.
3. Current market value of each issue.

(b) The Bank shall hold said negotiable bonds as escrow agent for and on behalf of the Department of Transportation and the Contractor in accordance with the terms of the escrow agreement and this subchapter.

(c) The Bank shall provide a monthly report to the New Jersey Department of Transportation with a copy to the Contractor which shall contain:

1. A description of all bonds held.
2. The rating of each issue of bonds.
3. Current market value of each issue.
4. Total market value of all bonds deposited by the Contractor.

(d) The Bank shall promptly collect any and all interest due on said bonds and pay such interest to the Contractor.

(e) The Bank shall release said negotiable bonds to the Contractor only upon receipt of written authorization from the Commissioner of Transportation.

#### 16:62-7.7 Deposit of Additional Bonds

(a) In the event additional bonds are required due to a decline in market value of those bonds on deposit with the bank or the value of the bonds on deposit is less than the total retainage requirement, the Department of Transportation shall deduct from current payments, amounts sufficient so that the total bond value on deposit plus retainage withheld will equal the total retainage requirement on all contracts.

(b) The contractor may elect, at his discretion, to place sufficient additional bonds on deposit with the Bank.

16:62-7.8 Called or Matured Bonds

(a) The Bank acting as escrow agent shall process called or matured bonds for collection and notify the contractor and the Department of Transportation of such action.

(b) Upon receipt of the notification, the Department shall deduct from current payments, amounts sufficient so that the total bond value on deposit plus retainage withheld will equal the total retainage requirement on all contracts.

(c) The contractor may elect, at his discretion, to substitute sufficient approved new bonds.

(d) The Department of Transportation shall authorize the Bank to release the proceeds of the called or matured bonds.

16:62-7.9 Default

In the event a default shall occur under the contract between the Department and the Contractor, the Commissioner of Transportation shall promptly notify the Bank in writing of such default, together with instructions to sell certain negotiable bonds and to pay the proceeds to the Department of Transportation. A copy of said default notice and instructions to sell shall be sent to the Contractor by certified mail.

16:62-7.10 Payment of Service Charges

The Contractor shall pay any and all charges of the Bank for services rendered in accordance with the terms and conditions of the escrow agreement and this subchapter.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 29, 1971, to:

Paul Bridegum  
Director of Fiscal Management  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

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

John C. Kohl  
Commissioner  
Department of Transportation

(a)

**TRANSPORTATION**

**DIVISION OF CONSTRUCTION AND MAINTENANCE**

**Proposed Revisions in Rules On Christmas Decorations and Banners**

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, proposes to revise Chapter 41 (Permits) of Title 16 of the New Jersey Administrative Code by deleting in its entirety the present Subchapter 12 (Christmas Decorations and Banners) of that Chapter and substituting in place thereof a new Subchapter 12 entitled "Banners or Decorations on State Highway Right-of-Way."

Complete text of the proposed new subchapter follows:  
Subchapter 12. Banners or Decorations on State Highway Right-of-Way

16:41-12.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Decorations" — shall include, but are not limited to, natural or synthetic garlands, wreathes, trees, electric light strings, lit or unlit figures, figurines, bells, canes, flags on staff, bunting, streamers, etc.

"Banners" — a strip of fabric without rigid support, painted or printed with a name, legend or device.

16:41-12.2 Allowable Use

(a) Temporary decorations or banners may be permitted on the State Highway Right-of-Way in connection with Municipal events, National holidays and the Christmas season.

(b) The State Highway Right-of-Way may not be used in connection with fund appeals, political activities or advertising of any type.

16:41-12.3 Requirements

(a) A permit is required for the temporary erection of banners or decorations for Municipal events and National holidays.

(b) No permit is required for the temporary erection of banners or decorations for the Christmas season.

16:41-12.4 Review and Approval

(a) Review of all requests for permits shall be conducted by the District Superintendent at interest of his designated representative. Requests in acceptable order shall be processed. The applicant shall be contacted promptly regarding those requests which are not acceptable for processing.

(b) Approval in the form of a written permit shall be issued by the District Superintendent at interest if:

- 1. The request is in compliance with the conditions set forth in this Subchapter.
- 2. Investigation reports are favorable.
- 3. The interest of the State is fully protected.

16:41-12.5 Conditions

(a) No decoration or banner may be erected:

- 1. Where it may interfere with the ability of a person to see the street or highway ahead or official signs, signals or traffic control devices.
- 2. Within the limits of traffic circles, median strips, grade separations, or interchanges.
- 3. Overhead, unless properly secured and with a minimum clearance of seventeen (17) feet above the horizontal plane of the traveled way.
- 4. Which is affixed to, suspended from, or made part of any highway structures or appurtenances.
- 5. Which contains flashing, blinking or twinkling lights.
- 6. Which contains animated activity, or moving parts.
- 7. Which contains advertising of any kind.
- 8. Which will not withstand the rigors of the locale or of the season.
- 9. Which does not comply with the regulations established by the Engineer of Permits.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 31, 1971, to:

Mr. John V. Gibson  
Chief Engineer  
Division of Construction and Maintenance  
Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

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

John C. Kohl  
Commissioner  
Department of Transportation

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Changes in Rules of Health Benefits Commission

William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27, proposes to adopt a new rule concerning N.J.A.C. 17:9-16 (Definition of Hospital) and amend subsection (b) of N.J.A.C. 17:9-51 (Termination Conversion Rights; Effective Dates).

The proposed, amended rules read as follows (additions indicated in boldface thus):

#### 17:9-16. DEFINITION OF HOSPITAL

A hospital is defined as:

(a) An institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical, diagnostic, and major medical and surgical facilities for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or

(b) An institution not meeting all of the requirements of (a) above, but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals.

In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and education of children with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

#### 17:9-51. TERMINATION CONVERSION RIGHTS; EFFECTIVE DATES:

The coverage of an employee and such employee's dependents shall be terminated, subject to the conversion rights, whenever such employee's eligibility shall cease for any of the reasons given below. The effective date of termination shall be the last day of the coverage period corresponding to the payroll period or month in which the last payroll deduction was made from the employee's salary for the coverage of dependents, if any are required, or the last premium shall have been paid by the State for the employee's coverage or by the local employer for the employee and/or his dependents, as the case may be. The reasons for the termination of eligibility are as follows:

(a) Leave of Absence Without Pay — The coverage of an eligible employee and of an employee's dependents during any period of authorized Leave of Absence Without Pay shall terminate on the last day of the second coverage period following the last payroll period or month for which the employee received a salary payment; except that coverage of such employee and such employee's dependents may be continued by such employee, provided that the employee shall pay in advance the total premium required for the employee's coverage and coverage of the employee's dependents during such period of authorized Leave of Absence Without Pay; provided that no period of continued coverage, as provided above, shall exceed a total of six biweekly payroll periods, or three months, during which the employee receives no pay.

(b) Change to Part-Time Status — In the event that an

employee's active full-time employment shall cease and employee shall become a "part-time" employee, such employee's Basic Benefits and Major Medical Benefits coverage, and the coverage of such employee's dependents, shall be terminated.

However, please see Rules 17:9-31. and 17:9-35. in reference to the limited continuation of coverage while on sabbaticals.

An employee whose coverage terminated as a result of a change from full-time to part-time status cannot be re-enrolled until he has reestablished his eligibility for coverage by serving the normal waiting period prescribed for new enrollees. In no event will the waiting period include any part-time service rendered by the employee.

(c) Resignation, Temporary Layoff, Reduction in Force — The coverage of an employee whose eligibility has ceased because of his resignation, temporary layoff, separation through a reduction in force, or any other reason, and the coverage of his dependents shall be terminated subject to the conversion rights.

(d) Workmen's Compensation — An employee who has an award pending, or who received an award of periodic benefits under Workmen's Compensation, may continue his coverage and the coverage of his dependents, provided that the employee shall pay to his employer in advance that portion, if any, of the premiums due from the employee to continue the coverage under his existing contract.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before December 30, 1971, to:

William J. Joseph  
Secretary  
State Health Benefits Commission  
20 West Front Street  
Trenton, New Jersey 08625  
Telephone: (609) 292-3676

Upon full consideration of all submissions respecting the proposed action; the New Jersey State Health Benefits Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these changes substantially as proposed without further notice.

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

(b)

## TREASURY

### DIVISION OF TAXATION

#### Rules on Taxability of Certain Linen Rentals

On November 1, 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 rules on taxability of certain linen rentals, as proposed in the Notice published October 7, 1971, at 3 N.J.R. 207(c).

An order adopting these rules was filed November 1, 1971, as R.1971 d.194.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Rules Governing Tax on Farm Personal Property Used Directly in Production

On November 1, 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 rules governing the sales of tangible personal property used directly and exclusively in the production for sale of tangible personal property on farms, substantially as proposed in the Notice published October 7, 1971, at 3 N.J.R. 208(a).

An order adopting these rules was filed and effective November 1, 1971, as R.1971 d.195.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

### \$36 MILLION WILL FINANCE 1,750 LOWER-PRICED HOMES

The recent sale of \$36,740,000 in bonds by the New Jersey Mortgage Finance Agency will provide financing for at least 1,750 moderately priced homes, it was announced by Gov. William T. Cahill.

"This bond sale will enable many in the \$7,500 to \$12,500 a year income bracket to obtain mortgages at an interest rate of no more than 6.8 per cent, a dramatically low rate compared to the present market rate of 7.5 per cent for conventional loans and 7 per cent for FHA and VA loans," Cahill said.

He added that the bond sale helps demonstrate that the momentum started last year in providing needed housing throughout the state is continuing. Housing starts on one-to-four family homes had increased by 47 per cent over 1970 through August of this year, he said.

The Governor said that 24 financial institutions in Atlantic, Bergen, Burlington, Cape May, Cumberland, Essex, Hudson, Hunterdon, Mercer, Passaic, Somerset and Union Counties have applied to the NJMFA for funds.

"Participating mortgaging lenders will be required to commit these funds within six months so that the effect of the agency's program should be felt almost immediately," Cahill said.

Robert A. Watson, executive director of the NJMFA, said that an underwriters group headed by Kidder, Peabody and Co., Inc.; Smith, Barney and Co., Inc.; Solomon Brothers; and Ergood and Company purchased the bonds for resale to the public. The Series A revenue bonds have maturity dates from 1972 through 1981 and the net interest cost to the agency is 4.53 per cent.

### MACHINE SALES OF LIQUOR IN HOTEL ROOMS APPROVED

Permission was recently granted by the state to hotels and motels licensed for the sale of liquor to install in guest rooms an electronic dispensing machine to provide in-room food and beverage service.

This form of "instant room service" during permissible sales hours had been requested by the hotel industry from the Division of Alcoholic Beverage Control, state Department of Law and Public Safety.

Richard C. McDonough, Director of the ABC board, said that extensive investigation had shown "no abuses or problems from an enforcement standpoint" in those states that allow this method, and he therefore approved the request for the novel service.

He emphasized that the approval "does not extend to the sale of alcoholic beverages in vending machines generally, which type of activity remains disapproved."

### STIFFER PENALTIES SET FOR ABANDONING MOTOR VEHICLES

Gov. William T. Cahill last month signed into law a bill providing mandatory fines of \$100 to \$500 as well as suspension or revocation of a driver's license for illegal abandonment of motor vehicles on public or private property.

In signing Assembly Bill 466, sponsored by Assemblyman C. Richard Fiore, (R., Essex), Cahill noted that "New Jersey has been burdened by the increasing problem of abandoned vehicles which are not only an unsightly nuisance but cause great expense for removal by the State and municipalities."

The law makes it illegal to abandon a motor vehicle on public or private property without the consent of the owner. In addition the State Director of Motor Vehicles is empowered to suspend or revoke the violator's license.

Cahill pointed out that the new law, together with a program recently developed by the Division of Motor Vehicles, will provide a method of dealing with the problem of abandoned cars.

Under the new program an Abandoned Vehicle Advisory Council has been established and the Motor Vehicles Division has adopted a new regulation to facilitate the disposal of abandoned vehicles.

If certified to be "motor vehicle scrap", they may be disposed of directly to a scrap processing company, substantially cutting the time lag between discovery of an abandoned vehicle and getting it to a scrap mill. The regulation has proven highly successful in a pilot project in Newark, Cahill said.

The Council, which meets on a regular basis, is composed of representatives of scrap processors, salvage companies, automobile dealers, law enforcement officers and personnel of the Department of Environmental Protection and Division of Motor Vehicles.

### NEW NUCLEAR ENERGY COUNCIL TO STUDY PEACEFUL USES

Gov. William T. Cahill recently issued an Executive Order creating the New Jersey State Nuclear Energy Council and announced that the Council will participate in a pre-hearing conference before the Atomic Energy Commission in Washington on a proposal to construct a nuclear reactor on Newbold Island.

The pre-hearing conference on the application made by Public Service Electric and Gas Co., which is the first

made by any company for such an installation in a developed area, is expected to be held before the end of the year.

In creating the Nuclear Council, the Governor designated as chairman the state Commissioner of Environmental Protection, and as members the Commissioner of the Department of Health, the President of the Board of Public Utilities Commissioners and the Attorney General. In addition, the Governor may make further appointments to the Council.

Cahill said that the state has a vital interest in the development and use of nuclear energy as well as in the coordination of the safe and effective use of such power in this state.

The Council will review the necessary comprehensive studies and planning for nuclear energy as a power source and will also consider the environmental impact of the proposed locations of such facilities with a view toward minimizing possible adverse effects, including thermal pollution and excess radiation discharges. It also is authorized to encourage the formation of effective standards for engineering safeguards and operating practices.

The Council will coordinate the efforts of state agencies and private enterprise and will also serve as coordinator for the state with the Federal Atomic Energy Commission for the use of nuclear energy for peaceful purposes, Cahill said.

### **NEW CAHILL COMMISSION OPENS STUDY OF CAPITAL PUNISHMENT**

Gov. William T. Cahill recently announced formation of a nine-member bipartisan commission to study the question of capital punishment in New Jersey and report its findings by the earliest possible date.

Appointed to the commission were: former New Jersey Supreme Court Justice Vincent Haneman as Chairman; former Judge Edward Gaulken; Attorney William Tomar; Dr. Harry C. Bredemeier, professor of sociology at Douglas College; Joseph T. Grause, president of the New Jersey Bar Association; John Duff, academic vice president, Seton Hall University; Rabbi Joachim Prinz; George G. Fleming, vice president of Progressive Life Insurance Co.; and Mrs. Eleanor Todd.

In issuing the Executive Order creating the commission, the Governor took note of "an increasing sentiment favoring abolition of the death penalty since a 1964 study and demonstrated in part by the increase in the number of states which have wholly or partially abolished capital punishment."

The commission will evaluate the conditions under which capital punishment has been applied in New Jersey and its reported deleterious moral and social effect. It will also study the effect which abolition of the death penalty may have on law enforcement and evaluate results in those states and countries which do not have capital punishment.

Cahill said that "this is a matter of such vital importance to the State that it should be thoroughly studied in view of new attitudes and court decisions that have been made. There is also a serious question to be studied as to whether one can distinguish between a crime of passion or emotion and a calculated crime such as the killing of a law enforcement officer, death resulting from bombing, kidnapping and similar heinous crimes."

In addition, the Governor noted that the concept of capital punishment has always been recommended as a deterrent to crime and added "it doesn't seem to me that it has". He pointed out that in those states where tradi-

tionally few individuals have been sentenced to death, proportionately fewer individually have committed crimes of murder. Competent statistics indicate that the vast majority of homicides occur as crimes of passion and it is highly unlikely that a death penalty would provide any deterrents, the Governor said.

Among the states that have abolished capital punishment totally are Alaska, Hawaii, Ohio, Maine, Michigan, Minnesota, Oregon, West Virginia and Wisconsin. Those who have limited capital punishment statutes are New Mexico, New York, North Dakota, Rhode Island and Vermont.

The Governor noted that since the 1964 study commission on capital punishment in New Jersey there has been a moratorium on executions in this state. The last execution occurred in 1963 and at present there are 22 men on death row in Trenton State Prison.

### **BRUSH NAMED AS CHAIRMAN OF MANAGEMENT COMMISSION**

Gov. William T. Cahill on Oct. 22, 1971, issued an Executive Order naming Graham M. Brush Jr. to replace William F. Field as Chairman of the Governor's Management Commission.

The Governor said that he had accepted, with regret, the resignation of Field, who is being transferred to Boston by his employer, the Prudential Insurance Company of America. He added that as chairman of the commission, Field had provided a valuable service to the people and government of New Jersey.

The Governor stated that the Management Commission has proved eminently successful in performing a continuing evaluation of the services and procedures of state government through the utilization of expert and executive volunteers from business and industry. It is for this reason and because of the benefit to the citizens of the State that the Commission is being continued, he added.

Brush is manager of the distribution and development department of Johnson and Johnson. He has been with the company for ten years and previously served as vice president of operations for Sea Train Lines.

Brush is a graduate of Dartmouth and first vice president of the National Council on Physical Distribution Management. He is married, has two children and lives in Princeton.

### **NEW AGRICULTURAL COORDINATOR POST IS APPROVED FOR STATE**

Gov. William T. Cahill signed into law Oct. 28, 1971 a bill creating the position of Coordinator of Agricultural Development. The new official will assist in formulation of plans for the improvement and expansion of agriculture in New Jersey.

In signing the measure, S-2173, sponsored by Sen. John L. White (R., Salem), the Governor said that there is an urgent need to study the present trends of agriculture in New Jersey and prepare a blueprint so that its permanence can be assured.

Calling agriculture one of the State's most important industries, the Governor said, "we are losing too many men from this industry and we must preserve it for the benefit of all the people of the Garden State."

The bill appropriates \$25,000 and the coordinator, named by the state Secretary of Agriculture with the approval of the Board of Agriculture, is responsible for cooperating with all segments of the industry in an effort to retain agriculture on an economically viable basis.

# STATE NEWS OF PUBLIC INTEREST

Cahill noted that \$1.5 billion in goods and services are generated annually by agriculture and food processing industries, and that last year agriculture reported \$300 million in gross sales and was responsible for the employment of more than 40,000 persons seasonally or year-round.

The Governor declared that the loss of farms poses a serious threat to the preservation of green acres and open spaces in this State. In addition, he said, much of the economic growth in New Jersey since World War II has been at the expense and elimination of farmlands.

He pointed out that U.S. Census figures for New Jersey for 1964 to 1969 show the number of farms being reduced by 2,148, or more than 119,000 acres.

Cahill said the advantages of farms and open spaces to the total environment must not be lost but must be preserved as basic assets for this and future generations.

## DR. SNAGG APPOINTED MEMBER OF HEALTH PLANNING COUNCIL

Dr. William T. Snagg, Director of Medical Education of Cooper Hospital, Camden, has been appointed to the State Health Planning Council by Dr. James R. Cowan, State Health Commissioner.

The Council, which operates under the Federal Partnership for Health program, is responsible for coordinating health planning for the State.

Dr. Snagg, 60, of Medford, received his B.S. from Ursinus College and M.D. from Temple University School of Medicine. He served his internship at Temple University Hospital and is a Fellow of the Philadelphia College of Physicians.

The newest SHPC member was engaged in the private practice of medicine for almost 20 years before taking the hospital post in 1960. In World War II he served as a U.S. Navy flight surgeon.

## DR. COWAN NAMED TO ADVISORY GROUP FOR ECONOMIC STABILIZATION PROGRAM

Dr. James R. Cowan, state Commissioner of Health, on Nov. 11, 1971 was appointed by President Richard M. Nixon as a member of the Committee on the Health Services Industry.

This Committee is one of seven new groups set up to advise on implementation of the Administration's economic stabilization program. It will advise the Cost of Living Council, the Price Commission and the Pay Board on various aspects of the wage-price freeze as they relate to health services.

Doctor Cowan said: "I am delighted by this appointment and grateful to the President for his confidence in my abilities. I look forward to working with the other members of the committee and will strive to offer meaningful and positive suggestions."

Doctor Cowan, a resident of Maplewood, was named Commissioner of Health by Gov. William T. Cahill in January, 1970.

## 19 NAMED TO ADVISORY COMMITTEE FOR ENVIRONMENTAL EDUCATION

A 19-member Technical Advisory Committee for Environmental Education has been appointed by state Education Commissioner Carl L. Marburger.

The committee will assist Marburger in implementation of the statewide program for environmental education to be coordinated by the State Council for Environmental Education.

The committee's primary mission will be to advise the Commissioner on carrying out a master plan developed by the Council which lays out a five-year action program, including establishment of environmental education courses in New Jersey schools.

The committee will review the many isolated programs that now exist and suggest ways to improve cooperation between groups and the flow of information into the school curriculum. It will seek to devise means to coordinate the capabilities of educational agencies with business, civic and Federal agencies based in the State.

According to Dr. Edward J. Ambry, the council's executive director, his staff is now coordinating the development of a curriculum in environmental education for kindergarten through twelfth grade.

## TWO TOP URBAN LOAN, HOUSING OFFICIALS NAMED

Community Affairs Commissioner Lawrence F. Kramer recently filled two top-level posts in the State's Urban Loan Authority and Housing Finance Agency.

The appointees, both from Passaic County, are William R. Garner, 43, of Paterson, named as executive director of the Urban Loan Authority, which administers the State's minority enterprise program, and Frank M. Donato, 30, of Little Falls, the new administrative assistant to HFA Executive Director John P. Renna Jr.

Kramer, who serves as chairman of both agencies, said he appointed Garner and Donato "as evidence of my strong commitment to spur the State's efforts in the vital fields of housing and minority business enterprise."

He said Garner had been hired "to move the Urban Loan Authority from the early and difficult stages of development to a new action phase."

Garner, director of the Paterson Office of Municipal Disaster Control for the past four years, will receive \$22,000. Donato, an attorney who has been an assistant prosecutor of Passaic County since April, 1970, will receive \$18,000.

## STATE RETURNS \$12 MILLION IN TAX DEDUCTIONS TO LOCALITIES

The State Treasury on Nov. 1 reimbursed New Jersey's municipalities in the amount of \$12.2 million, which represents one-half of the senior citizens property tax deductions which earlier this year were increased from \$80 to \$160.

In making the announcement, Governor Cahill said that the increased deductions for senior citizens will help some older citizens who live on fixed incomes to cope with the financial burdens of a rising cost of living.

**RECOMMEND TEACHING HOSPITAL FOR RUTGERS MEDICAL SCHOOL**

The State Health Planning Council last month recommended approval of proposals which would lead to expansion of the College of Medicine and Dentistry of New Jersey, including establishment of a teaching hospital for the Rutgers Medical School.

At the request of Dr. Stanley S. Bergen, president of the college, the Council endorsed the concept of substantially rehabilitating Raritan Valley Hospital, located in Green Brook, Somerset County, so it can serve as a clinical facility for the Rutgers Medical School.

Estimated cost of renovations is \$4,253,800, but the Council made it clear that while it was endorsing the project, it was leaving the consideration of financing and the relationship to reimbursement by Blue Cross to a later date.

Dr. Bergen said the plan is to expand Rutgers Medical School to a third year, but he noted that opportunities at the medical school would be severely limited unless a clinical facility is established. The Newark campus of the college now uses Martland Hospital as a teaching facility.

A \$1,633,917 grant was requested for the second year of the center at Martland and an initial grant of \$3,238,011 is sought to begin a community mental health center on the Rutgers campus, adjacent to the Psychiatric Institute. Aim is to open this facility in July, 1972.

The Council also recommended that the National Institute of Health, U.S. Department of Health, Education, and Welfare, approve grants for Community Mental Health Centers at the medical college locations in Newark and also at Rutgers.

Also recommended for inclusion in the Blue Cross reimbursement formula was a \$17.5 million project for remodeling and expanding existing facilities and supporting services to provide 100 new beds at Morristown Memorial Hospital in Morristown.

**CHANNEL 52 STARTS TELEVISION RUTGERS HOME BASKETBALL GAMES**

All Rutgers University home basketball games are being televised live and in color by Channel 52, New Jersey's new Public Television Station in Trenton.

The telecasts began Tuesday for the St. Francis game, with nine more scheduled through March 1. Rutgers sportscaster Roger Cohen handles the play-by-play, while Channel 52 sports commentator Dick Landis provides color analysis.

The announcement was made by Dr. Lawrence T. Frymire, executive director of the New Jersey Public Broadcasting Authority, and Rutgers's Athletic Director Albert W. Twitchell.

Dr. Frymire termed the agreement to televise Rutgers games a giant step forward for Channel 52. "It is our hope to provide programming for all the people of New Jersey, and sports on the local level is high on our list of priorities," said Dr. Frymire, himself a former Michigan State sports announcer.

Twitchell hailed the telecasts as an answer to the shortage of seats (2,800) at the Rutgers gym. He pointed to the tremendous interest in the team this year due to pre-season predictions of success by national sports publications.

"The televising of the home games will enable many fans to see the games that will be sold out," he said.

Remaining games on Channel 52 are:

- December 18 Syracuse, 8:00 p.m.
- January 5 Pittsburgh, 8:00 p.m.
- 26 Delaware, 8:00 p.m.
- February 4 Lehigh, 8:00 p.m.
- 5 Boston University, 7:00 p.m.
- 8 Manhattan, 8:00 p.m.
- 22 University of Connecticut, 8:00 p.m.
- 26 Bucknell, 8:00 p.m.
- March 1 Navy, 8:00 p.m.

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## ANNOUNCE FIRST 11 TITLES TO BE PUBLISHED IN ADMINISTRATIVE CODE

Of particular interest to accountants, attorneys and others active in this field, is the news that State taxation rules will be among the first to be printed as part of the New Jersey Administrative Code.

This was announced by Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State, the agency responsible by law for publishing for the first time an Administrative Code for the State of New Jersey.

Right on the heels of this printing, ten other Departmental Titles will be distributed, to make up the bulk of the Code, the administrative director revealed.

Known as Title 18 — Treasury-Taxation, the rules and regulations of this Division of the State Treasurer's office will be printed in two volumes totaling over 1,100 pages, with delivery early in 1972, Bonacci said.

The two volumes of taxation rules include ten subtitles for the various Bureaus. They cover the Alcoholic Beverage Tax, Cigarette Tax, Corporation Tax, Emergency Transportation Tax, Local Property Tax, Motor Fuels Tax, Outdoor Advertising Tax, Public Utility Tax, Sales Tax and Transfer Inheritance Tax.

Preference is being given to taxation because this is the portion of state rules in greatest public demand among

### OFFICIAL LISTING OF THE 19 TITLES

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.

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.

Official Title numbers follow:

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).

### 1971 Bound Volume Available

For those wishing a permanent record, bound volumes of the 12 monthly issues of the New Jersey Register for 1971 are being made available to subscribers, according to Albert E. Bonacci, Director of Administrative Procedure.

Along with the issues will be included an index for the year covering rules proposed and not yet adopted, and those adopted during the calendar year. A cumulative index since the start of the Register in September, 1969 and covering 1970 is also included as part of the March, 1971 issue.

The volumes will be some 280 pages in so-called "perfect bound" pamphlet form, with similar annual bound volumes planned for future years, Bonacci said.

Cost is \$8.00 per volume, postpaid, with shipment due early in 1972.

Orders, together with check or money order to Director, Div. of Administrative Procedure, should be mailed now to: Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

those who have already subscribed to more than 6,000 volumes of the Administrative Code, Bonacci explained.

The completed Code will be an all-inclusive compilation of rules and regulations of all Departments of the State Government. It will be in loose-leaf form in more than 20 handsome, heavy-duty binders and the contents will be regularly updated, the administrative director said.

The Administrative Code, he pointed out, "will provide the only official codification of State rules, which have the same effect and impact as do laws passed by the State Legislature."

The two-volume Title 18 — Treasury-Taxation is still available at the charter subscription rate of \$5 per volume, along with an agreement for three years of updating service at \$10 per volume per year, Bonacci said. The full set of the Code with all 17 State Departments' rules is priced at \$50 with the three-year updating contract at \$100 a year.

Updating billings will be made later, but an initial order for Treasury-Taxation must include \$10 for the two volumes. The official subscription form in this issue must be used, Bonacci said.

Simultaneously with publication of the Taxation volumes, there will be distributed another volume which includes the general provisions of the Administrative Code, Title 1 reserved for the Chief Executive, and Title 2 — Agriculture. At the same time Title 17—Treasury-General will be distributed, completing the rules of the Treasury Department.

Following immediately after, the Administrative Procedure Division will distribute Title 6—Education, plus Titles 3—Banking, 4—Civil Service and 5—Community Affairs in two volumes, and Titles 14—Public Utilities, 15—State and 16—Transportation in another volume, Bonacci said.

Each individual volume will include instructions for use and citing.

Orders at the charter rate may still be placed by using the subscription form on the preceding page.