

NEW JERSEY REGISTER



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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

OFFICE OF THE GOVERNOR OFFICE OF EMPLOYEE RELATIONS

Notice Concerning State Insurance Programs

Take notice that Frank A. Mason, Director, Office of Employee Relations, Office of the Governor, invites companies authorized in the State of New Jersey to write automobile and homeowners insurance, and other property and liability insurance on dwellings, to advise if they are interested in providing insurance for the above named coverages to employees of the State of New Jersey under a mass-marketing program. This program will be subject to such regulations as the Commissioner of Insurance may adopt concerning such programs, for which proposed regulations appear in this issue of the New Jersey Register at 6 N.J.R. 313(d).

The State of New Jersey is prepared to administer a payroll deduction program to participating employees if such coverage is made available at reasonable cost savings combined with adequate policyholder and claim services. While exact specifications have not yet been developed, it is expected that such policyholders' services will include adequate personal contact between the insured and a company representative, agent or employee in the areas of coverage, billing, endorsement and the like, and that the carrier will provide adequate and fair claims services.

Such insurance programs may be provided by more than one company, with participation divided on a regional or other basis depending upon service capacity. It is important that accounting communications between the State agency administering deductions and the carrier be on a computerized basis rather than by manual transmission.

Qualified insurance companies interested in being considered for this program should respond in writing to Frank A. Mason, Director, Office of Employee Relations, 134 West State Street, Trenton, New Jersey 08625 on or before September 10, 1974.

Frank A. Mason
Director, Office of Employee Relations
Office of the Governor

(b)

AGRICULTURE STATE BOARD OF AGRICULTURE

Proposed Rules On Agricultural Fairs

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.2, proposes to adopt new rules by which official agricultural fairs in any county are to be regulated.

Full text of the proposed new rules follows:

CHAPTER 33. AGRICULTURAL FAIRS

SUBCHAPTER 1. GENERAL PROVISIONS

2:33-1.1 Agricultural fairs; general provisions

(a) No person, corporation or association shall operate a fair or exhibition in any county under the designation official "agricultural fair" without having first obtained a certificate to operate from the New Jersey Board of Agriculture with the recommendation of the concerned county Board of Agriculture.

(b) Each person, corporation or association certified by the New Jersey Board of Agriculture as an official agricultural fair shall furnish said Board of Agriculture annually a copy of their certified audit and a report on forms prescribed by the State Board and incorporation papers.

(c) Each person, corporation or association certified as an official agricultural fair shall comply with all county and municipal health, fire, police and sanitation regulations.

(d) Each person, corporation or association certified as an agricultural fair shall be so approved for education and two or more of the following purposes:

1. Agriculture or agribusiness;
2. Manufacturing, commerce and industry;
3. Community development and improvement;
4. Promotion of products and services;
5. Public service events and projects;
6. County interest projects;
7. Cultural works and collections of art;
8. Any activity approved by the entire Association for the benefit of the community;
9. Recreational activities.

(e) Each person, corporation or association certified as

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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an agricultural fair may apply for the necessary certificate from the Department of Agriculture to be approved for games of chance under N.J.S.A. 5:8-124, upon the guarantee that each fair will hold such games of chance so as not to interfere with the approved purposes of the fair.

(f) The New Jersey Secretary of Agriculture, or his designee, may enter the premises of any county fair at reasonable time to determine compliance with these regulations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

John J. Repko
Director, Division of Markets
State Department of Agriculture
John Fitch Plaza
Trenton, New Jersey 08625

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Proposed Rule on Horses Consigned from Out of State to Horse Auction Markets

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6, 4:22-21 and 4:22-22, proposes to adopt a new rule providing for quarantine and regulation to control the disease of equine infectious anemia and specifically concerning horses consigned from out of State to horse auction markets in New Jersey.

Full text of the proposed rule follows:

2:5-2.2 Horses consigned from out of State to New Jersey horse auction markets

(a) Horses consigned from out of State to horse auction markets will be permitted to enter these markets if they do not have a negative Coggins test, provided:

1. All horses sold to stay in New Jersey for other than slaughter purposes will have blood taken from them for the purpose of testing for EIA before leaving the sale.

2. These horses are to be fully identified as to purchaser, breed, color, sex and marking and mane and tail tag, as well as being identified by sale identification number on charts to be supplied by the Department.

3. A list of all purchasers with complete address and phone number is to be supplied to the Department.

4. The sales auction is to have a veterinarian in attendance to draw the necessary blood samples.

5. The auction sale will also be responsible for the fee charged by the Department of Agriculture to run the AGID test (Coggins test).

6. It will be the responsibility of the auction markets to see that horses sold into other states meet their requirements.

Interested persons may present statements or arguments

in writing, orally in person or by telephone relevant to the proposed action on or before August 28, 1974, to:

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

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(b)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Proposed Revision on Quarantining and Branding Of Infected Equine Infectious Anemia Horses

The New Jersey State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-6, 4:22-21 and 4:22-22, proposes to adopt a revision concerning the quarantining and branding of infected equine infectious anemia horses by deleting portions of the current text of N.J.A.C. 2:5-2.1(f).

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

2:5-2.1(f) Positive animals that are not to be destroyed shall be quarantined to the premise and must be kept separate and apart from all other horses on the premise[. Stabled horses shall be kept] in tightly screened quarters and be supplied with separate equipment and tack.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 28, 1974, to:

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

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

Phillip Alampi
Secretary of Agriculture
Secretary, State Board of Agriculture

(c)

BANKING

DIVISION OF BANKING

Proposed Revisions on Registrar and Transfer Agents

Clifford F. Blaze, Acting Deputy Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-213, proposes to adopt revisions to the rules concerning registrar and transfer agents.

The proposed revisions concern the deletion in its entirety of the text currently in N.J.A.C. 3:6-8.1, Filing with the Department of Banking, as well as the title of Subchapter 8, Registrar and transfer agents, Chapter 6, Title 3 of the New Jersey Administrative Code and the adoption of new rules concerning registrars and transfer agents to be cited, if adopted, as Chapter 12 of Title 3. Subchapter 8 of Chapter 6 and N.J.A.C. 3:6-8.1 are to be marked Reserved.

Full text of the proposed new rules follows:

CHAPTER 12. REGISTRAR AND TRANSFER AGENTS

SUBCHAPTER 1. DEFINITIONS

3:12-1.1 Registrar

As used in this Chapter, unless otherwise expressly provided, the term registrar shall mean a domestic or foreign corporation, authorized to transact business in this State, which acts as a registrar for other corporations pursuant to N.J.S.A. 17:9A-213.

3:12-1.2 Transfer agent

As used in this Chapter, unless otherwise expressly provided, the term transfer agent shall mean a domestic or foreign corporation, authorized to transact business in this State, which acts as a transfer agent for other corporations pursuant to N.J.S.A. 17:9A-213.

3:12-1.3 Capital

As used in this Chapter, unless otherwise expressly provided, the term capital or capitalization shall mean the aggregate of capital stock, surplus, undivided profits and unsecured subordinated capital notes or debentures.

SUBCHAPTER 2. REQUIRED REPORTING AND FILINGS WITH THE DEPARTMENT OF BANKING

3:12-2.1 Filing a certified statement with the Commissioner of Banking

(a) A registrar or transfer agent shall file with the Commissioner of Banking, on forms furnished by the Commissioner, a certified statement signed by its president or vice president. The certified statement shall include:

1. The address of the principal corporate office;
2. Address of any office located in this State;
3. Names of corporate directors and officers;
4. Financial statement;
5. Insurance coverage; and
6. Other information which may be required by the Commissioner from time to time to determine compliance with regulations.

(b) The certified statement shall be filed as of December 31 of each year or at such other times as the Commissioner may require.

(c) The certified statement shall be filed in the Department of Banking within 30 days after the specified filing date.

3:12-2.2 Public disclosure of financial information

A registrar or transfer agent, upon request by a corporate client, shall disclose its assets, liabilities, capital and fidelity insurance coverage. Information disclosed as of the same date as a filed certified statement pursuant to this Chapter shall not vary in any material respect with the balance sheet of said certified statement. No information shall be disclosed as of any other date which does not itemize assets, liabilities, capital and insurance coverage in the same manner as required by this Chapter.

3:12-2.3 Examination by a public accountant

(a) The directors of a registrar or transfer agent shall

cause the examination of the registrar's or transfer agent's records by a public accountant at least once in each calendar year. The scope of said examination shall include an inventory verification of unissued stock certificates and a confirmation of the last certificate number issued with the corporate issuer. The verifications and confirmations shall be not less than five per cent of the accounts serviced or ten corporate issuers whichever is greater.

(b) The public accountant shall render an opinion on the financial statement, the sufficiency of internal controls and the adequacy of the separation of registrar functions from functions of the transfer agent.

3:12-2.4 Filing of the examination by the public accountant

Within sixty days after completion of the required public accountant's examination, the directors shall file a copy of the report with the Department of Banking and a statement certified by an officer that the report was reviewed by the board of directors.

3:12-2.5 Examination by the Commissioner of Banking

The Commissioner of Banking may at any time, either personally or by a person or persons duly designated by him, examine the records of a registrar or transfer agent. The cost of such examination shall be borne by the registrar or transfer agent so examined.

SUBCHAPTER 3. CAPITAL REQUIREMENTS

3:12-3.1 Minimum capital

A registrar or transfer agent shall maintain capital equal to \$2,000 for each corporate issuer serviced or \$5,000 whichever is greater until capital of \$20,000 is attained. When a registrar or transfer agent attains capital of \$20,000 he shall be required to maintain an additional \$1,000 capital for each additional corporate issuer serviced. Unless otherwise directed by the Commissioner of Banking, no registrar or transfer agent shall be required to maintain capital in excess of \$500,000.

3:12-3.2 Restriction on new accounts for deficient capitalization

A registrar or transfer agent who does not meet the minimum capitalization as required by this Chapter shall not enter into a service agreement or contract with a corporate issuer to act as a transfer agent. Renewals of existing contracts or agreements are not subject to this regulation.

3:12-3.3 Maximum time period for deficient capitalization

A registrar or transfer agent shall not remain in a deficient capital position as calculated by standards prescribed by this Chapter for a period of time in excess of 12 months or such other period of time as the Commissioner may prescribe.

3:12-3.3 Maximum time period for deficient capitalization

A registrar or transfer agent shall not remain in a deficient capital position as calculated by standards prescribed by this Chapter for a period of time in excess of 12 months or such other period of time as the Commissioner may prescribe.

3:12-3.4 Restriction on capital notes or debentures

For the purposes of meeting minimum capital requirements as prescribed by this Chapter, the total unsecured subordinated capital notes or debentures outstanding shall not exceed the aggregate of capital stock, surplus and undivided profits.

SUBCHAPTER 4. REQUIRED INSURANCE

3:12-4.1 Minimum fidelity insurance coverage

(a) A registrar or transfer agent shall obtain a Bankers

or Stockholders Blanket Bond which covers each director who handles or has charge or custody of money, securities or other valuable property of the corporation and all officers and employees of the corporation.

(b) The bond shall contain a provision that it shall not be cancellable for any cause unless notice of intention to cancel is filed in the Department of Banking at least five days prior to the day upon which cancellation shall take effect.

(c) The bond shall provide for limits of liability for clause A, dishonest or fraudulent acts, in accordance with the minimum amounts set forth in the following schedule A. For the first \$5,000,000 of prescribed primary clause A coverage, the limits of liability for clause E, securities forgery, shall not be less than 25 per cent of the minimum amounts of primary coverage prescribed in schedule A or \$250,000, whichever is less. For each additional \$1,000,000 of prescribed primary coverage required, the limits of liability for clause E shall be increased \$150,000 up to a maximum of \$1,000,000. However, a stock transfer agent errors and omissions insurance policy of equal dollar value coverage may be substituted for a clause E insuring agreement.

SCHEDULE "A"

Insurance Amounts to be Maintained in Thousands

Total number of shareholders serviced	Market value of one share of the highest priced stock serviced as a transfer agent.							
	\$0.00 - 2.00	2.01 - 4.00	4.01 - 6.00	6.01 - 8.00	8.01 - 10.00	10.01 - 15.00	15.01 - 20.01	
0 - 2000	100	150	200	250	300	350	400	
2001 - 4000	150	200	250	300	350	400	450	
4001 - 6000	200	250	300	350	400	450	500	
6001 - 8000	250	300	350	400	450	500	550	
8001 - 10000	300	350	400	450	500	550	600	
10001 - 15000	350	400	450	500	550	600	650	
15001 - 20000	400	450	500	550	600	650	700	

(d) For volume and market values in excess of table add \$100,000 to insurance amount maintained for each additional 10,000 shareholders and add \$100,000 to insurance amounts maintained for each \$10.00 market value increment, up to a maximum of \$1,000,000.

3:12-4.2 Mail insurance

A registrar or transfer agent shall provide insurance to cover securities in transit by mail.

3:12-4.3 Director's review of insurance

Insurance coverages maintained by a registrar or transfer agent shall be reviewed annually by the board of directors to determine the sufficiency of coverages maintained based on the volume and nature of operations.

SUBCHAPTER 5. PREMISES AND RECORDS

3:12-5.1 Establishment of a place of business

A registrar or transfer agent shall maintain a place of business in the State of New Jersey and establish hours at which time business will be transacted.

3:12-5.2 Vault protection

A registrar or transfer agent shall provide a vault for the storage and adequate protection, as determined by the Commissioner, of all stock certificates except those certificates which have been cancelled as a result of a complete transfer transaction.

3:12-5.3 Reconstruction of records

A registrar or transfer agent who maintains the corporate

issuer's stockholder records or ledger shall develop, implement and maintain a system providing for the reconstruction of the stockholders ledger.

3:12-5.4 Safekeeping; stock certificates

(a) A transfer agent shall provide safekeeping facilities for undeliverable stock certificates;

(b) A record of all items held in safekeeping shall be maintained and such record shall reflect the following minimum information:

1. The name and last known address of the beneficial owner;
2. The name of the corporate issuer; and
3. The certificate number, number of shares and the date each stock certificate was placed in safekeeping facilities.

3:12-5.5 Safekeeping unclaimed cash dividends

(a) A transfer agent shall provide for the adequate protection of unclaimed cash dividends.

(b) A record of all unclaimed cash dividends shall be maintained and such record shall reflect the following minimum information:

1. The name and last known address of the beneficial owner;
2. The name of the corporate issuer; and
3. The date the dividend was paid.

3:12-5.6 Transfer transaction journal

A transfer agent shall, based on the volume of transactions, periodically, but at least once in a 12-month period, provide the corporate issuer with a copy of the transfer transaction journal.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
Department of Banking
Trenton, New Jersey 08625

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

Clifford F. Blaze
Acting Deputy Commissioner
Department of Banking

(a)

BANKING

DIVISION OF BANKING

Rule on Registrar and Transfer Agents Filings

On July 2, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-213 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning registrar and transfer agents filings as proposed in the Notice published June 6, 1974, at 6 N.J.R. 218(a).

Such rule may be cited as N.J.A.C. 3:6-8.1.

An order adopting this rule was filed and effective July 2, 1974, as R.1974 d.177.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

BANKING

CONSUMER CREDIT BUREAU

Interest Rate Regulation Number One

On July 22, 1974, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-44a and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning interest rates.

Full text of the adopted rules follows:

SUBCHAPTER 9. INTEREST RATE REGULATION NUMBER ONE

3:18-9.1 Maximum interest rate permissible

The maximum rate of interest to be charged, contracted and received on a secondary mortgage loan on or after July 22, 1974, shall be 17 per cent, except as hereinafter provided. Such interest shall be calculated in accordance with the provisions of N.J.S.A. 17:11A-44a (ch. 205, P.L. 1970).

3:18-9.2 Exception

The maximum rate of interest to be charged, contracted or received on secondary mortgage loans, which are solicited secondary mortgage loans for and on behalf of some other lender, on or after July 22, 1974 shall be 15 per cent.

3:18-9.3 Definitions

For the purpose of this regulation:

"Solicit" means and includes any and all types of advertising or any other form of communication with prospective borrowers which results in the origination of secondary mortgage loans in the name of a licensee which, by prior agreement and in the normal course of business, are subsequently negotiated to a lender.

"Lender" means and includes a secondary mortgage loan licensee or any in or out-of-State bank or other financial institution which, by prior agreement and in the normal course of business, acquires individual secondary mortgage loans which have been solicited by a licensee.

3:18-9.4 Prospective operation

This regulation (N.J.A.C. 3:18-9.1 through N.J.A.C. 3:18-9.5) shall have prospective effect only.

3:18-9.5 Term of regulation

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

An order adopting these rules was filed and effective July 22, 1974, as R.1974 d.199 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Proposed Joint Regulations on Administration Of Payments to State Employees For Unused Sick Leave

The New Jersey Civil Service Commission, on behalf of the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, and pursuant to authority of N.J.S.A. 11:14-17, proposes to adopt regulations concerning the administration of payments to State employees for unused sick leave.

The proposed rules concern definition of terms, eligibility, computation of supplemental compensation, procedures, determination of days credit, death of employee and lump sum supplemental compensation.

Full text of the five pages of proposed regulations may be obtained from:

William Druz
Chief Examiner and Secretary
Department of Civil Service
215 East State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to the Chief Examiner and Secretary at the above address.

The President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, upon their own motion or at the instance of any interested party, may thereafter adopt these regulations substantially as proposed without further notice.

William Druz
Chief Examiner and Secretary
Department of Civil Service

(c)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revise Personnel Manual (State Service)

On June 28, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 12-9.101 of the Civil Service Personnel Manual (State Service) concerning the rights of employees absent on military leave during their trainee period or working test period.

Full text of the revised rule follows:

Subpart 12-9.101 Regulations Regarding Rights Of Employees Absent On Military Leave During Their Trainee Period Or Working Test Period

12-9.101a Subject

This subpart deals with the Civil Service regulations regarding the rights of employees who have their working test period or trainee period interrupted by military leave, effective June 25, 1974.

12-9.101b Purpose

The purpose of these regulations is to assure employees returning from military leave the same rights, benefits and privileges that would have accrued had they actually served in their title during the period of military leave.

12-9.101c Regulations

1. For an RA employee who was absent on military leave during the trainee period:

a. Upon return from military leave, the employee shall receive a salary at the six months rate provided the total time in the trainee title on the job and on leave equals six months or more.

b. Upon successful completion of the total 12 months of trainee service on the job including the required working test period, the employee will be advanced to the journeyman title at the salary rate he/she would be receiving had he/she not been on military leave.

c. The CS-21 returning the employee from military leave shall carry the statement "Returned from Military Leave" in item Number 36. The CS-21 appointment to the journeyman level must be accompanied by a detailed breakdown showing the salary levels and effective dates the employee would have received had he/she not been absent on military leave. This must be shown through the actual date of the employee's appointment to the journeyman title.

d. The employee's official record shall indicate seniority in all pertinent titles retroactive to dates on which the employee would have gained such seniority had he/she not gone on military leave.

2. For an employee who was absent on military leave during the working test period:

a. Upon return from military leave, the employee shall be required to complete the regular working test period for the title. When the employee has successfully completed the working test period, his/her salary shall be adjusted to the rate he/she would be receiving had he/she not been on military leave.

b. The CS-21 returning the employee from military leave shall carry the statement "Returned from Military Leave" in item Number 36. The CS-21 effecting a change in salary rate at the end of the working test period should contain the same statement in item Number 36 and must be accompanied by a detailed breakdown showing the salary levels and effective dates that the employee would have received if not on military leave. This must be shown through the actual date of the employee's actual completion of the required working test period.

c. The employee's official record shall indicate seniority in title from the date of regular appointment.

3. In both situations 1. and 2. above, the employee shall also have an opportunity to take or make-up any promotional examinations for which he/she would have been eligible if he/she had not been absent on military leave. The appointing authority shall include in an attachment to the CS-21, the titles and examinations symbols for those promotional examinations that the employee would have been eligible as shown on the promotion application summary sheets.

12-9.101d Limitations

The CS-21 and related attachments submitted under these regulations will be subject to review and approval by the Department of Civil Service. The final administrative determination regarding the proper actions in any individual case will be made by the Chief Examiner and Secretary or the Civil Service Commission as appropriate.

An order adopting these revisions was filed July 3, 1974,

as R.1974 d.180 (Exempt, Procedure Rule). Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service) Concerning Overlap Shift Security Overtime

On July 23, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 52:14-17.13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 7-4.102, Overlap Shift Security Overtime, of the Civil Service Personnel Manual (State Service).

Full text of the revised rule follows:

7-4.102a Subject

This subpart is an amendment to the overtime regulations (reprinted in Subpart 7-4.101) in reference to overtime worked on overlap shifts. This amendment was effective as of January 1, 1974.

7-4.102b Provisions

1. In recognition of the fact that correction officers, at all the respective institutions, and cottage officers at the Clinton Reformatory for Women who have custodial responsibility during the full eight hours of their shift must be on duty for an additional period of approximately 15 minutes, on the average, each day while the counting of inmates is verified by the succeeding shift, correction officers, senior correction officers, sergeants and lieutenants at all the respective institutions, and cottage officers and head cottage officers at the Clinton Reformatory for Women will be credited with one hour and 20 minutes (total - 80 minutes) of overtime per week and will be paid for such time at the rate of time-and-one-half.

2. To qualify to receive this overtime an individual must be on duty status during the week for which he or she may be so compensated. Those not on duty for any reason during the week will not receive this overtime. Those who are on duty during a portion of the week will receive the overtime on a prorata basis for that time only.

3. The respective institutions will require that the correction officers, senior correction officers, sergeants and lieutenants not assigned to overlap shifts, to be eligible under this policy will provide the institution with this amount of overtime each week. This will also be applicable to cottage officers and head cottage officers at the Clinton Reformatory for Women.

Any other earned overtime shall be provided only under the normal overtime regulations.

An order adopting these revisions was filed July 24, 1974, as R.1974 d.207 (Exempt, Procedure Rule). Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Subpart 6-5.102 of Personnel Manual (Local Jurisdictions)

On June 26, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 6-5.102, Modification of the Sheriff's Officer Series, of the Civil Service Personnel Manual (Local Jurisdictions).

Full text of the revised text follows:

6-5.102a Subject

This subpart describes the procedure for modification of the Sheriff's Officer Series in line with the decision of the Civil Service Commission, effective August 1, 1974.

6-5.102b Background

On March 5, 1974, the Civil Service Commission held a public hearing on the question of whether the duties currently encompassed in the class title of Sheriff's Officer should be modified. Following this public hearing the Civil Service Commission, at its meeting of June 25, 1974 rendered the following decision:

1. The functions involved in the care, custody and rehabilitation of prisoners formerly encompassed in the Sheriff's Officer series shall no longer be included in that series. Henceforth all future appointments of personnel assigned to the care, custody and rehabilitation of prisoners will be classified under County Correction Officer series.

2. The functions involved in attending the courts formerly encompassed in the Sheriff's Officer series shall no longer be included in that series. Henceforth all future appointments of personnel assigned to attending the courts will be classified under the Court Attendant series.

3. The Sheriff's Officer series shall be restricted to encompass law enforcement positions involving criminal identification, ballistics, communications, service of court papers and the investigation and apprehension of violators of the law.

6-5.102c Procedure for Implementation

The following procedure will be used by the Department of Civil Service to implement the above mentioned Commission decision:

1. The Sheriff of each County in which the Sheriff's Officer series is currently in use shall submit to the appropriate branch office of the Division of Local Government Services, no later than September 2, 1974 a listing of all employees presently holding titles in the Sheriff's Officer series together with a statement of the functions to which each employee is presently assigned. This information shall be submitted using the following format:

Name of Employee	Present Title	Present Functional Assignment
Jane Doe	Sheriff's Officer	Care, custody and rehabilitation of prisoners
John Doe	Sheriff's Officer	Attending the courts
John Smith	Sheriff's Officer Sergeant	Supervises a group of employees engaged in the investigation and apprehension of violators

Each listing shall be accompanied by the following notarized statement:

This is to certify that the listing of the present functional assignments of each of the employees on my staff holding a title in the Sheriff's Officer series as herein submitted is accurate, that it was compiled after a careful review of their present functions as described in Subpart 6-5.102, and that none of the employees listed therein have been discriminated against in assignment for reasons of political or religious affiliations, sex, race, color, ancestry, or national origin.

(Signed) _____
Sheriff

2. Upon receipt of this listing, the Division of Local Government Services, Department of Civil Service, will reclassify each position based on current assignment in accordance with the Commission's decision.

3. The Division of Local Government Services will determine the appropriate administrative action required to effect the implementation of each classification action using the following criteria:

a. Employees holding permanent status in the title of Sheriff's Officer, who are currently assigned to attending the courts, will be granted lateral title changes to the interim title of Sheriff's Officer (Courts). They will be considered as serving permanently in the title of Sheriff's Officer (Courts) on a "for this incumbent only" basis with no further action required on their part. Once the positions of Sheriff's Officer (Courts) become vacant, replacements who are assigned to the function of attending the courts will be classified under the Court Attendant series.

b. Employees holding permanent status in the title of Sheriff's Officer, who are currently assigned to the care, custody and rehabilitation of prisoners, will be granted lateral title changes to the interim title of Sheriff's Officer (Corrections). They will be considered as serving permanently in the title of Sheriff's Officer (Corrections) on a "for this incumbent only" basis with no further action required on their part. Once the positions of Sheriff's Officer (Corrections) become vacant, replacements who are assigned to the care, custody and rehabilitation of prisoners will be classified under the County Correction Officer series.

c. All employees holding permanent status in the title of Sheriff's Officer who are assigned to law enforcement functions involving criminal identification, ballistics, communications, service of court papers, and the investigation and apprehension of violators of the law will be granted lateral title changes to the interim title of Sheriff's Officer (General Services). They will be considered serving permanently in the title of Sheriff's Officer (General Services) on a "for this incumbent only" basis with no further action required on their part. Once the positions of Sheriff's Officer (General Services) become vacant, replacements who are assigned to law enforcement functions involving criminal identifications, ballistics, communications, service of court papers, and the investigation and apprehension of violators of the law will be classified under the Sheriff's Officer series.

d. Employees holding permanent status in supervisory titles within the Sheriff's Officer series will also be granted lateral title changes to corresponding ranks in the Sheriff's Officer (Courts), Sheriff's Officer (Corrections), and Sheriff's Officer (General Services) titles on a "for this incumbent only" basis with no further action required on their part.

e. All employees holding provisional status in the Sheriff's Officer series will be classified under the Court Attendant, County Correction Officer or Sheriff's Officer series and they will be considered as serving provisionally in their

respective titles pending appropriate certification and examination procedures.

f. The Division of Local Government Services will notify the respective Sheriffs and the concerned employees of the classification and administrative actions regarding their positions. If either the Sheriff's or the employees are dissatisfied with the actions taken by the Division of Local Government Services, they will be given an opportunity to request an administrative review as provided in Subpart 6-5.101.

6-5.102d Option To Eliminate The Use Of The Interim Titles Of Sheriff's Officer (Courts), Sheriff's Officer (Corrections), And Sheriff's Officer (General Services)

If the respective Sheriffs prefer to have their present employees who hold permanent status in the Sheriff's Officer series reclassified under the new Court Attendant, County Correction Officer or Sheriff's Officer series rather than utilizing the interim titles of Sheriff's Officer (Courts), Sheriff's Officer (Corrections) and Sheriff's Officer (General Services), they must initiate proper action abolishing all positions presently classified under the Sheriff's Officer series and create new positions classified under the Court Attendant series, the County Correction Officer series, and the new Sheriff's Officer series. Such abolition of positions must be accomplished through the issuance of 45-day notices as provided in Subparts 16-2.101, 16-4.101 and 16-5.101.

6-5.102e Restrictions On Promotional Opportunities

Upon the implementation of this Subpart eligibility for promotion examinations will be restricted as follows:

Promotion Examinations for Higher Positions In:	Titles Series to be Considered Eligible
Court Attendant Series*	Court Attendant Sheriff's Officer (Courts) Sheriff's Officer (Corrections) Sheriff's Officer (General Services)
County Correction Officer Series	County Correction Officer Sheriff's Officer (Corrections) Sheriff's Officer (Courts) Sheriff's Officer (General Services)
Sheriff's Officer Series	Sheriff's Officer Sheriff's Officer (Courts) Sheriff's Officer (Corrections) Sheriff's Officer (General Services)

*The only promotional position within the Court Attendant series is that of Supervising Court Attendant. The number of appointments that can be made to this title is controlled by N.J.S.A. 2A:11-36 and 2A:11-36.1. Any change would require introduction and enactment of amendatory legislation.

6-5.102f Utilization Of Existing Eligible Lists

Existing lists for the Sheriff's Officer series will be used to fill vacancies in the Sheriff's Officer series. They will also be used as appropriate to fill vacancies in the Court Attendant and County Correction Officer series.

An order adopting these revisions was filed July 8, 1974, as R.1974 d.183 (Exempt, Procedure Rule) to become effective August 1, 1974.

Such revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Revisions to Rules on Construction and Maintenance of Hotels and Multiple Dwellings

On July 24, 1974, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21, 55:13A-6(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to various Sections in Chapter 10 of Title 5 in the New Jersey Administrative Code concerning construction and maintenance of hotels and multiple dwellings, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 171(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The substantive changes concern the addition of the New York City Board of Standards and Appeals, 80 Lafayette Street, New York, New York 10013, to Appendix A and the addition of the change from 18 to 24 inches in the text of N.J.A.C. 5:10-7.5(a).

An order adopting these revisions was filed and effective July 24, 1974, as R.1974 d.206.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Educational Centers of Research and Demonstration

On June 27, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-71 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules, to be cited as N.J.A.C. 6:37-1.1 et seq., concerning educational centers of research and demonstration as proposed in the Notice published June 6, 1974, at 6 N.J.R. 221(b).

An order adopting these rules was filed and effective July 1, 1974, as R.1974 d.173.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Vocational-Management Services

On June 27, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of P.L. 90-576 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning vocational-management services, to be cited as N.J.

A.C. 6:47-1.2(h), as proposed in the Notice published June 6, 1974, at 6 N.J.R. 222(a).

An order adopting these rules was filed and effective July 1, 1974, as R.1974 d.174.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rules on State Library Assistance Programs

On June 27, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the State library assistance programs as proposed in the Notice published June 6, 1974, at 6 N.J.R. 223(a).

Such rules may be cited as N.J.A.C. 6:68-4.1 et seq.

An order adopting these rules was filed and effective July 1, 1974, as R.1974 d.175.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Guidelines for Free or Reduced-Price Lunches

On July 16, 1974, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:53-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning the establishment of guidelines for free and reduced-price lunches.

Full text of the emergency rule follows:

6:79-1.8 Guidelines for free and reduced-price lunches

(a) By September 30 of each year, all public schools shall survey the families of the students enrolled, with a free and reduced-price lunch application approved by the Bureau of Food Program Administration of the State Department of Education, for the purpose of determining who is eligible to receive free or reduced-price lunches.

(b) Schools that have five per cent or more of the school enrollment eligible for free or reduced-price lunches, as determined by the survey, must make school lunch available to all children enrolled in the school.

(c) No school lunch program need be initiated before July 1, 1975.

(d) Any school may participate in the lunch program.

An order adopting this rule was filed and effective July 19, 1974, as R.1974 d.198 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Standards for Retirement of School Buses

On June 27, 1974, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning standards for retirement of school buses substantially as proposed in the Notice published June 6, 1974, at 6 N.J.R. 227(a) with only inconsequential structural or language changes in the opinion of the Department of Education.

Full text of the adopted rule follows:

6:21-1.4 Retirement of school buses

(a) School buses, other than those of the transit type whose gross vehicle weight (g.v.w.) exceeds 25,000 pounds shall not be utilized for pupil transportation purposes beyond the end of the tenth year from date of manufacture, as noted on the vehicle registration.

(b) School buses of transit type whose gross vehicle weight (g.v.w.) exceeds 25,000 pounds shall not be utilized for pupil transportation purposes beyond the end of the 20th year from the date of manufacture, as noted on the vehicle registration.

An order adopting these rules was filed and effective July 1, 1974, as R.1974 d.176.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Establishing Surface Water Quality Standards

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:1D-1 et seq., proposes to adopt new rules establishing surface water quality standards. Such rules, if adopted, will be included in Subchapters 6 and 7 of Chapter 9 in Title 7 of the New Jersey Administrative Code. These rules were previously proposed in the Notice published July 5, 1973, at 5 N.J.R. 220(b) and were the subject of a public hearing held on August 1, 1973.

A summary of the proposed rules follows:

The proposed regulations are intended to amend and upgrade "Rules and Regulations Establishing Surface Water Quality Criteria" adopted by the Department of Environmental Protection, effective June 30, 1971.

The proposed regulations are also intended to amend, where applicable, the current classifications of the surface waters of the State. Said classifications were previously adopted by the Department and are set forth as follows:

- (1) "Classification of the Surface Waters of the Atlantic Coastal Plain," effective May 24, 1967;
- (2) "Classification of the Surface Waters of the Delaware River Basin, Being Waters of the State of New Jersey," effective July 28, 1967;
- (3) "Classification of the Surface Waters of the Hackensack River Basin," effective March 1, 1966;
- (4) "Classification of the Surface Waters of the Hudson River, Arthur Kill and Tributaries," effective May 16, 1966;
- (5) "Regulations Concerning Classification of the Surface Waters of the Passaic River Basin," effective September 11, 1966;
- (6) "Classification of the Surface Waters of the Raritan River Basin Including Raritan Bay," effective April 15, 1965; and
- (7) "Classification of the Surface Waters of the Wallkill River Basin," effective July 28, 1967.

The proposed water quality standards will consist of the following major components:

1. Preface;
2. A statement of policy on the protection and enhancement of waters of the State;
3. Glossary of terms;
4. Definition of surface water classes;
5. Water quality criteria consisting of numerical values and narrative descriptions for each surface water class;
6. Use designations and water quality criteria for the main stem of the Delaware River;
7. Classification of all other surface waters of the State.

The criteria consist of parameters of surface water quality as follows:

1. Floating, suspended, colloidal and settleable solids; oil, grease, color and turbidity;
2. Toxic or deleterious substances, including but not limited to mineral acids, caustic alkali, cyanides, heavy metals, carbon dioxide, ammonia or ammonium compounds, chlorine, phenols, pesticides, etc.;
3. Taste and odor producing substances;
4. pH;
5. Dissolved oxygen;
6. Temperature;
7. Radioactivity;
8. Bacterial quality;
9. Total dissolved solids;
10. Phosphorus.

The parameters of water quality for the main stem of the Delaware River and also the Delaware Bay are those listed above except phosphorus and, in addition, include the following:

1. Total alkalinity;
2. Phenols;
3. Synthetic detergents;
4. Chlorides;
5. Hardness.

A number of changes for clarification purposes have been made to the original proposed rules as a consequence of the public hearing process. In addition, certain substantive changes were made as follows:

CLASS FW-2 WATERS

Total Dissolved Solids

From—"The maximum concentration of dissolved solids

shall be 500 mg/1 or $\frac{1}{3}$ above (133 per cent total) natural characteristic levels, whichever is less."

To—"Not to exceed 133 per cent of background or 500 mg/1, whichever is less. Notwithstanding this criterion, the Department may, after notice and opportunity for hearing, authorize increases of more than $\frac{1}{3}$ of background, but not more than 500 mg/1 where the discharger responsible for the increases can demonstrate to the satisfaction of the Department that such increases will not significantly affect the growth and propagation of indigenous aquatic biota or other designated uses.

Any authorization by the Department of such increases shall be conditioned upon utilization of the maximum practicable control technology."

Phosphorus

From—"Phosphorus as total P shall not exceed 50 g/1 in any reservoir, lake, pond or in a tributary at the point where it enters such bodies of water."

To—"Phosphorus as total P shall not exceed 50 g/1 in any reservoir, lake, pond or in a tributary at the point where it enters such bodies of water unless it can be demonstrated that total P is not a limiting factor considering the morphological, physical and other characteristics of the water body."

CLASS FW-3 WATERS

Total Dissolved Solids

From—"The maximum concentration of dissolved solids shall be $\frac{1}{3}$ above (133 per cent total) natural characteristic levels."

To—"Not to exceed 133 per cent of background. Notwithstanding this criterion, the Department may, after notice and opportunity for hearing, authorize increases of more than $\frac{1}{3}$ of background where the discharger responsible for the increases can demonstrate to the satisfaction of the Department that such increases will not significantly affect the growth and propagation of indigenous aquatic biota or other designated uses.

Any authorization by the Department of such increases shall be conditioned upon utilization of the maximum practicable control technology."

Phosphorus

From—"Phosphorus as total P shall not exceed 50 g/1 in any reservoir, lake, pond or in a tributary at the point where it enters such bodies of water."

To—"Phosphorus as total P shall not exceed 50 g/1 in any reservoir, lake, pond or in a tributary at the point where it enters such bodies of water, unless it can be demonstrated that total P is not a limiting factor considering the morphological, physical and other characteristics of the water body."

CLASS TW-1 WATERS

Total Dissolved Solids

From—"The maximum concentration of dissolved solids shall not be more than $\frac{1}{3}$ above (133 per cent total) natural characteristic levels or not more than 500 mg/1 for waters used as public potable water supply."

To—"Not to exceed 133 per cent of background. Not to exceed 500 mg/1 for waters approved as sources of public water supply. Notwithstanding this criterion, the Department may, after notice and opportunity for hearing, authorize increases of more than $\frac{1}{3}$ of background, but not more than 500 mg/1 for waters approved as sources of public water supply, where the discharger responsible for

the increases can demonstrate to the satisfaction of the Department that such increases will not significantly affect the growth and propagation of indigenous aquatic biota or to other designated uses.

Any authorization by the Department of such increases shall be conditioned upon utilization of the maximum practicable control technology."

CLASS TW-2 WATERS

Total Dissolved Solids

From—"The maximum concentration of dissolved solids shall not be more than $\frac{1}{3}$ above (133 per cent total) natural characteristic levels or not more than 500 mg/1 for waters used as public potable water supply."

To—"Not to exceed 133 per cent of background. Not to exceed 500 mg/1 for waters approved as sources of public water supply. Notwithstanding this criterion, the Department may, after notice and opportunity for hearing, authorize increases of more than $\frac{1}{3}$ of background, but not more than 500 mg/1 for waters approved as sources of public water supply, where the discharger responsible for the increases can demonstrate to the satisfaction of the Department that such increases will not significantly affect the growth and propagation of indigenous aquatic biota or to other designated uses.

Any authorization by the Department of such increases shall be conditioned upon utilization of the maximum practicable control technology."

CLASS CW-1 WATERS

DEFINITION

From—"The waters of the Atlantic Ocean within 1,500 feet from mean low tide shoreline or to a bottom depth of 15 feet below the mean low tide elevation, whichever is more distant from the mean low tide shoreline.

These waters shall be suitable for primary contact recreation; the maintenance, migration and propagation of the natural and established biota and any other reasonable uses."

To—"The waters of the Atlantic Ocean within 1,500 feet from mean low tide shoreline or to a bottom depth of 15 feet below the mean low tide elevation, whichever is more distant from the mean low tide shoreline.

These waters shall be suitable for shellfish harvesting where permitted.

These waters shall be suitable for primary contact recreation; the maintenance, migration and propagation of the natural and established biota and any other reasonable uses."

CLASS CW-2 WATERS

DEFINITION

From—"Atlantic Ocean waters beyond those established under CW-1 to the three mile limit.

These waters shall be suitable for secondary contact recreation; the maintenance, migration and propagation of the natural and established biota and any other reasonable uses."

To—"Atlantic Ocean waters beyond those established under CW-1 to the three mile limit.

These waters shall be suitable for shellfish harvesting where permitted.

These waters shall be suitable for secondary contact recreation; the maintenance, migration and propagation of the natural and established biota and any other reasonable uses."

MAIN STEM - DELAWARE RIVER

Zone 1

Temperature

From—Maximum Length—"Heat dissipation areas shall not be longer than 3,500 feet, or 20 times the average width of the stream, whichever is less, measured from the point where the waste discharge enters the stream."

To—Maximum Length—"As a guideline, heat dissipation areas from R.M. 217.0 (Tocks Island) to R.M. 133.4 (Trenton) shall not be longer than 3,500 feet, or 20 times the average width of the stream, whichever is less, measured from the point where the waste discharge enters the stream.

As a guideline, heat dissipation areas upstream from R.M. 217.0 shall not be longer than 1,000 feet, or 20 times the average width of the stream, whichever is less, measured from the point where the waste discharge enters the stream."

Zone 2, Zone 3 and Zone 4

Temperature

From—Mixing Zone—"As a guideline, mixing zones should be limited to no more than $\frac{1}{4}$ of the cross-sectional area and/or volume of flow of the body of water, leaving at least $\frac{3}{4}$ free as a zone of passage including a minimum of $\frac{1}{3}$ the surface measured from shore to shore at any stage of tide. The intent is to provide for the passage of free swimming and drifting organisms so that negligible or no effects are produced on their populations."

To—Heat Dissipation Areas

Maximum Length—"As a guideline, heat dissipation areas shall not be longer than 3,500 feet, measured from the point where the waste discharge enters the stream."

Maximum Width—"Heat dissipation areas shall not exceed a maximum width of two-thirds the surface width measured from shore to shore at any stage of tide. Within any one heat dissipation area only one shore shall be used in determining the limits of the area."

Zone 5

Temperature

From—"No heat may be added except in designated mixing zones which would cause temperatures to exceed 85°F or which would cause the monthly mean of the maximum daily temperature at any site, prior to the addition of any heat, to be increased by more than 4°F during September through May, or to be increased by more than 1.5°F during June through August. The rate of temperature change in designated mixing zones shall not cause mortality of the biota."

To—"Shall not be raised above ambient by more than 4°F (2.2°C) during September through May nor more than 1.5°F (0.8°C) during June through August, nor shall maximum temperatures exceed 86°F (30.0°C). Temperatures shall be measured outside of designated heat dissipation areas."

From—Mixing Zone—"As a guideline, mixing zones should be limited to no more than $\frac{1}{4}$ of the cross-sectional area and/or volume of flow of the body of water, leaving at least $\frac{3}{4}$ free as a zone of passage including a minimum of $\frac{1}{3}$ the surface measured from shore to shore at any stage of tide. The intent is to provide for the passage of free swimming and drifting organisms so that negligible or no effects are produced on their populations."

To—Heat Dissipation Areas

Maximum Length—"As a guideline, heat dissipation

areas shall not be longer than 3,500 feet, measured from the point where the waste discharge enters the stream."

Zone 6

Temperature

To be added: "As a guideline, heat dissipation areas shall not be longer than 3,500 feet, measured from the point where the waste discharge enters the stream."

Copies of the proposed "Rules and Regulations Establishing Surface Water Quality Standards" may be obtained from:

Bureau of Water Pollution Control
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

Interested persons may present to the Division of Water Resources at the above address statements or arguments in writing relevant to the proposed action on or before August 28, 1974, on all matters desired to be brought to the attention of the Department.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed "Rules and Regulations Establishing Surface Water Quality Standards" substantially as proposed without further notice.

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Fish Code

The Fish and Game Council in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the Fish Code for the 1975 fishing seasons. Such Code, if adopted, will be cited as N.J.A.C. 7:25-6.1 et seq.

Copies of the 14 pages of the proposed Fish Code have been prepared and a summary supplied to newspapers throughout the State. The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers fresh water fish may be pursued, taken or had in possession.

Copies of the full text of the proposed Fish Code may be obtained from the Division of Fish, Game and Shellfisheries, Post Office Box 1809, Trenton, New Jersey 08625.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be held on Tuesday evening, September 10, 1974, at 8:00 P.M. in Room 1308 of the State Labor and Industry Building Auditorium, John Fitch Plaza, Trenton, New Jersey.

Written statements or arguments respecting the proposed action may be filed on or before September 10, 1974, with the New Jersey Fish and Game Council, Division of Fish, Game and Shellfisheries, Post Office Box 1809, Trenton, New Jersey 08625.

The New Jersey Fish and Game Council, upon its own motion or at the instance of any interested party, may

thereafter adopt the Fish Code substantially as proposed without further notice.

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

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Revisions in Emission Inspection Standards For Light-Duty Gasoline-Fueled Motor Vehicles

On June 26, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8.1, 26:2C-8.2, 13:1D-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:27-15.1 et seq. concerning emission standards for light-duty gasoline-fueled motor vehicles, substantially as proposed in the Notice published May 9, 1974, at 6 N.J.R. 173(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive revisions concern two changes. N.J.A.C. 7:27-15.4 amends the effective dates of second and third phase emission standards and such dates are changed from July 1, 1974 and July 1, 1975 to February 1, 1975 and February 1, 1976. This change is in accordance with P.L. 1973, c. 186, which postponed the effective date of the implementation of Phase 1 to February 1, 1974 from July 1, 1973. The amendments promulgated restore the one-year inspection period for each car which was the original intention of the Department. The one-year duration of each of these two initial phases is necessary to insure that the automobile service industry has sufficient time to acquire the equipment needed to correct deficiencies detected in the inspection stations.

The second amendment, adding N.J.A.C. 7:27-15.6, authorizes the Director of the Division of Motor Vehicles, after consultation with this Department, to waive inspection standards for certain classes of motor vehicles built before 1968 which cannot comply, by virtue of design, with the prescribed emission standards. Less than .2 per cent of the vehicles in New Jersey would be affected by this technical change. This change is necessary to comply with the enabling legislation which requires motorists to keep their vehicles in proper functioning condition without the addition of any further pollution control devices.

An order adopting these revisions was filed June 28, 1974, as R.1974 d.169 to become effective July 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF SOLID WASTE MANAGEMENT

Revisions to Rules of the Bureau of Solid Waste Management

On June 28, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A.

13:1E-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the Bureau of Solid Waste Management (that is, N.J.A.C. 7:26-1.1 et seq.) substantially as proposed in the Notice published November 8, 1973, at 5 N.J.R. 369(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes concern the rewording of certain language to clarify the intent of the rules; the revisions of some text to make it less restrictive since it was determined that the proposed text was more stringent than necessary; the addition of the definition of the term "putrescible"; and other changes which do not provide less protection to the public health, safety or welfare than provided by the prior proposed rules.

An order adopting these revisions was filed June 28, 1974, as R.1974 d.172 to become effective July 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Extension of Wetlands Order Covering Portions of Salem County

On June 26, 1974, David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule extending the coverage of the Wetlands Order to certain portions of Salem County, as proposed in the Notice published March 7, 1974, at 6 N.J.R. 100(c).

Such extension may be cited as N.J.A.C. 7:7A-1.1(a)14.

An order adopting this extension was filed and effective on July 12, 1974, as R.1974 d.188.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Proposed Rule on the Scheduling And Completion of Hearings for Certificate of Need Applicants

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the scheduling and completion of hearings for certificate of need applicants.

Full text of the proposed rule follows:

8:33-1.13 Scheduling and completion of hearings for certificate of need applicants

(a) In accordance with N.J.S.A. 26:2H-9, the Department of Health shall schedule the date for a hearing for a certificate of need applicant and/or the State Health Planning Council, when applicable, wherein the date of such hearing

shall be no later than 60 days from the receipt by the Department of a request for a hearing.

(b) It is incumbent upon the applicant and/or the State Health Planning Council, when applicable, to request a hearing within 20 days of the receipt of the notification letter specifying the action of the Commissioner of Health with respect to the certificate of need application. Failure to request a hearing within the specified time period shall invalidate the opportunity for such hearing.

(c) Subsequent to the establishment of the date of a hearing, a maximum of three postponements at the request of the applicant for cause may be granted by the Department. However, in no case shall the hearing be postponed after 90 days subsequent to the establishment of the original date of the hearing. Failure by the applicant to comply with the above shall constitute a waiver of the applicant's right to a hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

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

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

Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

THE COMMISSIONER

Proposed Rules Governing Health Maintenance Organizations

Joanne E. Finley, Commissioner of Health, pursuant to authority of Chapter 337, Laws of 1973, proposes to adopt new rules governing health maintenance organizations. Proposed rules on the same subject were published January 10, 1974, at 6 N.J.R. 8(b), but the proposed rules are being republished due to changes suggested in the interim.

Full text of the proposed rules follows:

CHAPTER 38.

HEALTH MAINTENANCE ORGANIZATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

8:38-1.1 Health care services

(a) Health care services include basic health care services and any additional health care related services deemed necessary by the Commissioner for the obtaining and maintenance of optimal health.

(b) In addition to basic health services, a health maintenance organization may provide any additional health services which are in conformity with applicable laws and regulations.

8:38-1.2 Basic health care services

(a) Basic health care services includes the following minimal services to be provided or arranged by the HMO:

1. Medical services:

i. Periodic physical and/or screening examinations in

- order to facilitate patient management plans;
- ii. Office visits;
- iii. Obstetrical care (pre- and post-natal care of mother);
- iv. Regular pediatric care, including newborn care and immunizations that are medically necessary;
- v. Surgical services;
- vi. Anesthesia;
- vii. Inpatient medical care in hospital and/or extended care facility;
- viii. Diagnostic and therapeutic radiology;
- ix. Consultations and specialists' services;
- x. 24-hour a day emergency services, seven days a week;
- xi. Physical therapy;
- xii. House calls when medically necessary;
- xiii. Out-of-area health services when indicated for accidental injury or emergency illness; and
- xiv. Disease detection and diagnostic laboratory services.

2. Institutional services:

- i. Inpatient hospital care, including room accommodation and other inpatient hospital services, medications as appropriately ordered by the physician(s) responsible and supplies that are usually provided by the hospital;
- ii. Extended care services;
- iii. Home-health services; and
- iv. Emergency and out-of-area hospital services when indicated for injury or emergency illness.

3. Other services:

- i. Ambulance services when ordered by a member of the medical group for emergency situations;
- ii. Health education services; and
- iii. Preventive health services.

8:38-1.3 Regulations for the establishment and operation of an HMO

(a) To establish and operate a health maintenance organization the following regulations must be met:

1. Certificate of need (N.J.S.A. 26:2H-7): Any HMO constructing a new health care facility, expanding or changing an existing health care facility, or instituting new health care services, must comply with the provisions of N.J.S.A. 26:2H-7.
2. All requirements specified in Chapter 337, Laws of New Jersey, 1973 must be met.
3. A certificate of authority must be issued before commencement of operation of an HMO.
4. A copy of a health care plan must be filed with the Commissioner prior to commencement of operation of the HMO.
5. Evidence of compliance with the following requirements must be furnished to the Commissioner on request:
 - i. There must be sufficient licensed primary care physicians and medical specialists associated with or available to the HMO to provide basic health care services. The number of physicians is contingent upon enrollment size;
 - ii. The professional staff must include sufficient licensed nurses, and other professionals such as nutritionists, health educators and others to provide basic health care services;
 - iii. The HMO must have sufficient clinical space, equipment and furnishings to meet health care needs and the facility must be readily accessible geographically and transportation-wise to enrollees;
 - iv. The applicant must provide evidence of the availability of institutional services including hospital and

extended care facility, to the enrollees to meet basic health care services;

v. Plans for an appropriate evaluative mechanism must be provided. This will refer to quality and quantity of ambulatory health care services, and utilization of hospital and extended care facility beds and other services;

vi. The health care plan must include a mechanism for communication between the Plan and enrollees. This may be done by a panel, which has consumer representation, or by some other appropriate mechanism.

SUBCHAPTER 2. ESTABLISHMENT OF HEALTH MAINTENANCE ORGANIZATIONS

8:38-2.1 Scope

The following rules jointly developed by the Commissioner of Health and the Commissioner of Insurance govern the establishment of Health Maintenance Organizations in New Jersey pursuant to the authority set forth in P.L. 1973. c.337,83.

8:38-2.2 Application

An application, on forms provided by the Health Department, accompanied by a filing fee of \$100.00 payable to New Jersey Department of Health shall be completed by the responsible officers of each entity desiring to obtain a certificate of authority as an HMO. Such fee shall not be returnable.

8:38-2.3 Certificate of need

When the establishment or operation of a health care facility or any change in or expansion of a health care facility or involves the institution of new health care services as defined in Section 7 of the Health Care Facilities Planning Act (P.L. 1971, c.136), said HMO shall comply with all pertinent provisions of P.L. 1971, c.136.

8:38-2.4 Supporting documents

(a) The application for a certificate of authority shall be accompanied by the following:

1. A copy of the basic organizational document of the applicant such as the articles of incorporation, articles of association, partnership agreement, trust agreement or other applicable documents and all amendments thereto;
2. A copy of the bylaws, rules and regulations, or similar document regulating the conduct of the internal affairs of the applicant;
3. A list of names, addresses and official positions of the persons who are to be responsible for the conduct of the affairs of the applicant;
4. A copy of any contract made or to be made between any providers or persons listed in paragraph 3. of this subsection and the applicant;
5. A copy of any contract made or to be made with an insurer or a hospital or medical service corporation;
6. A statement generally describing the health maintenance organization, its facilities and personnel;
7. A copy of the form of the group contract, if any, which is to be issued to employers, unions, trustees or other organizations;
8. Recent financial statements showing the applicant's assets, liabilities and sources of financial support;
9. A general description of the proposed method of marketing and financing and a statement as to the sources of funding;
10. A power of attorney duly executed by such applicant, if not domiciled in this State, appointing the Commissioner and his successors in office, and duly authorized deputies, as the true and lawful attorney of such applicant in and

for this State upon whom all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising in this State may be served;

11. A statement reasonably describing the geographic area or areas to be served;

12. A general description of the complaint procedures to be utilized as required under Section 12, of P.L. 1973, c.337;

13. A general description of the procedures and programs to be implemented to meet the quality of health care requirements in Section 4., 2 of P.L. 1973, c.337;

14. A general description of the mechanism by which enrollees will be afforded an opportunity to participate in matters of policy and operation;

15. Such other information as the Commissioner may require to make the determinations required by Section 4 of P.L. 1973, c.337.

8:38-2.5 Licensure

The HMO shall comply with the licensure provisions of P.L. 1971, c.136.

SUBCHAPTER 3. ISSUANCE OF CERTIFICATE OF AUTHORITY

8:38-3.1 Scope

(a) Prior to issuance of a certificate of authority, the Commissioner and, if applicable, the Commissioner of Insurance, must be satisfied that several conditions have been met. Among these are:

1. That the health maintenance organization is financially sound and may reasonably be expected to meet its obligations to enrollees and prospective enrollees; and

2. That the organization's arrangements for health care services and the schedule of charges to enrollees used in connection therewith are financially sound.

(b) The following three Sections will serve as minimum standards for determining such financial soundness.

8:38-3.2 Definition

(a) Standards will vary depending on whether or not the health maintenance organization is "doing an insurance business."

(b) A health maintenance organization will be considered to be doing an insurance business if more than ten per cent of its payments to providers, based on reasonable actuarial assumptions, may be expected to be made directly from funds of the organization on a "fee for service" basis.

(c) Payments will not be considered as having been made from funds of the organization if:

1. Reimbursement for such payment is guaranteed by an insurance company or hospital or medical service corporation licensed to operate in New Jersey pursuant to a contract filed by the Commissioner of Insurance and in force at time of application, or

2. The organization's liability for payment to providers is limited to a reasonable proportion of its capitation revenues by means of an excess of stop-loss insurance arrangement with such insurance company or hospital or medical service corporation.

8:38-3.3 Excess of assets over liabilities

(a) For purposes of determining financial soundness, a health maintenance organization will be considered to have adequate working capital and funding sources if the excess of its assets over its liabilities, at time of application and subsequently, according to reasonable financial projections, is equal to or greater than:

1. For organizations doing an insurance business, the greater of \$100,000 or ten per cent of capitation revenues earned during the most recent completed fiscal year;

2. For organizations not doing an insurance business, the

greater of \$50,000 or five per cent of capitation revenues earned during the most recent completed fiscal year.

(b) For purposes of this determination, "assets" are limited to cash, permitted investments and the fair market value of facilities, property and equipment; unsecured loans, deferred expenses and intangible assets such as "good will" may not be included.

8:38-3.4 Charges to enrollees

Charges to enrollees will be considered financially sound provided they are accompanied by certification of a qualified actuary that they make adequate provision for claim costs, operating expenses, and maintenance of at least the minimum excess of assets over liabilities defined in the preceding paragraph. Details as to assumptions and methods of calculation must accompany certification.

SUBCHAPTER 4. ACTUARIES AND AGENTS

8:38-4.1 Qualified actuary

An actuary will be deemed "qualified" if he has satisfied the Commissioner of Insurance as to his integrity and competence in applying actuarial theory by reason of experience and professional training. Membership in the American Academy of Actuaries will be considered as sufficient evidence of such qualification.

8:38-4.2 Regulation of agents

An agent as used herein means a person directly or indirectly associated with a health maintenance organization who engages in solicitation or enrollment for compensation. All such agents must satisfy the requirements of Chapter 22 of Title 17B of the New Jersey Statutes applicable to agents writing health insurance. For purposes of this regulation, an authorized health maintenance organization will be considered to be "a qualified insurer," and no additional fee beyond that required by Chapter 22 will be imposed.

A public hearing respecting the proposed action will be held on August 28, 1974, at 10:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Arthur Krosnick
Director, HMO Program
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Procedures for Adjustment Of the State Plan for Hospitals And Related Health Care Services

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq., and with the approval of the Health Care Administration Board, proposes to adopt procedures for adjustment of the State Plan for Hospitals and Related Health Care Services.

Full text of the proposed rules follows:

SUBCHAPTER 5. PROCEDURES FOR ADJUSTMENT OF THE STATE PLAN FOR HOSPITALS AND RELATED HEALTH CARE SERVICES

8:32-5.1 General provisions

(a) The State Plan for Hospitals and Related Health Care Services is a document that is to be used as a guide in decision making, relative to the need for hospitals and related health care services throughout the State of New Jersey. As a planning instrument it will be necessary to make adjustments in this document when specific situations or circumstances occur in a particular area of the State. Therefore, the following is a procedure by which this plan may be adjusted to reflect these instances:

1. Requests for adjustment to the State Plan shall be forwarded directly to the appropriate areawide health planning ("B") agency. Copies of the request shall be forwarded simultaneously to the Director of the Comprehensive Health Planning Agency and also to the Assistant Commissioner for Health Facilities (Attention: Chief, Health Facility Services), New Jersey Department of Health, P.O. Box 1540, Trenton, New Jersey 08625.

2. Recommendations from the appropriate areawide planning agencies shall be forwarded to the State Comprehensive Health Planning Agency within 45 days for presentation to the State Health Planning Council for review, comment and recommendation.

3. The recommendation of the State Health Planning Council will then be forwarded within 45 days to the Assistant Commissioner for Health Facilities for submission to the Health Care Administration Board for consideration as an adjustment to the State Plan.

4. In the event of concurrence by the Health Care Administration Board of the State Health Planning Council's recommendation, the adjustment will be published in the New Jersey Register and subject to all provisions of the Administrative Procedures Act.

5. Before the Health Care Administration Board will approve an adjustment contrary to the recommendation of the State Health Planning Council, the Health Care Administration Board will afford the State Health Planning Council an opportunity to appear and discuss their recommendation prior to the final determination by the Health Care Administration Board.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

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

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Definition of Facilities Under Certificate of Need

Joanne E. Finley, Commissioner of Health, pursuant to

authority of N.J.S.A. 26:2H-2(a) and with the approval of the Health Care Administration Board, proposes to adopt a new rule concerning the definition of facilities under certificate of need.

Full text of the proposed rule follows:

8:33-1.14 Definition of facilities

(a) Health care facility as defined in N.J.S.A. 26:2H-2(a) shall include the facility of any provider of the following:

1. Diagnostic radiology;
2. Independent clinical laboratories;
3. Physical medicine;
4. Therapeutic radiation; and
5. Abortion services.

(b) A certificate of need will be required for construction (as defined in N.J.S.A. 26:2H-2(c)) of such facilities by any existing or potential provider.

A public hearing respecting the proposed action will be held September 11, 1974, at 10:00 A.M. in the auditorium, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Arthur Brown
Assistant Commissioner for Health Facilities
Post Office Box 1540
Trenton, New Jersey 08625

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

Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Revisions in Other Security Controls for Nonpractitioners

Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq., proposes to adopt revisions to the rule concerning other security controls for nonpractitioners.

Full text of the proposed revised rule follows:

8:65-2.4 (c) The registrant shall notify the regional office of the Drug Enforcement Agency, or the New Jersey State Department of Health, Drug Control Program, of any theft or significant loss of any controlled substances upon discovery of such theft or loss. The supplier shall be responsible for reporting in-transit losses of controlled substances by the common or contract carrier upon discovery of such theft or loss. The registrant shall also complete DEA Form 106 regarding such theft or loss. Thefts must be reported whether or not the controlled substances are subsequently recovered and/or the responsible parties are identified and action taken against them.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Donald J. Foley
Chief, Drug Control
113 West State Street
Trenton, New Jersey 08625

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

Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Revisions for Licensing of Food and Cosmetic Manufacturing and Wholesale Establishments

On July 8, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:15-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 8:21-9.3(a)4. concerning the licensing of food and cosmetic manufacturing and wholesale establishments, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 232(a).

An order adopting these revisions was filed and effective July 9, 1974, as R.1974 d.184.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rules Governing Sanitation, Handling, Shipping and Shucking of Shellfish

On July 8, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1, 24:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing the sanitation, handling, shipping and shucking of shellfish, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 233(b).

Such rules may be cited as N.J.A.C. 8:13-1.1 et seq.

An order adopting these rules was filed and effective July 9, 1974, as R.1974 d.185.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

HEALTH

THE COMMISSIONER

Rule on Licensing of Drug-Related Facilities

On July 17, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the licensing of drug-related facilities, as pro-

posed in the Notice published June 6, 1974, at 6 N.J.R. 231(b).

Such rule may be cited as N.J.A.C. 8:31-10.1.

An order adopting this rule was filed and effective July 18, 1974, as R.1974 d.193.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

HEALTH

THE COMMISSIONER

Rule on Processing of Certificate of Need Applications

On July 17, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the processing of certificate of need applications, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 241(a).

Such rule may be cited as N.J.A.C. 8:33-1.12.

An order adopting this rule was filed and effective July 18, 1974, as R.1974 d.194.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

HEALTH

THE COMMISSIONER

Rule on Voluntary Discontinuance Of a Regular and Continuing Service In any Health Care Facility

On July 17, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the voluntary discontinuance of a regular and continuing service in any health care facility, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 232(b).

Such rule may be cited as N.J.A.C. 8:31-11.1.

An order adopting this rule was filed and effective July 18, 1974, as R.1974 d.195.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(f)

HEALTH

THE COMMISSIONER

1974-1975 State Plan for Hospitals and Related Health Care Services

On July 17, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1974-1975

State Plan for Hospitals and Related Health Care Services, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 231(a).

Such rules may be cited as N.J.A.C. 8:32-1.1 et seq.

An order adopting these rules was filed and effective July 18, 1974, as R.1974 d.196.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Bacteriological Standards for Potentially Hazardous Foods

On July 22, 1974, Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-8(A)(1)(2) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted bacteriological standards for potentially hazardous foods, as proposed in the Notice published May 9, 1974, at 6 N.J.R. 179(a).

Such standards may be cited as N.J.A.C. 8:21-2.38.

An order adopting these standards was filed and effective July 24, 1974, as R.1974 d.204.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions in Educational Leave Stipends

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to revise N.J.A.C. 10:109-1.6(a)1. and 2. by increasing the maximum stipend granted to professional and paraprofessional staff for educational leave from \$500.00 to \$600.00 per month.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

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

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Special Requirements Applicable To Sterilization

On June 28, 1974, Ann Klein, Commissioner of Institutions

and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning special requirements applicable to sterilization under the Title IV-A and VI State Plan.

Full text of the adopted rule follows:

SUBCHAPTER 6. GENERAL PROVISIONS

10:123-6.1 Special requirements applicable to sterilization

(a) All requirements of 45 CFR 205.35 are met with respect to nonemergency and nontherapeutic sterilizations for which payment is made under this State plan, including those related to:

1. Voluntary request, legally effective informed consent, time limits with respect to nontherapeutic sterilizations and written consent documents; and
2. Submittal of reports.

An order adopting this rule was filed and effective June 28, 1974, as R.1974 d.170 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

THE COMMISSIONER

Rules on Services to Former and Potential Applicants and Recipients Under Title VI

On June 28, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule to the Interim State Plan for Services under Title VI of the Social Security Act, concerning services to former and potential applicants and recipients.

Full text of the adopted rule follows:

10:123-6.2 Services to former and potential applicants and recipients under Title VI of the Social Security Act

(a) The State agency provides services to former applicants and recipients of SSI benefits.

(b) The State agency provides services to all potential applicants for and recipients of SSI benefits.

(c) The State agency will claim Federal financial participation for such services.

(d) The following is a listing of services to former applicants for and recipients of SSI benefits who are aged, blind and/or disabled:

1. Information and referral;
2. Protective services;
3. Services to remain in own home or return to community;
4. Services to meet health needs;
5. Self-support services;
6. Housing improvement services;
7. Foster care services;
8. Day care;

9. Chore services;
10. Home delivered meals;
11. Companionship and recreational services;
12. Consumer protection and money management education;
13. Homemaker services;
14. Educational services (by referral);
15. Social group services;
16. Legal services;
17. Family planning services;
18. Services to alcoholics;
19. Services to drug addicts;
20. Special services for the blind;
21. Special services for the deaf;
22. Special services for other disabled;
23. Transportation.

An order adopting this rule was filed June 28, 1974, as R.1974 d.171 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Ruling Number 11, Part III

On July 1, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Ruling Number 11, Part III, concerning public assistance staff development program, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 244(b).

Such revisions will be included in various Sections of Chapter 109 in Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective July 2, 1974, as R.1974 d.179.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Financial Assistance Manual Concerning AFDC Program

On July 24, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:82-3.2 concerning the financial assistance manual concerning AFDC program, substantially as proposed in the Notice published June 6, 1974, at 6 N.J.R. 243(b), with only inconsequential structural or language changes, in the opinion of the Department of Institutions and Agencies.

An order adopting these revisions was filed and effective July 24, 1974, as R.1974 d.205.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Vision Care Manual

On June 26, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Vision Care Manual, as proposed in the Notice published February 7, 1974, at 6 N.J.R. 65(b).

Such revisions will be included in various Sections of Chapter 62 in Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed July 3, 1974, as R.1974 d.181 to become effective August 30, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Physician's Manual Concerning Specialist Recognition

On July 9, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:54-1.19 concerning specialist recognition in the Physician's Manual, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 242(c).

An order adopting these revisions was filed July 12, 1974, as R.1974 d.186 to become effective July 15, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(e)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to the Prosthetic And Orthotic Manual

On July 9, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Prosthetic and Orthotic Manual concerning eligible providers, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 243(a).

Such revisions will be included in N.J.A.C. 10:55-1.2.

An order adopting these revisions was filed July 12, 1974, as R.1974 d.187 to become effective January 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revised Rules for Hospital Manual

On July 12, 1974, Robert E. Mulcahy, Acting Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules within the Hospital Manual, substantially as proposed in the Notice published April 4, 1974, at 6 N.J.R. 141(d) with only inconsequential structural or language changes in the opinion of the Department of Institutions and Agencies.

The Sections affected by these revisions are N.J.A.C. 10:52-1.1, 10:52-1.7(a), 10:52-1.9(f) and 10:52-2.8(d).

An order adopting these revised rules was filed and effective July 24, 1974, as R.1974 d.201.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Rule on Recovery of Payments Correctly Made

On July 9, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule on recovery of payments correctly made, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 242(b).

Such rule may be cited as N.J.A.C. 10:56-1.48.

An order adopting this rule was filed and effective July 24, 1974, as R.1974 d.202.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Amendment Concerning Dental Providers

On July 9, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rule concerning dental providers as proposed in the Notice published June 6, 1974, at 6 N.J.R. 242(a).

Such amendment may be cited as N.J.A.C. 10:56-2.1(d).

An order adopting this amendment was filed July 24, 1974, as R.1974 d.203 to become effective August 15, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Proposed Rules for Mass Marketing Of Property and Liability Insurance

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning mass marketing of property and liability insurance. Initial rules on this same subject were proposed in the Notice published September 6, 1973, at 5 N.J.R. 309(a) but, due to extensive, suggested changes therein, the following rules are now proposed.

Full text of the proposed rules follows:

SUBCHAPTER 12. MASS MARKETING OF PROPERTY AND LIABILITY INSURANCE

11:2-12.1 Introduction

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

11:2-12.2 Definitions

"Mass marketing plan" means a method of selling personal property-liability insurance wherein such insurance is offered to employees of particular employers or to members of particular associations or organizations; the employer, association or organization if any, has agreed to or otherwise affiliated itself with, the sale of such insurance to its employees or members; some rate, coverage, underwriting or substantial service advantage is provided which is not available from the same insurer on a nonplan basis.

"Personal property-liability insurance" shall mean all forms of personal lines, fire, allied lines, casualty, marine and inland marine insurance and insurance to which Sections 17:17-1 et seq. and 39:6A et seq. of the insurance law applies.

11:2-12.3 Applicability

This regulation shall be applicable only to insurance policies issued or renewed in this State and is in addition to, and not in substitution for, other applicable requirements of the insurance law and Department regulations. The requirements of this regulation are not applicable to methods of marketing other than mass marketing plans.

11:2-12.4 Fictitious arrangement prohibited

No insurer shall sell insurance pursuant to a mass marketing plan to members of any association or organization formed principally for the purpose of obtaining such insurance.

11:2-12.5 Premiums and policy forms

(a) Premiums under a mass marketing plan shall comply with the filing requirements and with the standards in the insurance law, including the standards that rates not be excessive, inadequate or unfairly discriminatory. Rates shall not be deemed to be unfairly discriminatory because different premiums result for policyholders with like loss exposures but different expense factors, or like expense factors but different loss exposures, so long as the rates reflect the differences with reasonable accuracy.

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

(c) Prior to the sale or use of any mass marketing plan in New Jersey, the policy forms of such plan shall first be filed with and approved by the Commissioner of Insurance.

11:2-12.6 Statistics

An insurer selling insurance pursuant to mass marketing plans shall maintain separate statistics as to loss and expense experience pertinent to each individual plan only if such individual plan provides some rate or coverage advantage not available from the same insurer on a nonplan basis.

11:2-12.7 Producers

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

11:2-12.8 Compulsory participation prohibited

No insurer shall sell insurance pursuant to a mass marketing plan if it is a condition of employment or of membership in an association, organization or other group that any employee or member purchase insurance pursuant to such plan, or if any employee or member shall be subject to any penalty by reason of his nonparticipation. The fact that a nonparticipant does not voluntarily enjoy the benefits of an employer contribution shall not be deemed a penalty.

11:2-12.9 Tie-in sales prohibited

(a) No insurer shall sell insurance pursuant to a mass marketing plan if:

1. The purchase of insurance available under such plan is contingent upon the purchase of any other insurance, product or service; or

2. The purchase or price of any other insurance, product or service is contingent upon the purchase of insurance available under such plan.

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

11:2-12.10 Disclosure required

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

11:2-12.11 Underwriting standards

No insurer shall use underwriting standards for individual risk selection in a mass marketing plan which are, on the whole, either less restrictive unless written with an appropriate charge as contemplated by the insurer's filed rates, or more restrictive than the standards used by such insurer for individual risk selection in the sale of the same kind of insurance in this State other than pursuant to mass marketing plans. In the event an insurer does not sell such kind of insurance in this state other than pursuant to mass marketing plans, its underwriting standards for individual risk selection in such plans shall, on the whole, be no more restrictive than the standards used by its principal affiliate, if any, for individual risk selection in the sale of such kind of insurance in this State other than pursuant to mass marketing plans.

11:2-12.12 Cancellation and nonrenewal

(a) The failure of an employer, association, organization or other group to remit premiums when due for any reason (including but not limited to interruption or termination of employment or membership) shall not be regarded as "nonpayment of premium" by any insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured shall have been given written notice of such failure to remit and shall not himself have paid such premium by the later of ten days after such notice or the due date of such premium remittance under the mass marketing plan.

(b) If the premium due has been collected by an employer, association or other group and has not been remitted to the insurer, the funds so collected shall be considered to have been paid to the insurer.

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

11:2-12.13 Compulsory facilities

An insurer, agent or broker selling insurance pursuant to a mass marketing plan shall, with respect to any employees or members who apply for but are denied insurance under such plan and are not otherwise insured, assist such persons in their efforts to obtain insurance through any other appropriate voluntary or mandatory insurance plan, such as the New Jersey Automobile Insurance Plan or the plans of the New Jersey Insurance Underwriting Association.

11:2-12.14 Eligibility

(a) Any employer, association or organization domiciled or principally located in New Jersey with 100 or more employees or members shall be eligible for a mass marketed insurance plan.

(b) Any employer, association or organization domiciled or principally located in New Jersey with less than 100 employees or members may be eligible for a mass marketed insurance plan if 25 or more employees or members are enrolled to participate upon inception of the plan.

(c) Size of group and number of participant requirements are not applicable where the employer, association or organization having some employees or members in New Jersey is domiciled or principally located outside of New Jersey provided such employer, association or organization has its mass marketing plan approved by such other state.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Herman W. Hanssler
Director of Insurance
201 East State Street
Trenton, New Jersey 08625

The Department of Insurance, upon its own motion or at

the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules on Charitable Annuities

James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning charitable annuities.

Full text of the proposed rules follows:

SUBCHAPTER 8. CHARITABLE ANNUITIES

11:4-8.1 Purpose

(a) The Life and Health Insurance Code, hereafter referred to as the "Code", provides that qualified organizations as defined therein may enter into annuity agreements under conditions which are different from those which are applicable to organizations which are deemed to be insurers. Although it is recognized that it is in the public interest that these special conditions be provided, the requirements of this regulation are primarily for the protection of the individual holders of annuities and their beneficiaries. The interest of individual holders of annuities and their beneficiaries are safeguarded by:

1. The use of forms which clearly set forth the conditions of the agreement being entered into;
2. The maintenance of segregated assets in such form and such amount as will protect the interest of the annuitants; and
3. The submission to the Commissioner by the issuers of charitable annuities of periodic reports which will enable the Commissioner to determine that the requirements of law and of this regulation are being met.

(b) Charitable annuities are differentiated from other annuities in that a significant part of the consideration paid for the annuity represents a gift to the issuing organization. In order to assure that such a gift results, this regulation will specify maximum rates of income to annuitants for charitable annuities.

11:4-8.2 Forms of agreement

An applicant for a special permit shall submit, with his application to the Commissioner, a copy of each form of agreement which it proposes to issue to annuitants. If a holder of a special permit proposes to institute a new form of agreement with annuitants, the form shall first be submitted to the Commissioner for his approval before it is put into use.

11:4-8.3 Annuity rates

(a) The original consideration for periodic payments payable to the holder of a charitable annuity may not be less than the net single premium, computed according to interest and mortality assumptions permitted by Chapter 19 of the Code, for guaranteed periodic payments, plus a life insurance net single premium, computed according to the same assumptions, for an amount of death benefit equal to one-half of such original consideration. For this purpose the "original consideration" shall include the gross amount paid by the annuitant to the special permit holder in order to provide the annuity payments and the residue.

(b) An applicant for a special permit shall submit, with his application to the Commissioner, a schedule of its annuity rates for each form of annuity that it proposes to issue.

(c) A special permit holder which adopts rates for a proposed new form of annuity or which proposes to change the rates on its existing annuities shall submit such rates to the Commissioner for his approval before they become effective.

11:4-8.4 Surplus and reserves

(a) Each special permit holder shall have and maintain segregated assets at least equal to the sum of:

1. The reserves on its outstanding agreements calculated in accordance with the provisions of Chapter 19 of the Code; and

2. A surplus equal to \$100,000, or to ten per cent of the amount in paragraph 1., whichever is greater.

(b) In determining the reserves of any special permit holder, a deduction shall be made for all or any portion of an annuity risk which is lawfully reinsured by an authorized insurer, but such reinsurance shall not relieve a special permit holder from the requirement that the surplus shall be at least \$100,000.

(c) The Commissioner may consider that each corporation or association in a group of two or more corporations and/or associations which has met all other requirements of this Section of the Code has met the requirements as to the amount of segregated annuity fund assets, provided:

1. The segregated assets of each such organization shall equal at least 110 per cent of the sum of the reserves on its outstanding agreements calculated in accordance with the provisions of Chapter 19 of the Code;

2. The combined segregated assets of all such organizations, when considered as a unit, meet the requirements of this Section of the Code concerning the amount of segregated assets;

3. The organizations enter into an agreement by which each organization pledges the full amount of its segregated annuity assets as liable for the payment of each annuity and all annuities issued under the agreement by each organization and all organizations in the group;

4. Such agreement shall be determined by the Commissioner to protect the public, at least to the same extent, as though all annuities were issued by a single organization;

5. No change may be made in such agreement and no organization may be added to or released from such agreement without the prior approval of the Commissioner; and

6. The Commissioner may require that, in addition to any other reports that he shall normally require from permit holders, the group of organizations file annually a consolidated report in order to demonstrate that the requirements of this Section of the Code are met on a consolidated basis.

(d) Each member organization within the group will be subject to all requirements of the law and of this regulation other than the requirement of \$100,000 minimum surplus; this minimum must be satisfied by the group, however.

11:4-8.5 Compliance with investment requirements

The segregated assets held by a special permit holder shall be invested in the same manner and subject to the same restrictions as provided in the Code for domestic insurers unless more restrictive provisions are contained in applicable statutes regulating any such special permit holder. However, prior to January 1, 1977, a fraction of the segregated assets of a special permit holder shall not be subject to such investment restrictions. Such fraction shall be determined by dividing the sum of reserves for all an-

(Continued on page 30)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

pages for all 19 Departmental Titles.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Notice of Adoption N.J.R. Citation</u>
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R.1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R.1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R.1974 d.75	6 N.J.R. 162(a)
AGRICULTURE — TITLE 2			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:3-2.5	Requirements on equidae entering New Jersey	R.1974 d.55	6 N.J.R. 130(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R.1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R.1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R.1974 d.130	6 N.J.R. 254(a)
2:48-6.1 et seq.	Sale of milk in new container size	R.1974 d.72	6 N.J.R. 166(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R.1974 d.91	6 N.J.R. 166(c)
2:67-1.1	Prompt settlement	R.1973 d.355	5 N.J.R. 363(a)
2:67-1.1	Prompt settlement	R.1974 d.42	6 N.J.R. 96(b)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R.1973 d.356	6 N.J.R. 2(a)
BANKING — TITLE 3			
3:1-1.1	Interest rates revised	R.1973 d.366	6 N.J.R. 50(b)
3:1-1.1	Revisions concerning interest rates	R.1974 d.132	
		R.1974 d.140	6 N.J.R. 255(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.13(a)	Delete current text	R.1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-4.1 et seq.	Revisions in governmental unit deposit protection	R.1974 d.119	6 N.J.R. 218(b)
3:6-5.1 et seq.	Revisions concerning Federal funds transactions	R.1974 d.27	6 N.J.R. 97(b)
3:6-7.1	Banking offices protection	R.1973 d.344	6 N.J.R. 3(c)
3:6-8.1	Registrar and transfer agents filings	R.1974 d.177	6 N.J.R. 297(a)
3:8-3.1	Required reserve	R.1973 d.252	5 N.J.R. 328(e)
3:8-5.1	Required reserve; savings banks	R.1973 d.251	5 N.J.R. 328(d)
3:10-4.1 et seq.	Revisions in ratio of mortgage loan to appraised value	R.1974 d.78	6 N.J.R. 168(a)
3:11-1.1	Revised listing of obligations	R.1974 d.93	6 N.J.R. 168(b)
3:11-6.3	Approval of investment in Student Loan Marketing Association	R.1973 d.250	5 N.J.R. 328(c)
3:11-8.1	Investment securities; savings banks	R.1974 d.145	6 N.J.R. 256(a)
3:16-2.1	Revisions concerning pawnbroking service charges	R.1974 d.7	6 N.J.R. 51(a)
3:18-5.4	Prior notice to borrower; final disclosure of specific dollar amounts	R.1973 d.343	6 N.J.R. 3(b)
3:18-6.1 et seq.	Solicitation of business	R.1973 d.280	5 N.J.R. 364(c)
3:18-7.3	Delete rule on legal fees	R.1973 d.343	6 N.J.R. 3(b)
3:18-7.6	Verbal advertisement	R.1973 d.282	5 N.J.R. 365(a)
3:18-8.1	Banking institution or savings and loan association location prohibited	R.1974 d.135	6 N.J.R. 255(a)
3:18-9.1 et seq.	Interest rate regulation Number one	R.1974 d.199	6 N.J.R. 298(a)
COMMUNITY AFFAIRS — TITLE 5			
5:10-1.1 et seq.	Revisions concerning construction, maintenance of hotels	R.1973 d.357	6 N.J.R. 5(b)
5:10-1.1 et seq.	Revisions for construction and maintenance of hotels and multiple dwellings		
		R.1974 d.206	6 N.J.R. 301(a)
5:10-2.2	Revised definitions of building and multiple dwelling	R.1973 d.310	5 N.J.R. 369(a)

5:10-19.4(c)	Revised exterior lighting requirements	R.1974 d.14	6 N.J.R. 55(a)
5:10-19.4(1)	Revised heating requirements	R.1974 d.14	6 N.J.R. 55(a)
5:30-13.2	Form of resolution; State and Local Fiscal Assistance Act of 1972	R.1973 d.352	6 N.J.R. 5(a)
5:13-1.1	Revise definitions of gross shelter rent and condominium	R.1974 d.166	6 N.J.R. 256(b)

EDUCATION — TITLE 6

6:1-2.2	Revisions concerning regular meetings	R.1974 d.38	6 N.J.R. 100(b)
6:2-1.3 et seq.	Revised appeal procedures	R.1973 d.329	6 N.J.R. 6(a)
6:11-12.3	Retirement of school buses	R.1974 d.176	6 N.J.R. 302(c)
6:21-1.4	Vocational-technical coordinator; co-op industrial education	R.1973 d.269	5 N.J.R. 333(c)
6:21-6.26	Revisions concerning bus mirror specifications	R.1974 d.142	6 N.J.R. 258(b)
6:21-6.31(e)	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:21-7.1	Limit of apportionment of State aid	R.1973 d.267	5 N.J.R. 333(a)
6:21-11.3(d)	Revisions concerning bus driver procedures	R.1974 d.141	6 N.J.R. 258(a)
6:21-8.2 et seq.	Revised rules concerning pupil transportation	R.1974 d.90	6 N.J.R. 172(c)
6:21-18.25	Stanchions and guard rails	R.1973 d.267	5 N.J.R. 333(a)
6:22-8.4 et seq.	Revised guide for schoolhouse planning and construction	R.1973 d.316	5 N.J.R. 403(b)
6:24-1.16	Additional revisions concerning written decisions	R.1973 d.266	5 N.J.R. 332(b)
6:24-1.16	Written decisions	R.1973 d.232	5 N.J.R. 332(a)
6:27-1.4	Graduation	R.1973 d.268	5 N.J.R. 333(b)
6:27-1.13	Definitions	R.1973 d.268	5 N.J.R. 333(b)
6:29-4.2	Revisions concerning testing for tuberculosis	R.1974 d.154	
		R.1974 d.155	6 N.J.R. 258(c)
6:37-1.1 et seq.	Educational centers of research and demonstration	R.1974 d.173	6 N.J.R. 301(e)
6:43-2.6(d)	Vocational program services	R.1974 d.168	6 N.J.R. 261(a)
6:44-6.1 et seq.	High school equivalency	R.1973 d.317	5 N.J.R. 330(a)
6:44-7.1 et seq.	Adult high schools (accredited evening high schools)	R.1973 d.318	5 N.J.R. 331(a)
6:47-1.2(h)	Vocational-management services	R.1974 d.174	6 N.J.R. 301(c)
6:68-4.1 et seq.	State library assistance programs	R.1974 d.175	6 N.J.R. 302(a)
6:78-1.1 et seq.	Revisions concerning Marie H. Katzenbach School for the Deaf	R.1974 d.167	6 N.J.R. 259(a)
6:78-1.3	Transportation revisions	R.1974 d.70	6 N.J.R. 132(a)
6:79-1.8	Guidelines for free and reduced-price lunches	R.1974 d.198	6 N.J.R. 302(e)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1-3.1 et seq.	Emergency rules on sulfur in fuels	R.1973 d.326	5 N.J.R. 404(a)
7:1-3.5	Extension of emergency sulfur rules, Order 39	R.1974 d.64	6 N.J.R. 134(a)
7:1-4.1 et seq.	Importation of solid and liquid waste from outside New Jersey	R.1974 d.10	6 N.J.R. 58(a)
7:2-2.8 et seq.	Revisions concerning lands, waters and facilities under jurisdiction of Bureau of Parks	R.1974 d.13	6 N.J.R. 60(a)
7:6-1.8	Reporting boat accidents	R.1973 d.367	6 N.J.R. 60(b)
7:6-1.38	Lifesaving devices	R.1973 d.271	5 N.J.R. 337(b)
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17:4-1.5 et seq.	Revisions for Police and Firemen's Retirement System	R.1974 d.61	6 N.J.R. 158(a)
17:7-3.2 et seq.	Revisions concerning Prison Officers' Pension Fund	R.1973 d.314	5 N.J.R. 429(a)
17:9-3.3 et seq.	Revisions in administration of Health Benefits Program	R.1973 d.285	5 N.J.R. 393(a)
17:5-1.8 et seq.	Revised State Police retirement system rules	R.1974 d.131	6 N.J.R. 277(b)
17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R.1974 d.126	6 N.J.R. 252(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development and demonstration grant fund	R.1974 d.192	6 N.J.R. 328(c)
17:16-7.3	Delete from list revolving housing development and demonstration grant fund	R.1974 d.191	6 N.J.R. 328(b)
17:16-27.3	Limitations regarding certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R.1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R.1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R.1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R.1974 d.35	6 N.J.R. 124(d)
17:16-37.1 et seq.	Repurchase agreements	R.1974 d.36	6 N.J.R. 125(a)
17:20-5.10	Agent's compensation	R.1973 d.353	6 N.J.R. 36(a)
17:20-5.10	Revisions concerning lottery agent's compensation	R.1974 d.146	6 N.J.R. 277(d)
17:21-2.3 et seq.	Revised rules on lottery prize structure	R.1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R.1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R.1974 d.134	6 N.J.R. 277(c)

TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R.1974 d.182	6 N.J.R. 328(a)
18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R.1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R.1973 d.296	5 N.J.R. 393(c)
18:12A-1.1 et seq.	Rules for county boards of taxation	R.1974 d.95	6 N.J.R. 205(b)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:24-5.3	Purchase of materials and supplies by contractors	R.1973 d.336	6 N.J.R. 38(a)
18:24-22.1 et seq.	Sales by floor covering dealers	R.1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R.1974 d.96	6 N.J.R. 208(a)
18:26-8.10	Amendments concerning valuations	R.1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

OTHER AGENCIES — TITLE 19

19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R.1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R.1973 d.333	6 N.J.R. 40(a)
19:3A-1	Indemnification for Meadowlands District	R.1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R.1974 d.133	6 N.J.R. 281(a)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R.1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R.1974 d.82	6 N.J.R. 209(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R.1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R.1974 d.129	6 N.J.R. 280(c)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R.1974 d.81	6 N.J.R. 208(c)
19:8-1.1 et seq.	Revisions in use of Garden State Parkway	R.1974 d.158	6 N.J.R. 281(b)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R.1974 d.6	6 N.J.R. 88(b)
19:8-31.1(b)	Revised Garden State Parkway tolls	R.1974 d.8	6 N.J.R. 88(a)
19:10-1.1	PERC amends employee definitions	R.1974 d.56	6 N.J.R. 159(a)
19:11-1.1 et seq.	Revisions on investigation and disposition of PERC petitions	R.1974 d.127	6 N.J.R. 285(b)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)
19:15-4.1	Motions for PERC reconsideration	R.1974 d.56	6 N.J.R. 159(a)

(Continued from page 23)

nunity agreements entered into prior to January 1, 1972, by the sum of reserves for all annuity agreements. Such reserves shall be calculated in accordance with the provisions of Chapter 19 of the Code.

11:4-8.6 Annual report

As of December 31, of the calendar year in which a special permit is issued, but not before the calendar year in which this regulation becomes effective, and as of December 31 of each succeeding calendar year, the holder of a special permit shall submit a report to the Commissioner. Such report shall be submitted to the Commissioner within 120 days following the end of the calendar year to which the report applies. The annual report shall be in such form as the Commissioner shall prescribe within three months prior to the end of each preceding calendar year.

11:4-8.7 Special permit

Anything in this regulation to the contrary notwithstanding, no organization referred to by Section 13.1 of Chapter 17 of the Code may enter into annuity agreements with donors until it has satisfied the Commissioner of Insurance that it satisfies all of the requisite provisions of the law and has received from the Commissioner a special permit authorizing it to do such business.

11:4-8.8 Separability of provisions

If any provision of this regulation or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the provisions or applications of this regulation which can be given effect without the invalid provision or application, and for this purpose, the provisions of this regulation are separable.

11:4-8.9 Effective date

This regulation shall become effective immediately.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Herman W. Hanssler
Acting Deputy Commissioner
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules for Guaranteed Arrest Bond Certificates of Automobile Club Undertaking

Herman W. Hanssler, Acting Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e) and 17:31-6, proposes to adopt new rules concerning guaranteed arrest bond certificates of automobile club undertaking.

Full text of the proposed rules follows:

SUBCHAPTER 16. GUARANTEED ARREST BOND CERTIFICATES OF AUTOMOBILE CLUB UNDERTAKING

11:2-16.1 General provisions

(a) Whenever a domestic or foreign surety company which has qualified to transact surety business in this State, in any year, becomes surety in an amount not to exceed \$200.00 with respect to any guaranteed arrest bond certificates issued in such year by an automobile club or association by filing with the Commissioner of Insurance an undertaking thus to become surety, such undertaking shall state:

1. The name and address of the automobile club or clubs or automobile association or associations with respect to guaranteed arrest bond certificates of which the surety company undertakes to be surety;

2. The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed \$200.00 of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, failed to make the appearance for which the guaranteed arrest bond certificate was posted.

(b) Such filing shall be filed with the Commissioner ten days prior to its effective date. If such undertaking is terminated, the Commissioner of Insurance shall be notified as promptly as possible but not later than the effective date of such termination.

(c) Any undertakings to become surety that are in effect at this time shall be filed with the Commissioner of Insurance in accordance with the above within 30 days of the effective date of this regulation.

Interested persons may present suggested changes in writing relevant to the proposed action on or before August 28, 1974, to:

Herman W. Hanssler
Director of Insurance
Department of Insurance
201 East State Street
Trenton, New Jersey 08625

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

Herman W. Hanssler
Acting Commissioner
Department of Insurance

(b)

INSURANCE

THE COMMISSIONER

Revisions in Temporary Identification Cards

On July 24, 1974, Herman W. Hanssler, Acting Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rule concerning temporary identification cards.

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

11:3-6.3(b)5iv. Expiration: The form shall contain the following statement: "This card expires 60 days after the

effective date shown above". Notwithstanding such expiration date, temporary identification cards issued to Gateway Insurance Company policyholders shall continue in force pending resolution of insolvency proceedings regarding Gateway Insurance Company, or until the policy has been effectively cancelled.

An order adopting these revisions was filed and effective July 24, 1974, as R.1974 d.208 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Rule on Cancellation of Property And Liability Policies and Insolvent Insurers

On July 15, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e), 17:22-6.14a3., and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new, emergency rule concerning insolvent insurers and the cancellation of their property and liability policies.

Full text of the adopted rule follows:

SUBCHAPTER 15. INSOLVENT INSURERS

11:2-15.1 Cancellation of property and liability policies

Whenever an insurer is declared insolvent by a court of competent jurisdiction, or its business is suspended under the laws of its state of incorporation, or its certificate of authority is revoked by this State, the company's insurance policies shall be deemed cancelled by said insurer if the policy is terminated at the request of the policyholder. The insurer thereupon shall be obligated to return the unearned premiums including the unearned commissions to the policyholder.

An order adopting this rule was filed and effective July 16, 1974, as R.1974 d.190 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Notice of Consent Order

Take notice that Herman W. Hanssler, Acting Commissioner of Insurance, has issued the following consent order concerning the matter of the fire insurance rating system of insurance services office.

Full text of the consent order follows:

This matter having been opened to the Commissioner of Insurance, State of New Jersey, by an order for presentation of evidence issued on April 1, 1974 requiring Insurance Services Office to present evidence for the purpose of enabling the Commissioner of Insurance to determine whether fire insurance rates of Insurance Services Office as heretofore filed and approved and/or as proposed in a filing sub-

mitted on January 21, 1974 pursuant to N.J.S.A. 17:29A-1 et seq. provide for, result in or produce rates which are unreasonable, or inadequate, or which discriminate unfairly between risks in this State including essentially the same hazards and expense elements, it appearing that without recourse to further proceedings under N.J.S.A. 17:29A-1 et seq., said Insurance Services Office has consented to the following, which the Commissioner of Insurance finds will not provide for, result in, or produce rates which are unreasonable, or inadequate, or which discriminate unfairly between risks in this State including essentially the same hazards and expense elements, that:

1. Rates for fire insurance on commercial buildings and contents shall be revised on a formula basis, to produce an average weighted statewide reduction of 10.2 per cent, including the change to a \$100.00 deductible;

2. Rates for extended coverage on the same classifications shall be reduced an average of 10.8 per cent, including the change from the present \$50.00 deductible to a \$100.00 deductible.

3. The following faults of management charges are to be removed from all existing rate cards:

Category of Charge	Additional Charge Per \$100.00 of Coverage
Unsatisfactory maintenance of electrical equipment	\$.25
Overcrowded dwelling occupancy	\$.25
Supervision of buildings with habitational occupancy	1. Good - No Charge 2. Fair - \$.15 3. Poor - \$.25

The effect of the elimination of these charges on an annual basis is estimated to average four per cent of total fire insurance premium on buildings and contents for the classification group to which this revision applies.

The combined statewide effect of the revisions for fire and extended coverage rate is a reduction of 10.3 per cent. The combined effect of the rate reduction of fire insurance on buildings and contents and the elimination of the faults of management charges is to be a reduction of 14.2 per cent.

This revision of manual rates is to be effective on September 15, 1974 with respect to new business, and on November 1, 1974 on renewal business. The elimination of the faults of management charges shall be effective on all new and outstanding policies as of September 15, 1974. Insurance Services Office shall expedite the revision of rate cards to reflect this revision and shall take all appropriate steps to get the revised cards in the hands of companies and producers as promptly as possible. Risks to which the faults of management charges apply which are to be eliminated shall be entitled to an appropriate adjustment of their premiums to reflect the elimination of these charges as of September 15, 1974 provided such adjustment is requested prior to September 15, 1975 or within the term of the policy, whichever date is later.

Appropriate tests will be made at the direction of the Commissioner to determine the actual effect of the premium adjustments due to the removal of the faults of management charges. If the effect so determined varies by more than plus or minus one percentage point from the estimated effect of four per cent, an immediate adjustment in rates will be ordered.

It is this twenty-fourth day of July 1974 adjudged and ordered that Insurance Services Office establish rates as heretofore set out; And it further is ordered that this consent order shall not become effective until ten days after

publication in the New Jersey Register in order that the public thereby is given an opportunity to submit comments to the Commissioner of Insurance.

The above Notice is not subject to codification and is published as a matter of public information.

Thomas F. Kistner
 Director of Administrative Procedure
 Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Proposed Rule on Minimum Standards for Eyeglasses

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

Full text of the proposed rule follows:

13:35-5.1 Minimum standards and tolerances

(a) Every prepared pair of lenses, spectacles, eyeglasses or appurtenances thereto, to the intended wearers on written prescriptions from physicians duly licensed to practice their profession, or duplication, replacements, reproductions or repetitions, must conform to the following minimum standards and tolerances:

Physical Quality and Appearance	Tolerance
1. Surface imperfections	No pits, scratches (other than hairline), grayness or watermarks shall be acceptable.
2. Class defects	No bubbles, striae and inclusions shall be acceptable.
3. Localized power errors	Waves found by visual inspection shall be passable if no deterioration in image quality is found when the localized area is examined with a standard lens measuring instrument.
4. Refractive powers	0.0 to 6.0 + or - 0.12. 6.25 to 12.00 2 per cent of power. Above 12.00 + or - 0.25. Maximum cylinder power variation + or - 0.12.
5. Refractive power addition	+ or - 0.12D.
6. Cylinder Axis	0.12 to 0.37 + or - 3 degrees. 0.50 to 1.00 + or - 2 degrees. 1.12 on up + or - 1 degree.
7. Prism power and location of specified optical center	Vertical + or - 0.25 prism for each lens or a total of 0.50 prism imbalances. Horizontal + or - 0.25 prism for each lens or a total of 0.50 prism imbalance.

- 8. Segment size + or - 0.5 mm. Pair must be symmetrical upon visual inspection.
- 9. Segment location As specified within + or - 0.5 mm.
- 10. Lens size:
 - i. Rimless + or - 0.5 mm.
 - ii. Bevel, for plastic frames + or - 0.5 mm.
 - iii. Bevel, for metal frames To fit standard specified frame. Lens shape must match. Edges must be smooth and straight and sharp edge must be removed.
- 11. Heat-treated and chemically-treated industrial safety eyewear Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80, 1-1972 and subsequent revisions.
- 12. Heat-treated and chemically-treated dress eyewear Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80, 1-1972 and subsequent revisions.

(b) Provided, however, that nothing herein shall be construed to prohibit deviations beyond those established by this rule provided that good medical cause exists therefor.

(c) Failure to comply with this rule may subject the licensee to disciplinary proceedings before the Board which may result in the suspension or revocation of his license to practice medicine and surgery in the State of New Jersey.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 31, 1974, to:

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

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

NEW JERSEY BOARD OF NURSING

Fee Schedule Procedural Rules

On June 25, 1974, the New Jersey Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24 (d)(19), P.L. 1974, c.46 and in accordance with applicable

provisions of the Administrative Procedure Act of 1968, adopted new procedural rules concerning fee schedules.

Full text of the new rules follows:

SUBCHAPTER 12. FEE SCHEDULE

13:37-12.1 General provisions

(a) The following fees shall be charged by the Board:

- 1. Examination:
 - i. Professional nurse \$ 35.00
 - ii. Practical nurse 25.00
- 2. Reexamination:
 - i. Professional nurse 30.00
 - ii. Practical nurse 15.00
- 3. License without examination:
 - i. Professional nurse 25.00
 - ii. Practical nurse 15.00
- 4. Authenticated copy 5.00
- 5. Renewal of license 5.00
- 6. Late renewal of license 8.00
- 7. Duplicate license 5.00
- 8. Name change 2.50

An order adopting these rules was filed and effective July 15, 1974, as R.1974 d.189 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION

THE COMMISSIONER

**Revisions in Rates of Speed
Along Certain State Highways**

On July 15, 1974, Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to certain Sections of Subchapter 1, Chapter 28 of Title 16 in the New Jersey Administrative Code concerning rates of speed along certain State highways, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 248(a).

An order adopting these revisions was filed and effective July 18, 1974, as R.1974 d.197.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE TREASURER

**Proposed Rules Concerning
Auction of State Time Deposits**

Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18-16.1, proposes to adopt new rules concerning the auction of State of New Jersey time deposits.

Full text of the proposed rules follows:

SUBTITLE G. OFFICE OF THE STATE TREASURER

CHAPTER 25. ADMINISTRATION

**SUBCHAPTER 1. AUCTION OF STATE OF NEW JERSEY
TIME DEPOSITS**

17:25-1.1 Authority for acceptance of tenders

The State Treasurer is authorized by N.J.S.A. 52:18-16.1 to select those national banks located in this State and institutions authorized by this State to carry on a banking business which may receive deposits of public monies. The Treasurer is authorized to deposit public monies in interest-bearing accounts in such manner and at such time or times as he may prescribe; and to fix the form, terms and conditions thereof, to offer such deposits on a competitive or other basis, under such regulations and upon such terms and conditions as he may prescribe. Pursuant to said authorization, the Treasurer may, from time to time, by public notice, offer at auction State deposits and invite tenders therefor. The State deposits so offered and tenders made will be subject to the terms and conditions and to the general rules and regulations set forth herein.

17:25-1.2 Description of deposits

(a) The term "time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable to bearer or to any specified person or to his order;

- 1. On a certain date, specified in the instrument, not less than 30 days after date of the deposit; or
- 2. At the expiration of a certain specified time not less than 30 days after the date of the instrument; or
- 3. Upon notice in writing which is actually required to be given not less than 30 days before the date of repayment; and
- 4. In all cases only upon presentation and surrender of the instrument.

17:25-1.3 Denominations

All deposits offered will be in units of \$100,000 or multiples thereof.

17:25-1.4 Collateral

(a) Collateral for each deposit must be in the amount of 120 per cent par value of bonds, notes, certificates of indebtedness or bills of or guaranteed by the United States or bonds or other obligations of or guaranteed by the State of New Jersey. All collateral must be lodged either at a Federal Reserve Bank or at a correspondent bank.

(b) All collateral for each certificate of deposit awarded must be lodged at the same bank.

(c) The debtor must provide to the satisfaction of the State Treasurer sufficient evidence of the collateral deposits required by this provision and N.J.S.A. 52:18-16.1.

17:25-1.5 Public notice of offering

When State deposits are to be offered, tenders therefor will be invited through public notice given by the State Treasurer. Such public notices may be issued by the State Treasurer in the name of the Treasury Department with the same force in effect as if issued in the name of the State Treasurer. In such notice there will be set forth the amount of State deposits for which tenders are then invited, the date of settlement, the date or dates when the certificates of deposit will become due and payable, the date and closing hour for the receipt of tenders and the date on which payment for accepted tenders must be made or completed.

17:25-1.6 Tenders

Tenders in response to any such public notice will be re-

ceived only at the Department of Treasury, State House, Trenton, New Jersey, or such other locations as may be announced in the offering, and unless received before the time affixed for closing will be disregarded. Each tender must be for an amount in even multiples of \$100,000. The interest rate offered by the bidder for the amount or amounts applied for must be stated with two decimals and a multiple of .05, for example, 9.00, 9.15, 9.20, and so forth computed on a 360-day basis. Fractions may not be used. Tenders at an interest rate less than a rate to be stated on the public invitation for tenders will not be accepted.

17:25-1.7 Tenders; submission

Tenders should be submitted on the printed forms issued by the State Treasurer and forwarded to the State Department of the Treasury. The tender must include the name of the bank or banks in which the collateral will be lodged.

17:25-1.8 Tenders; acceptance by the Treasurer

(a) All banks, savings banks and savings and loan associations located within the State of New Jersey may submit tenders excepting those commercial banks with capital surplus and undivided profits exceeding \$40,000,000. No tender will be accepted for an amount which will cause the total of all State and State Agency deposits to exceed two per cent of the financial institution's assets.

(b) At a time fixed for closing, as specified in the public notice, all tenders received will be opened. The State Treasurer will determine the acceptable interest rates offered and will make public announcement thereof. Those submitting tenders will be advised by the State Treasurer of the acceptance or rejection thereof, and complete settlement on accepted tenders must be made or completed on the date specified in the public notice.

17:25-1.9 Tenders; reservation of right to reject

In considering the acceptance of tenders, the highest interest rates offered will be accepted in full down to the amount required, and if the same interest rate appears in two or more tenders and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for and provided that such proration will permit deposits of \$100,000. However, the State Treasurer expressly reserves the right on any occasion to reject any or all tenders or parts of tenders, and to award less than the amount applied for; and in any action he may take in any such respect shall be final.

17:25-1.10 Noncompetitive tenders

Noncompetitive tenders may be accepted by the State Treasurer subject to such terms and conditions as may be stated in the public invitation for tenders. Noncompetitive tenders, without stated price from any one bidder, when accepted will be at the average interest rate in three decimals of accepted competitive bids for each issue.

17:25-1.11 Settlement for accepted tenders

Evidence satisfactory to the State Treasurer that the collateral requirement has been complied with must be provided prior to the settlement date. Settlement for accepted tenders in accordance with the bids must be made or completed at the State Department of Treasury or such other place as may be designated. All payments must be made in cash or other immediately available funds on the date specified.

17:25-1.12 Delegation of duties and responsibilities

The State Treasurer may, by designation in writing, authorize one or more employees of the Treasury Department to perform all or part of the responsibilities and duties of the State Treasurer as stated in these regulations. Such

designated employee or employees shall have all the power, duties and responsibilities of the State Treasurer authorized by these regulations and shall act in the name of the State Treasurer.

17:25-1.13 Reservation of rights

The State Treasurer reserves the right to amend, supplement, revise or withdraw any or all of the provisions of these regulations.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 28, 1974, to:

Clifford A. Goldman
Deputy State Treasurer
State House
Trenton, New Jersey 08625

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

Clifford A. Goldman
Deputy State Treasurer
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions Concerning Good Faith Under Sales and Use Tax

Sidney Glaser, Director of the Division of Taxation of the Department of the Treasury, pursuant to authority of N.J. S.A. 54:32B-24, proposes to adopt revisions to the rules concerning good faith in the issuance and acceptance of exemption certificates under the New Jersey Sales and Use Tax.

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

18:24-10.4 Acceptance in good faith

(a) An exemption certificate to be accepted in good faith must contain no statement or entry which the seller or lessor knows, or has reason to know, is false or misleading.

(b) A seller or lessor is presumed to be familiar with the law and rules regarding the business in which he deals.

(c) In general, a seller or lessor who accepts an exemption certificate in "good faith" is relieved of liability for collection or payment of tax upon transactions covered by the certificate. The question of "good faith" is one of fact and depends upon a consideration of all the conditions surrounding the transaction.

18:24-10.5 Disclosure of proper exemption basis

(a) In order for a certificate to disclose a proper basis for exemption it must meet the following requirements:

1. The certificate must be an officially promulgated certificate form, or a substantial and proper reproduction thereof.

2. The certificate must be dated and executed in accordance with the instructions published for use therewith, and must be complete and regular in every respect.

3. The certificate must state a proper basis for the exemption.

4. The vendor must have no reason to believe that the property to be purchased is of a type not ordinarily used in the purchaser's business for the purposes described in the certificate.

[4.] 5. Where a seller or lessor has accepted a Blanket Certificate, each transaction between the parties is considered a separate claim for exemption thereunder, and the seller or lessor must therefore exercise good faith in each such transaction, in order to avoid liability for the tax.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before August 28, 1974, to:

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Jack Silverstein
Telephone: (609) 292-5995

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Proposed Revisions On Electronic Data Processing and Tax Assessment Lists

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:3-14, proposes to revise N.J.A.C. 18:12A-1.16 concerning the employment of electronic data processing regarding tax assessment lists and duplicates for local property tax purposes.

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

18:12A-1.16 Tax assessment lists and duplicates; EDP

(a) All tax assessment lists and duplicates shall be type-written unless an accounting machine is used. The tax list shall be the original and the tax duplicate shall be an exact copy of the tax list.

(b) With respect to counties employing electronic data processing, all tax assessment lists and duplicates shall be prepared in accordance with the specifications incorporated in the electronic data processing program as developed by the State of New Jersey, Division of Taxation, as modified.

(c) The tax list shall be the original and the tax duplicate (now designated as the intermediate tax duplicate) shall be an exact copy of the tax list.

(d) There shall be an additional list produced which shall be designated as the extended tax duplicate. The extended tax duplicate shall contain the identical information as that which is on the tax list filed on January 10 reflecting the results of any corrections, revisions and additions by the County Board of Taxation pursuant to N.J.S.A. 54:4-46. In addition, the extended tax duplicate shall reflect the appropriate extensions after having the tax rate applied to the taxable ratables.

(e) All tax lists must comply with the specifications and contain all related reports as set forth by the Local Property and Public Utility Branch.

(f) The secretary of each county board of taxation shall designate the critical dates as to the submission of change forms to effectuate the electronic data processing program,

in keeping with the administrative procedure now in force with respect to the EDP program used for the construction of the tax rolls and satellite reports.

(g) All tax lists must comply with the specifications of the Director, Division of Taxation as promulgated in N.J. A.C. 18:12-1.1 et seq., and 18:12-3.1 et seq. Each board may adopt such procedure as it deems necessary to implement the specifications in the EDP program as adopted by the Director, Division of Taxation.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before August 29, 1974, to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: J. Henry Ditmars
Telephone: (609) 292-7844

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

Sidney Glaser, Director
Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF TAXATION

Proposed Revision of Definition Of Cost of Doing Business

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 56:7-31, proposes to adopt a revision to the definition of "Cost of doing business", concerning the Unfair Cigarette Sales Act located in N.J.A.C. 18:6-1.1 which changes the per cent involved from 3.5 to 5.25 per cent.

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

18:6-1.1 Cost of doing business defined

2. ii. For a wholesaler [3½] 5.25 per cent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet if performed or paid for by the wholesaler, which cartage cost in the absence of the filing with the Director of satisfactory proof of a lesser or higher cost, is deemed to be ¾ of one per cent of the "basic cost of cigarettes" to the wholesaler.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before August 28, 1974, to:

Division of Taxation
West State and Willow Streets
Trenton, New Jersey 08625
Attn: John K. Rafferty
Telephone: (609) 292-5995

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF TAXATION

Rule on Reproduction of Forms

On July 2, 1974, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the reproduction of forms, as proposed in the Notice published June 6, 1974, at 6 N.J.R. 250(c).

Such rule may be cited as N.J.A.C. 18:2-1.1.

An order adopting this rule was filed and effective July 3, 1974, as R.1974 d.182.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Deletion of Revolving Housing Development and Demonstration Grant Fund from Temporary Reserve and Demand Groups

On July 12, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 17:16-7.3 by which the Revolving Housing Development and Demonstration Grant Fund was removed from the temporary reserve group and demand group.

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

17:16-7.3 Temporary reserve group; demand group

The Director may purchase any of the obligations described in Section 7.1 for any temporary reserve group fund with the exception of the New Jersey Educational Facilities Authority and the New Jersey Housing Finance Agency [, and Revolving Housing Development and Demonstration Grant Fund] and for any demand group fund with the exception of the Veterans' Loan and Guaranty Insurance funds, provided that any such obligations shall have a maturity of not more than five years from date of delivery; provided, however, the Director may purchase public utility and industrial obligations having a maturity of not more than ten years from date of delivery for the Motor Vehicle Liability Security Fund, the State Disability Benefits Fund, the Workmen's Compensation Security Fund—Mutual, and the Workmen's Compensation Security Fund—Stock.

An order adopting these revisions was filed and effective July 16, 1974, as R.1974 d.191 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE INVESTMENT COUNCIL

Revision on Classification of Funds

On July 12, 1974, Clifford A. Goldman, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to N.J.A.C. 17:16-5.5, Temporary reserve group, concerning classification of funds which deleted the Revolving Housing Development and Demonstration Grant Fund from that listing.

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

17:16-5.5(a)14. [Revolving Housing Development and Demonstration Grant Fund;]

Editor's Note: The remaining paragraphs in this subsection (i.e., 15 through 29) are to be renumbered as 14 through 28 to reflect this deletion.

An order adopting this revision was filed and effective July 16, 1974, as R.1974 d.192 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF TAXATION

Revised List of Holders of Direct Payment Permits

Take notice that Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued a revised list of holders of direct payment permits under the New Jersey Sales Tax Act as of July 1, 1974. This list supersedes the previous list published on May 10, 1973, at 6 N.J.R. 168(b) and shall remain in effect until otherwise modified or revoked.

Following is a listing of holders of direct payment permits as of July 1, 1974:

DP-221-762-630/000	DP-042-438-732/000
Permit No. 00116	Permit No. 00153
A&A Oil Burner Service Corp.	The Badger Co., Inc.
1636 Main Avenue	One Broadway
Clifton, New Jersey 07011	Cambridge, Mass. 02142
DP-221-416-017/000	DP-111-755-466/000
Permit No. 00168	Permit No. 00103
All Heat Service Co.	Barney Schogel, Inc.
35 Princeton Street	13 Greenpoint Avenue
East Orange, N.J. 07019	Brooklyn, N.Y. 11222
DP-130-430-890/000	DP-220-758-320/000
Permit No. 00138	Permit No. 00151
American Cyanamid Co.	Beach Electric Co., Inc.
Wayne, N.J. 07470	18 Springdale Avenue
DP-221-663-460/000	East Orange, N.J. 07017
Permit No. 00188	DP-134-949-130/000
American Paterson Glass Co.	Permit No. 00139
168 Eighth Avenue	Bell Telephone Laboratories,
Paterson, N.J. 07514	Incorporated

600 Mountain Avenue
Murray Hill, N.J. 07974
DP-NJ2-000-019/000
Permit No. 00202
The Anaconda Co.
Raritan Copper Works Div.
Elm St., P.O. Box 191
Perth Amboy, N.J. 08861
DP-210-398-280/000
Permit No. 00182
Atlantic City Electric Co.
1600 Pacific Avenue
Atlantic City, N.J. 08404
DP-221-422-798/000
Permit No. 00166
Bert B. Globus, Inc.
1440 North Broad Street
Hillside, N.J. 07205
DP-NJ9-002-028/000
Permit No. 00147
Bonland Sheet Metal
Co., Inc.
50 Newark Pompton Tpke.
Wayne, N.J. 07470
DP-111-881-106/000
Permit No. 00178
Branch Motor Express Co.
114 Fifth Avenue
New York, N.Y. 10011
DP-130-523-620/000
Permit No. 00187
Brisk Waterproofing Co., Inc.
720 Grand Avenue
Ridgefield, N.J. 07657
DP-210-419-870/000
Permit No. 00132
Campbell Soup Co.
Campbell Place
Camden, N.J. 08101
DP-510-111-085/000
Permit No. 00216
Beneficial Management Corp.
200 South Street
Morristown, N.J. 07960
DP-380-341-261/001
Permit No. 00173
The Bendix Corporation
Navigation & Control Div.
Hollister Road
Teterboro, N.J. 07608
DP-221-801-286/000
Permit No. 00165
Chambers Electric Co., Inc.
23 Cindy Lane
Ocean Twp., N.J. 07712
DP-221-852-666/000
Permit No. 00189
Congoleum Industries, Inc.
195 Belgrove Drive
Kearny, N.J. 07032
DP-221-631-925/000
Permit No. 00101
Consolidated Steel &
Aluminum Fence Co., Inc.
316 North 12th Street
Kenilworth, N.J. 07033
DP-210-437-260/000
Permit No. 00183
Deepwater Operating Co.
1600 Pacific Avenue
Atlantic City, N.J. 08404

DP-210-721-607/000
Permit No. 00146
Delta Line Construction Co.
Robert Best & Zion Roads
Scullville, N.J. 08830
DP-221-696-849/000
Permit No. 00162
Central Plumbing &
Heating Co.
2175 Hudson Boulevard
Jersey City, N.J. 07305
DP-221-964-364/000
Permit No. 00158
Dickman & Hansen, Inc.
619 East Main St.
Maple Shade, N.J. 08052
DP-220-888-120/001
Permit No. 00122
Elizabethtown Gas Co.
One Elizabethtown Plaza
Elizabeth, N.J. 07207
DP-221-683-171/000
Permit No. 00123
Elizabethtown Water Co.
One Elizabethtown Plaza
Elizabeth, N.J. 07207
DP-221-967-744/000
Permit No. 00198
Erco Interior System, Inc.
32 N. Delsea Drive
Glassboro, N.J. 08028
DP-346-000-958/000
Permit No. 00143
Erie Lackawanna
Railway Co.
Midland Building
Cleveland, Ohio 44115
DP-221-577-490/000
Permit No. 00163
Farm Harvesting Co.
57 East Hanover Ave.
Morris Plains, N.J. 07950
DP-221-644-859/000
Permit No. 00210
De Vries, Inc.
Highway #27
North Brunswick, N.J. 08902
DP-135-067-490/000
Permit No. 00177
The Felsway Corporation
994 Riverview Drive
Totowa, N.J. 07512
DP-380-549-190/001
Permit No. 00185
Ford Motor Company
Metuchen Assembly Plant
U.S. Highway #1
Edison, N.J.
DP-380-549-190/002
Permit No. 00186
Ford Motor Company
New Jersey Assembly Plant
State Highway #17
Mahwah, N.J.
DP-221-777-882/000
Permit No. 00214
Garlock Bearings
Div. of Garlock, Inc.
Division Street
Palmyra, N.Y. 14522

DP-520-524-870/000
Permit No. 00110
General Elevator Co., Inc.
P.O. Box 1702
Baltimore, Maryland 21203
DP-240-860-266/000
Permit No. 00160
George E. Tomblor, Inc.
1634 Ferry Street
Easton, Pennsylvania 18042
DP-210-668-616/000
Permit No. 00106
George W. Hagemann
Oregon Ave.
Moorestown, N.J. 08057
DP-135-349-600/000
Permit No. 00157
Geo. W. Rogers Construction
Corp.
33 Rector St.
New York, N.Y. 10006
DP-221-659-917/000
Permit No. 00209
Glideaway Door &
Construction Co., Inc.
111 Highland Pkwy.
Roselle, N.J. 07203
DP-NJ5-025-702/000
Permit No. 00127
GM-DI Leasing Corporation
3044 West Grand Blvd.
Detroit, Michigan 48202
DP-136-240-821/000
Permit No. 00204
Haband Company, Inc.
265 North Ninth St.
Prospect Park, N.J. 07508
DP-210-449-796/000
Permit No. 00144
The Henry R. Fell Co.
42 Escher St.
Trenton, N.J. 08607
DP-221-012-780/000
Permit No. 00215
Henry R. Isenberg Tile &
Marble Co.
575 Mc Chesney Street
Orange, N.J. 07050
DP-135-465-980/000
Permit No. 00104
Higgins Fire Protection, Inc.
1528 Northern Blvd.
Manhasset, N.Y. 11030
DP-220-994-270/000
Permit No. 00181
Hoffman-La Roche Inc.
340 Kingsland St.
Nutley, N.J. 07110
DP-221-973-728/000
Permit No. 00145
H. Wolfer Co.
83 Main Blvd.
Trenton, N.J. 08618
DP-210-612-565/000
Permit No. 00170
I. Alper Co.
N. 6th St. at Delaware River
Camden, N.J. 08102

DP-013-087-985/000
Permit No. 00133
International Business
Machines Corp.
P.O. Box 218
Dayton, N.J. 08810
DP-221-733-428/000
Permit No. 00212
Jack Franceschi, Inc.
205 Bortle Ave.
Vineland, N.J. 08360
DP-130-881-070/000
Permit No. 00155
Jacobson & Co., Inc.
104 East 25th St.
New York, N.Y. 10010
DP-210-716-338/000
Permit No. 00205
JAM Industries, Inc.
413 Stokes Ave.
Trenton, N.J. 08638
DP-210-485-010/000
Permit No. 00118
Jersey Central Power
& Light Co.
Madison Ave. at Punch
Bowl Rd.
Morristown, N.J. 07960
DP-130-889-680/000
Permit No. 00108 & 00211
Johns-Manville
c/o Johns Manville
Development Corp.
DPC Building
Manville, N.J. 08835
DP-221-658-254/000
Permit No. 00111
Jones Ceilings, Inc.
1 Jones Ave., Route 70
Cherry Hill, N.J. 08034
DP-210-642-805/000
Permit No. 00102
Max Lewin Air Conditioning
& Heating
442 South Broad St.
Trenton, N.J. 08611
DP-221-947-688/000
Permit No. 00201
Leisure Technology-
Northeast, Inc.
5 Airport Rd.
Lakewood, N.J. 08701
DP-221-073-500/000
Permit No. 00150
Litzebauer Brothers, Inc.
1550 Springfield Ave.
Maplewood, N.J. 07040
DP-221-402-552/000
Permit No. 00159
Lyons Electric
1130 Springtown Rd.
Alpha, N.J. 08865
DP-118-287-036/001
Permit No. 00191
Mayer Electric
3705 River Rd.
Point Pleasant, N.J. 08742

DP-210-662-315/000
Permit No. 00167
M. Dubin Floors, Inc.
3805 Atlantic Ave.
Atlantic City, N.J. 08401
DP-221-109-110/000
Permit No. 00137
Merck & Co., Inc.
Lincoln Ave.
Rahway, N.J. 07065
DP-135-581-829/000
Permit No. 00207
Metropolitan Life Insurance
Co.
1 Madison Ave.
New York, N.Y. 10010
DP-221-114-430/000
Permit No. 00124
Middlesex Water Co.
52 Main St.
Woodbridge, N.J. 07095
DP-210-724-764/000
Permit No. 00193
Miller Masons, Inc.
726 Adriatic Ave.
Atlantic City, N.J. 08401
DP-210-735-523/000
Permit No. 00112
Moran, Edward V.
Hearnen Air Conditioning
9 West Front St.
Trenton, N.J. 08608
DP-221-692-930/000
Permit No. 00169
N.J. Automatic Door, Inc.
48-54 South 20th St.
Irvington, N.J. 07111
DP-210-621-680/001
Permit No. 00121
N.J. Natural Gas Co.
601 Bangs Ave.
Asbury Park, N.J. 07712
DP-135-582-869/000
Permit No. 00206
N.Y. Life Insurance Co.
51 Madison Ave.
New York, N.Y. 10010
DP-221-601-124/000
Permit No. 00195
Nicholas Schwalje Inc.
4 Leonard St.
Metuchen, N.J. 08840
DP-NJ5-009-334/000
Permit No. 00131
Northeastern Products Co.
Campbell Pl.
Camden, N.J. 08101
DP-221-702-863/000
Permit No. 00115
North Jersey Irrigation
Supplies Corp.
35 Charles St.
Westwood, N.J. 07675
DP-131-872-319/000
Permit No. 00129
Olin Corporation
120 Long Ridge Rd.
Stamford, Connecticut 06904

DP-221-665-021/000
Permit No. 00192
Olson Flooring Co., Inc.
46 South Front St.
Bergenfield, N.J. 07621
DP-135-583-389/000
Permit No. 00203
Otis Elevator Co.
260 Eleventh Ave.
New York, N.Y. 10001
DP-221-514-331/000
Permit No. 00114
Petriella Tile & Terrazzo Co.
737 Broad St., Box 549
Bloomfield, N.J. 07003
DP-236-000-765/000
Permit No. 00140
Penn Central
Transportation Co.
Six Penn Center Plaza
Philadelphia, Pa. 19104
DP-236-000-766/000
Permit No. 00141
Pennsylvania-Reading
Seashore Lines
Six Penn Center Plaza
Philadelphia, Pa. 19104
DP-131-607-658/002
Permit No. 00107
Phillip Morris
100 Park Ave.
New York, N.Y. 10017
DP-131-934-531/000
Permit No. 00190
Port Chester Electrical
Co., Inc.
354 North Main St.
Port Chester, N.Y. 10573
DP-210-540-800/000
Permit No. 00126
Princeton Water Co.
One Elizabethtown Plaza
Elizabeth, N.J. 07207
DP-221-211-670/000
Permit No. 00208
Prudential Insurance
Co. of America
Prudential Plaza
Newark, N.J. 01701
DP-221-212-800/000
Permit No. 00117
Public Service Electric
& Gas Co.
80 Park Pl.
Newark, N.J. 07001
DP-221-130-000/000
Permit No. 00179
Purolator, Inc.
970 New Brunswick Ave.
Rahway, N.J. 07065
DP-236-000-773/000
Permit No. 00142
Reading Co.
12th & Market Sts.
Philadelphia, Pa. 19107
DP-221-233-260/000
Permit No. 00213
Rinbrand Well Drilling
Co. Inc.
14 Waldron Ave.
Glen Rock, N.J. 07452

DP-221-258-550/000
Permit No. 00197
Savary & Glaeser, Inc.
998 Washington Ave.
Green Brook, N.J. 08812
DP-221-671-137/000
Permit No. 00109
Max Sr. & Paul
Schoenwalder - A Corp.
464 Chestnut St.
Union, N.J.
DP-221-280-122/000
Permit No. 00135
Shulton, Inc.
697 Route 46
Clifton, N.J. 07011
DP-221-830-841/000
Permit No. 00125
Somerville Water Co.
One Elizabethtown Plaza
Elizabeth, N.J. 07207
DP-210-398-330/000
Permit No. 00120
South Jersey Gas Co.
Number One South Plaza,
Route 54
Folsom, N.J. 08037
DP-741-079-400/000
Permit No. 00134
Transcontinental Gas
Pipe Line Corp.
3100 Travis St.
Houston, Texas 77001
DP-210-647-243/001
Permit No. 00149
Trenton Tin Shop, Inc.
101 Rutherford Ave.
Trenton, N.J. 08618
DP-630-577-065/000
Permit No. 00148
U.S. Pipe & Foundry Co.
3300 First Ave., North
Birmingham, Alabama 35202
DP-250-996-816/000
Permit No. 00180
U.S. Steel Corp.
600 Grant St.
Pittsburgh, Pa. 15230

DP-221-549-428/000
Permit No. 00161
The Vestull Co.
Broad & 14th Sts.
Carlstadt, N.J. 07072
DP-221-807-042/000
Permit No. 00156
Wallace Bros., Inc.
313 East Broad St.
Palmyra, N.J. 08065
DP-221-727-864/000
Permit No. 00136
Warner-Lambert Co.
201 Tabor Rd.
Morris Plains, N.J. 07950
DP-250-877-540/000
Permit No. 00172
Westinghouse Electric Corp.
Westinghouse Bldg.,
Gateway Center
Pittsburgh, Pa. 15222
DP-210-665-029/000
Permit No. 00164
Whitmyer Bros., Inc.
P.O. Box 617
Hammonton, N.J. 08037
DP-221-383-680/000
Permit No. 00128
Wigton-Abbott Corp.
1225 South Ave.
Plainfield, N.J. 07061
DP-221-389-653/000
Permit No. 00154
Wollenberg Electric Co., Inc.
165 Warburton Ave.
Hawthorne, N.J. 07506
DP-221-904-812/000
Permit No. 00199
Worthington Marine &
Industrial Products, Inc.
401 Worthington Ave.
Harrison, N.J.
DP-221-933-847/000
Permit No. 00200
Worthington Standard
Pump Corp.
Ampere Station
14 14th Ave.
East Orange, N.J.

This listing is not subject to codification and will not be published in Title 18 of the New Jersey Administrative Code. This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

— Other Agencies —

PALISADES INTERSTATE PARK COMMISSION

RULES AND REGULATIONS

On May 20, 1974, the Palisades Interstate Park Commis-

sion, pursuant to authority of N.J.S.A. 32:14-20, adopted its New Jersey rules and regulations.

Full text of these rules follows:

Section 403.1 Statement of Policy.

(a) The State of New Jersey is abundant in natural, scenic and recreational resources. The magnificent state parks, recreational and historic sites administered by the Palisades Interstate Park Commission encourages and facilitates the use and enjoyment of such resources by the public and thereby promotes and enhances the well-being of each individual.

(b) State parks, however, contain waterfalls, waterways, chasms, slopes and other natural features which, by their nature, may constitute hazards and present dangers to persons approaching them.

(c) In addition to the dangers presented by natural hazards, the use of state parks and historic sites by the public for varied and divergent purposes may also, if not controlled, endanger the safety of members thereof and tend to deny certain individuals equality of opportunity in the use and enjoyment of these resources.

(d) Therefore, to enhance and promote the safety, well-being and enjoyment of each individual in the use of a state park, recreational and historic sites and to assure to each individual equality of opportunity in the use and enjoyment of such system, the following rules and regulations are hereby established to govern the conduct of the public with respect thereto.

Section 404.1 Definition of terms.

Whenever used in any Palisades Interstate Park Commission rule or regulation, the following terms shall mean and include the meanings herein expressly set forth in this Section, unless otherwise expressly defined.

(a) "Commission" shall mean the Palisades Interstate Park Commission, established by compact by the States of New York and New Jersey, approved by the Congress of the United States.

(b) "Motor vehicle" shall mean any vehicle designed or maintained for use primarily on a highway and powered by any power other than muscular power other than a snowmobile, all-terrain vehicle or similar wheeled or air cushioned vehicle designed or equipped to operate outside of roadways.

(c) "Personal property" shall mean any property, or interest therein, other than real property.

(d) "Property" shall mean real or personal property.

(e) "Real property" shall mean lands, improvements and structures thereon, rights, franchises and interests therein, lands under water and riparian rights, and any and all interests in lands less than full title, including, without limitation, temporary or permanent easements (including scenic or conservation easements), divided or undivided interests, rights of way, uses, leases, licenses and any other estate, interest or right in lands, legal and equitable.

(f) "Rule or regulation" shall mean any rule or regulation duly adopted as a Palisades Interstate Park Commission rule or regulation.

Section 404.2 Construction of terms.

Any term contained in these rules and regulations shall be construed as follows:

(a) Any term in the singular shall include the plural;

(b) Any term in the masculine shall include the feminine and neuter;

(c) The prohibition of any act shall extend to and include an attempt to commit such act and the causing and/or the procuring, directly or indirectly, of such act.

(d) No provision contained in these rules and regulations shall cause to be deemed unlawful any act performed by an officer or employee of the Commission in the line of duty or in the scope of employment, or any act performed by a person, his agents or employees in the performance or execution of the terms of an agreement with the Commission.

Section 404.3 Territorial application.

The provisions of these rules and regulations shall be effective within, upon and in the airspace above all property that is presently or shall in the future be under the jurisdiction, custody or control of the Commission unless otherwise provided.

Section 404.4 Validity.

If any part, section, subdivision, paragraph or provision of these rules and regulations shall be determined to be invalid, such determination shall apply to the particular part, section, subdivision, paragraph or provision, and all other provisions of these rules and regulations shall remain valid and in effect.

Section 405.1 Permits.

(a) A written permit issued by the Commission, to do any act, shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof.

(b) Any act authorized pursuant to a permit may be performed only by the person named therein, and any such authorization may not be assigned or delegated, unless and except as provided in such permit.

(c) Any permit may be revoked at the option of the Commission, which action shall be final. In case of such revocation, all monies paid for or on account thereof shall, at the option of the Commission, be forfeited to and retained by the Commission.

(d) In any case where the holder of a permit or his agent or employee shall have been found to have violated a term or condition thereof, such holder and his agent or employee who has violated such terms and conditions shall be jointly and severally liable to the State of New Jersey and the Commission for any damages or loss suffered by it in excess of money forfeited and retained by the Commission.

(e) Neither the forfeiture and retention of any such money by the Commission nor the recovery or collection of any damages or both shall preclude the prosecution of any person for a violation of a rule or regulation of the Commission or the violation of any other State or local law, ordinance, rule or regulation.

Section 406.1 Cash deposits, bonds.

In any case where the Commission may require a cash deposit or indemnity bond as security to protect property of the Commission against loss or damage, or to limit the extent or duration of the use of such property, or to guarantee compensation to the Commission for property rented or engaged, such cash deposit or indemnity bond shall be forfeited:

(a) In the case of loss of or damage to property of the Commission, provided that no such forfeiture shall prevent the Commission from recovering any damages over and above the amount of the deposit or bond resulting from loss or damage of property;

(b) In the case of a violation of any agreement or condition upon which the requirement of a cash deposit or indemnity bond is based.

Section 406.2 Refund of fees.

In any case where the Commission has established a fee or charge for the use of any facility under its jurisdiction, custody or control, a refund of such charge or fee may be

made under the following circumstances provided that a service charge to be established by the Commission shall be deducted and withheld from any refund:

(a) Where no financial loss occurs to the Commission through the cancellation of reservations for the use of space or property, or when such cancellation is received by the Commission 30 days in advance of occupancy;

(b) Where, in the judgement of the Commission, the cancellation is predicated on circumstances beyond the control of the reserving party;

(c) Where, in the judgement of the Commission, it is clear that there has been a misunderstanding on the part of the patron as to space or facilities reserved;

(d) Where an error has been made by an employee of the Commission as to the property or space reserved.

Section 407.1 Return of lost articles.

Any person finding or taking possession of personal property not his own, shall immediately return such property to its lawful owner or custodian. If the lawful owner or custodian cannot be immediately found or ascertained, the property shall be turned over to the nearest headquarters of the park police or other park headquarters designated for such purpose.

Section 408.1 Activities absolutely prohibited.

The activities and uses enumerated in this Section shall be absolutely prohibited on property under the jurisdiction, custody and control of the Commission.

(a) Alms. No person shall solicit alms or contributions.

(b) Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

(c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.

(d) Drains and sewers. No person shall discharge into any openings or gutter leading into any sewer, receiving basin or drain in or leading into any property any gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which may emit an inflammable vapor at a temperature below 160 degrees Fahrenheit, or any steam or water above 100 degrees Fahrenheit.

(e) Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life, and no person shall erect or maintain any structure except as otherwise provided in these rules and regulations.

(f) Disorderly conduct. No person shall do any of the following:

(1) Disobey a lawful order of any officer or employee of the Commission or the directions of any sign erected by or at the direction of the Commission;

(2) Use abusive or obscene language or make an obscene gesture;

(3) Throw stones or other objects or missiles which may inflict bodily injury or damage to property;

(4) Obstruct vehicular or pedestrian traffic;

(5) Climb upon any wall, fence structure or monument;

(6) Engage in or encourage fighting or violent or threatening behavior;

(7) Spit upon grounds or other surfaces;

(8) Make any unreasonable noise;

(9) Throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose;

(10) Operate any watercraft, wheeled vehicle, snow-mobile or other equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance;

(11) Commit an act which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;

(12) Without lawful authority, disturb any lawful assembly or meeting of persons;

(13) Congregate with other persons and refuse to comply with a lawful order to disperse;

(g) Charges. No person shall enter upon or use any facility or property for the use of which a charge or fee is imposed, unless he shall have first paid such charge or fee.

(h) Property closed to public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the Commission.

(i) Use of established ways. No person shall use other than trails, overlooks, roads and other ways established and provided for public use by the Commission. No liability shall attach to the State or Commission, its officers, employees or agents for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.

(j) Minors. No person having custody or control of a minor shall permit such minor to do any act in violation of a rule or regulation of the Commission. Minors under 10 years of age shall at all times be under the supervision and control of a parent, guardian or responsible custodian.

(k) Hitchhiking. No person shall solicit a ride or hitchhike. No person shall pick up a hitchhiker.

(l) Gambling. Gambling, lotteries, games of chance and fortune telling are prohibited.

(1) Notwithstanding paragraph (1) of this Section, the sale of tickets for the New Jersey State Lottery by concessioners approved by the Commission shall be permitted where the approval of the Commission has been given.

(m) Hunting and preservation of fish and wildlife. No person shall, without a permit from the Commission, hunt, trail with dogs, kill, wound, molest, trap, snare or in any other way pursue, take or remove any animal, fowl, bird, reptile, amphibian, fish or shellfish or the eggs of any of the above found within the confines of the Park. Notwithstanding the foregoing general prohibition, the Commission may, from time to time, specifically allow one or more of such activities within designated parks or portions of designated parks.

(n) No person shall introduce, possess or use any axe, machete or cutting tool other than a hatchet or sheath knife for the purpose of preparing wood for a cooking fire.

(o) Animals. No person shall introduce or possess any animal except as otherwise provided in these rules and regulations.

(p) All-terrain vehicles. No person shall use or operate an all-terrain vehicle or other similar wheeled or air cushioned vehicle designed or equipped to operate outside of highways. This prohibition shall not be interpreted to include snowmobiles unless equipped with a wheeled conversion to an all-terrain vehicle.

(q) Firearms and weapons. No person, other than a member of a Federal, State or municipal law enforcement agency, shall introduce or possess either upon the person or within a vehicle, or use any firearm or any instrument

or weapon the propelling force of which is a spring, rubber or air or any ammunition or propellant therefor, or a bow and arrow, except as permitted by a rule or regulation of the Commission.

(r) Attire. No person shall appear nude in public, dress or undress other than in facilities provided therefor, enter or remain in any area or facility in such attire as may be prohibited by a sign or by an employee of the Commission or bathe in other than a bathing suit safe and suitable for such purpose.

(s) Artificial swimming aids.

(1) No person shall use tubes, floats, swim fins, aqua lungs or skin diving equipment of any kind, or any other inflated or buoyant objects or artificial or mechanical aids for swimming or diving;

(2) Notwithstanding the above, under special circumstances the use of skin or scuba diving equipment may be authorized in accordance with the terms of a permit issued by the Commission.

(t) Protection of bathing areas. No person shall bring into or have any food or beverage in any bathing area, except those parts thereof designated for picnicking or refreshment. No person shall throw, cast, lay or deposit any glass bottle or piece of crockery, nor any glass or glassware or any part thereof, or metallic or any other substance that might cause injury on any bathing area in, on or adjoining any park.

Section 409.1 Activities or uses prohibited except when undertaken pursuant to a permit.

No person shall engage in any of the following activities or uses on property under the jurisdiction, custody or control of the Commission, except pursuant to a permit issued by the Commission and in accordance with the terms thereof and any other conditions contained in this Section.

(a) Meetings, public exhibitions, etc. The holding of any meeting, ceremony, religious service, parade, procession, speech, lecture or any form of entertainment, performance, motion picture, contest or other such event, the distribution or posting of handbills or advertisements in connection therewith, or the erection of any structure, stand or platform in connection therewith;

(b) Fireworks and explosives. The introduction, possession or use of fireworks, gun powder, powder used in blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder or any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may cause an explosion;

(c) Commercial activities. The selling or offering for sale, hire or lease any merchandise, service or other thing of value;

(d) The taking of moving pictures or photographs for commercial, publicity or educational purposes or the purchasing or selling of negatives thereof or prints therefrom or the exhibition of same in public;

(e) The receiving or discharge of passengers from or upon any wharf, dock or other property under the jurisdiction of the Commission by a vessel or aircraft which carries such passengers for hire;

(f) Aviation. The voluntary landing of any aircraft, parachute, balloon or other weight carrying machine or device designed for flight in or navigation of the air other than in an emergency;

(g) Advertising.

(1) The posting or distributing of advertising matter or the oral advertising for sale of any merchandise, article, service or other thing of value, or soliciting in connection

with the sale of the same outside a park;

(2) The use of an aircraft for the purpose of advertising by means of towing banners, signs or other devices, dropping or distributing advertising materials or advertising through a loudspeaker or other device.

(h) The promotion of any event, belief or philosophy either by means of the posting or distribution of printed or written matter or orally.

(i) Camping. Camping at authorized sites, cabins or other structures.

(1) No picnic table, garbage receptacle, wood pile and other equipment supplied by the Commission shall be placed at any location other than those approved by an officer or employee of the Commission;

(2) No laundry shall be hung or spread on trees, shrubs or lawns;

(3) No campsite or cabin shall be sublet;

(4) Campsites shall be kept in a neat, clean and sanitary condition;

(5) No person shall wash dishes, clothes or his person at a water fountain or other outlet;

(6) Trailer campers shall provide suitable receptacles to prevent the discharge of waste from sink outlets onto real property;

(7) Ditching around tents is prohibited in grassed areas. Ditching is permitted in gravelled areas, provided that such ditches are filled in upon vacating the site;

(8) No person under the age of 18 will be permitted to camp unless accompanied and supervised by a person 18 years of age or older who has been issued a permit;

(9) No person shall make any structural change or alteration in any campsite or cabin;

(10) Failure to occupy a reserved site at the time specified in the permit may result in the cancellation of such permit without refund;

(11) No person shall occupy a site after the time specified in the permit or renewal thereof;

(12) No person shall attach a rope, line or other device to a tree, shrub or structure;

(13) All temporary mirrors used for extra trailering safety shall be removed immediately after unhooking trailers at campsites.

(j) Toy or model rockets or aircraft. The use or operation of toy or model rockets or aircraft. Persons may be required to produce evidence of insurance against property damage or personal injury in the discretion of the Commission.

(k) Research and educational projects. The conducting of a research or educational project.

(1) The conducting of a picnic or outing by a group or organization in excess of 25 persons.

(m) Private boats.

(1) Private boats, including canoes and sailboats, may be used on designated park waters, subject to the following conditions:

(i) Craft that meet certain established standards of safety and construction, as determined by a physical inspection of the craft by an authorized park representative, will be issued a permit;

(ii) The craft must be launched and removed only at designated places;

(iii) All applicable State laws and rules and regulations of the Commission must be observed;

(iv) Outboard motors are not permitted on any park lake except small, battery-powered motors, capable of propelling the craft at no more than four (4) miles per hour, to be used for trolling by licensed fishermen only;

(2) No person shall leave any boat or canoe overnight on any lake in the Park, except campers or camp organizations who have obtained a permit from the Commission.

Section 410.1 Regulated activities.

The following activities are prohibited on property under the jurisdiction, custody and control of the Commission, except in areas specifically designated therefor, during such hours or seasonal periods specifically authorized and subject to such conditions as may be contained herein.

(a) The throwing, striking, kicking or catching of any ball, horseshoe or other object or the conduct of any game or athletic activity, or the use of any device or equipment used in any such game or athletic activity.

(b) The engaging in toy or model boating or automobiling.

(c) The use or riding of saddle horses:

(1) No horse shall be left unattended or in an unenclosed space without being securely fastened to a device provided for such purpose.

(2) Saddle horses shall be used or ridden in such a manner so as not to endanger the safety of the public or interfere with the use and enjoyment of a park by others.

(d) The building, kindling, lighting or maintaining of any fire. Fires may be built and maintained only in fireplaces, grills or stoves suitable for cooking purposes, and no fire shall be started or maintained unless under the constant supervision of a responsible person.

(e) The use of a sled, skis, skates or other vehicle, equipment or device used for the purpose of moving over snow or ice on runners, wheels or other means.

(f) Roller skating.

(g) Kite flying.

(h) Swimming, diving, bathing or wading in swimming pools or other waters or walking upon the frozen surface thereof.

(i) The use, launching, beaching, docking, mooring or anchoring of a boat or watercraft used as a means of transportation on water:

(1) No boat or watercraft shall be operated within a bathing area;

(2) No boat or watercraft shall be operated at a speed greater than five miles per hour in any area designated as a boat basin or anchorage area;

(3) If any boat or watercraft shall burn, submerge or become disabled, such boat or watercraft shall be removed immediately by its owner or other person having custody thereof. If such boat or watercraft is not removed within 24 hours, the Commission may have it removed and charge the owner or other person having custody thereof with any expense incurred in relation thereto;

(j) The towing of persons on waterskis, aqua planes or the use of a surfboard.

(k) The use or operation of a snowmobile:

(1) The operation of a snowmobile during the period beginning one-half hour after sunset and ending at sunrise or the holding of a special event for snowmobiles, including but not limited to races and competitions, shall be permitted only pursuant to a written permit issued by the Commission.

(2) The operator of any snowmobile shall carry liability insurance in an amount equal to that prescribed by law for such operation on highways and carry evidence of same:

(3) No person shall operate a snowmobile in any area where the snow cover is less than three inches;

(4) No person under 10 years of age may operate a snowmobile on property under the jurisdiction, custody or control of the Commission;

(5) No person under 16 years of age may operate a snowmobile without having received and in his possession a permit issued by the Commission or unless such person is accompanied by a person at least 18 years of age.

(1) Golf. Engaging in the game of golf or in practice therefor:

(1) Golfers and caddies must register before play;

(2) Only registered golfers and their caddies may enter upon a golf course or practice area or search for lost balls in adjacent areas;

(3) No person shall commence play at other than designated starting tees.

(m) Possession of pets. No person owning or being custodian or having control of any animal shall cause or permit such animal to enter the Park, and any such animal found at large may be impounded except, however, that dogs properly muzzled and restrained by a leash not exceeding six feet in length, may be brought into park areas, except buildings, camping, picnic and bathing areas and improved walks.

(1) Riding horses may enter certain designated parks, by written permit only;

(2) Any animals seized as above provided will be delivered to a public pound.

(n) Alcoholic beverages. The use and possession of alcoholic beverages:

(1) For temperate personal consumption; and

(2) In containers of one quart or less by a family group in a designated picnic area; or

(3) By an organized group having a permit from the Commission for such use and possession, the maximum quantity to be specified in the permit; or

(4) When purchased from a concessioner authorized by the Commission to sell alcoholic beverages.

(o) Fishing, subject to regulations of the New Jersey State Department of Environmental Protection, except as follows:

(1) No person shall, without a permit from the Commission, fish or crab off any dock or property of the Commission except at points designated for that purpose.

(p) Climb or descend the cliffs or slopes at points other than those designated for that purpose.

Section 411.1 Use and operation of motor vehicles on property under the jurisdiction, custody and control of the Commission.

(a) No person shall cause or permit a vehicle to be towed or pushed by another vehicle, except that a disabled vehicle may be towed to the nearest park or parkway exit by a tow truck operated for such purpose. Disabled vehicles shall be moved off the paved portion of a parkway or road so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain off the pavement only until temporary repairs are made or until power can be obtained to remove it. If such vehicle is not removed within 24 hours, it may be removed by the Commission at the expense of the owner or person in charge thereof. Any vehicle left on the paved portion of a parkway or park road may be immediately removed by the Commission at the expense of the owner or person in charge thereof.

(b) No motor vehicle shall contain any person or object protruding or hanging outside or on the top thereof, except that sports and recreation equipment may be carried on the rear of such vehicle or on a rack designed for such purpose and attached to the top thereof. Fastenings shall be secure and substantial, and in no case shall any such equipment be permitted to protrude to the extent that it may create a hazard to other vehicles.

(c) No person shall operate a motor vehicle unless duly licensed in accordance with the laws of the State of New Jersey, and no person having custody or control of a motor vehicle shall permit the same to be operated by another person not duly licensed in accordance with the laws of the

State of New Jersey. Persons having a learner's permit issued in accordance with the provisions of Title 39 of the New Jersey Revised Statutes shall be permitted to operate a motor vehicle on such parkways or park roads specifically designated for such purpose.

(d) No person shall cause or permit a motor vehicle to be closed from view, except those vehicles designed for camping purposes and then only when being used for camping.

(e) No person shall cause or permit a motor vehicle to be driven or otherwise moved off the improved or paved portion of a parkway, park road or designated parking area except by designated access drive or except as otherwise provided in these rules and regulations.

(f) No person shall cause or permit a motor vehicle to be parked or to stand, except in designated areas. All occupied vehicles parked within the confines of the Park during hours of darkness shall display parking lights at all times.

(g) No person shall cause or permit a motor vehicle to enter or leave property under the jurisdiction, custody or control of the Commission, except by designated routes.

(h) No person shall cause or permit a motor vehicle to make a U turn, except around a plaza or other place where designated.

(i) No person shall cause or permit a motor vehicle to unnecessarily stop or obstruct traffic.

(j) No person shall cause or permit a motor vehicle to be driven at such a slow speed as to impede or block the normal and reasonable movement of traffic, except where such reduced speed is necessary for safe operation or in compliance with the directions of an employee of the Commission.

(k) No person shall cause or permit a motor vehicle to cross a solid longitudinal traffic line, except when directed to do so by an employee of the Commission.

(l) No person shall cause or permit a motor vehicle to weave in and out of traffic, change its course, enter or change traffic lanes in such a manner or at such a speed as to unreasonably interfere with the operation of any other vehicle.

(m) No person shall cause or permit a motor vehicle to be driven or backed on a traffic lane opposite to that of the movement of traffic in such lane.

(n) No person shall cause or permit a motor vehicle to be stopped on the improved or paved portion of any parkway or other road for the purpose of removing or replacing a tire or making any repair to a vehicle.

(o) During any period declared to be a snow emergency by the Commission, any motor vehicle determined by the Commission to be abandoned shall be removed by the Commission at the expense, including towing and storage, of the owner or other person in charge of such vehicle.

(p) During any period declared to be a snow emergency by the Commission, no person shall cause or permit a vehicle to be operated, unless the powered wheels of such vehicle are equipped with chains or snow tires. Worn or damaged tires which no longer provide effective traction or which fail to meet the requirements of the Commissioner of Motor Vehicles established pursuant to the Vehicle and Traffic Law shall not constitute snow tires regardless of their original classification.

(q) All persons shall heed and comply with the directions of the park police and other employees of the Commission and the directions of all traffic signs and signals.

Section 412.1 Vehicles permitted to use parkways and park roads.

(a) Passenger cars, commonly known as pleasure vehicles.

(b) Motorcycles, providing they have no wheel which has an overall diameter of less than 15 inches, excluding the tire.

(c) A vehicle known as a "jeep" if it is equipped with a passenger seat in the rear of the driver's seat.

(d) Licensed ambulances, police, fire and civil defense vehicles when responding to or returning from an emergency or when acting in the line of duty.

(e) Suburban type vehicles, including van types, providing they have side windows, rear seats and the passenger carrying capacity as defined in subdivision (e) of Section 412.3 is not exceeded and the vehicle displays no advertising.

(f) Subject to subdivision (i) of Section 412.2 and subdivision (e) of Section 412.3 an omnibus, known as a taxi or limousine, providing that in no case will cruising or soliciting of passengers be permitted.

Section 412.2 Vehicles not permitted to use parkways and park roads. The following are prohibited from using park roads, except as specifically authorized in this Section:

(a) Any motor vehicle, trailer or semitrailer designed, used or maintained for the transportation of commercial goods or materials, or drawing a semitrailer, or designed, constructed or adapted for use as a dwelling or sleeping quarters, including but not limited to vehicles designated as: commercial; agricultural; truck, including pickup truck, panel truck, and van truck, hearse, trailer, or semitrailer; boat or snowmobile trailer; coach or house trailer; camp or travel trailer; self propelled motor home; fifth wheel travel trailer; suburban, truck or van camper; and utility trailer.

(b) Pedestrians, except at designated crossings.

(c) Riders and drivers of horses.

(d) Animal drawn vehicles.

(e) Motorized bicycles; scooters, motorettes and other similar small power propelled vehicles of two or three wheels, any of which has an overall diameter of less than 15 inches, excluding the tires.

(f) Bicycles, except on designated bikeways.

(g) All terrain vehicles or similar vehicles designed to be used outside of roadways.

(h) Snowmobiles, except where an unplowed parkway or road has been designated for such use.

(i) Any vehicle displaying any advertising matter.

Section 412.3 Vehicles permitted to use parkways or park roads by written permit only.

(a) Outing or recreational buses, which make no intermediate stops from their point of origin to their destination, for the purpose of receiving or discharging passengers at a park under the jurisdiction of the Commission.

(b) Other public omnibuses operating under a franchise or permit for the purpose of receiving or discharging passengers at a park under the jurisdiction of the Commission. Both the rates approved by the Commission and the permit must be clearly displayed on the omnibus.

(c) A vehicle designed or equipped for towing or pushing of disabled vehicles.

(d) Any vehicle owned and operated by a utility and used in the construction, maintenance or repair of its facilities when actually engaged in the construction, maintenance or repair of facilities located on property under jurisdiction of the Commission.

(e) Any vehicle carrying, or adapted for carrying, more than 12 passengers.

Section 413.1 Vehicle speed limits.

(a) A rate of speed in excess of 50 miles an hour on the Palisades Interstate Parkway from the New York-New

Jersey State Line to the southern terminus of the Parkway is prohibited.

(b) A rate of speed in excess of 25 miles an hour on park roads is prohibited.

(c) On park roads, parkways, entrance or exit roads, traffic circles, approaches, and in parking areas where different speed limits are determined to be appropriate by the Commission and signs are posted indicating such speed, a rate of speed greater than that indicated on such signs is prohibited.

(d) In bad weather or when special hazards exist, signs may be posted indicating lower allowable speeds. A rate of speed greater than that indicated on such signs is prohibited.

An order adopting these rules was filed July 23, 1974, as R.1974 d.200 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revision to Schedule of Charges and Map Of Public Areas and Marine Terminal Highways

On May 29, 1974, the committee on operations of the Port Authority of New York and New Jersey adopted the following resolutions concerning the revision to the schedule of charges for Newark International Airport and to FMC Schedule Number PA-9 concerning the map of public areas and marine terminal highways.

Full text of the adopted resolutions follows:

Resolved, that the schedule of charges for the use of the public landing area, public passenger ramp area, public cargo ramp and apron area, and public aircraft parking and storage areas at Newark airport adopted by the committee by resolution of October 5, 1959 (appearing at page 45 et seq. of the committee minutes of that date and further amended) be and the same hereby is amended, effective June 1, 1974, as follows:

1. By adding thereto the following new sections:

V. Federal inspection space charges (north terminal-international)

For each passenger disembarking from an aircraft and using space made available for inspection and examination of aircraft passengers and their property by the Bureau of Customs, the Immigration and Naturalization Service, the Public Health Service, the Bureau of Entomology and Plant Quarantine and other governmental agencies—\$3.00.

VI. North passenger terminal charges (domestic)

For each passenger arriving or departing at the north passenger terminal, but not using space made available for inspection and examination of aircraft passengers by governmental agencies—\$2.00.

2. By renumbering Sections "V", "VI" and "VII", "VII", "VIII" and "IX".

Resolved, that the "FMC Schedule Number PA-9, naming rules and regulations applying at Port Authority marine terminals and rates and charges applicable for the

use of public areas at Port Authority marine terminals" adopted by the committee, at its meeting on February 3, 1966 (appearing at pages 3 et seq. of the committee minutes of that date), be and the same is hereby amended, effective June 28, 1974, by inserting therein a new map entitled "The Port Authority of New York and New Jersey - Erie Basin-Port Authority Marine Terminal Highway" dated June 28, 1974.

An order adopting these revisions was filed July 2, 1974, as R.1974 d.178 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

NEW OFFICE OF CITIZEN COMPLAINTS OPEN FOR FREE PHONE INQUIRIES

New Jersey citizens with a complaint about action or lack of action by any State agency can now reach Trenton with a toll-free phone call.

The establishment of the free phone system and a special post office box for the Office of Citizen Complaints was announced last month by newly-named State Public Advocate Stanley C. Van Ness.

The toll-free number is (800) 792-8600—from 9 A.M. to 5 P.M. weekdays. Mail address is P.O. Box 141, Trenton, N.J. 08625.

"Our aim is to provide citizens with quick and convenient access to the office which is directly handling complaints," Van Ness said. "I believe we have to do more than just open an office and wait for people to find us.

"I read the mandate of the enabling legislation for the new Department to include an aggressive outreach to the community. If people have complaints against a State agency, we want to know about them."

The Office of Citizen Complaints, the first such public service function for New Jersey, has been compared with the traditional ombudsman role in government. It receives complaints about State agencies, investigates them and makes referrals to other Divisions in the Public Advocate Department or to other appropriate State agencies.

The office follows through to make sure valid complaints are given proper attention and that recommendations are considered.

It utilizes persuasion, publicity and other administrative actions to seek correction of problems. If court action is deemed necessary, it is initiated and handled by one of the other Divisions in the new Department.

Van Ness said that by mid-July the office had already received nearly 100 complaints. "We anticipate a substantial increase now that citizens from all parts of the State are able to contact the office directly," he added.

John W. Gleeson, Director of the Office of Citizen Complaints, noted that it is not empowered to act on matters which are strictly under the jurisdiction of county or municipal agencies.

"Many of the early complaints weren't within the legal jurisdiction of the Department, although we attempt to see that all inquiries receive immediate acknowledgement and response," Gleeson said. "We are trying to provide pertinent information and to channel inquiries and complaints to the proper authorities."

Gleeson urged that complaining citizens clearly spell out, in detail, the nature of the complaint, previous steps they may have taken in seeking to have the problem solved and that they supply all available supporting documentation. He recommended that more complex complaints be filed in writing.

The office, Gleeson said, already has been successful in winning for a group of Warren County citizens the right to be heard publicly in a matter involving construction of a parking lot on a flood plain.

ASKS BROAD PARTICIPATION IN HEARING ON FISH CODE

Russell A. Cookingham, Director of the State Division of Fish, Game and Shellfisheries, urges the widest possible participation in the public hearing on the proposed 1975 Fish Code, to be held in Room 1308, Labor and Industry Building in Trenton, at 8 p.m. September 10.

The proposed Code was presented to and approved by the Fish and Game Council at their regular monthly meeting July 9 and is published in this issue of the New Jersey Register at 305(a).

ALL CAMPS NOTIFIED OF NEW STANDARDS, CERTIFICATION FEE

The State Department of Health has advised operators of day camps and resident camps in New Jersey that they must conform to the standards recently issued by the Department and also pay an annual certification fee.

(The new administrative rules, adopted June 19, were printed in full on page 20 of the May 9, 1974 issue of the New Jersey Register at 6 N.J.R. 180(a) and are cited as N.J.A.C. 8:25-1.1 et seq.)

Dr. Joanne E. Finley, Commissioner of Health, said the standards were drawn up by the Department in accordance with the provisions of Chapter 375, P.L. of 1973, approved Jan. 9, 1974.

The new law authorized the Commissioner of Health to set annual certification fees as high as \$50 for day camps and \$100 for resident camps, and the Department determined that \$10 for day camps and \$25 for resident camps is reasonable.

The Department in June sent to all 350 known camp operators in the State, the copies of the law, the standards, and Chapter 12 of the State Sanitary Code which governs sanitary requirements for retail food establishments, plus an application for certification.

Upon payment of the fee and receipt of a statement by the operator that the camp meets the standards, a temporary certificate is issued until a camp can be inspected and found to be in compliance with the standards, at which time a permanent certificate will be issued.

The youth camp safety program is part of consumer health services in the Division of Community Health Services. Coordinator of the program is Burton W. Allen.

DRIVE ON TO BRING MANY MORE PEOPLE INTO FOOD STAMP PROGRAM

As many as 150,000 low-income New Jersey families may be eligible for help in feeding their families through the use of Food Stamps, even though they are not yet enrolled in the Food Stamp program.

These families are the target of a major Statewide publicity campaign kicked off last month by the Department of Institutions and Agencies, along with the New Jersey Food Council, cooperating supermarkets and other interested agencies and organizations.

Institutions and Agencies Commissioner Ann Klein said that she hopes for a 25 per cent increase in Food Stamp use in New Jersey, which would bring an estimated \$20 million of additional Federal funds into the State.

Stressing that persons eligible for Food Stamps do not have to be on welfare or unemployed, Commissioner Klein estimated that the average family can save from 25 to 50 per cent on their groceries by taking advantage of their right to buy and use the stamps.

Nearly every New Jersey food store is licensed to take the stamps, which can be purchased at many banks, she added.

People who want more information about Food Stamps may call the State's new "hot line" phone number or their home county administration building.

The special toll-free number for aid is (800) 792-8660 and the phone is open 14 hours daily, Monday through Friday, from 8 a.m. to 10 p.m.

Commissioner Klein said that families in New Jersey who presently use Food Stamps spend over \$175 million a year for food, of which approximately \$80 million is paid for by the Federal government in the form of food stamp bonuses—the difference between the amount a family pays for Food Stamps and the face value of the stamps.

"Most of the Federal funds, about \$55 million, now go to public assistance recipients," Mrs. Klein said. "We hope to attract thousands more of senior citizens and members of working households who are eligible for Food Stamps but do not now take advantage of this opportunity to improve their nutrition and save money at the same time."

URGES PUBLIC PARTICIPATION IN COASTAL AREAS FACILITIES PLANNING

Environmental Protection Commissioner David J. Bardin has asked for full public participation in the planning program for the State's coastal area. As a first step he is soliciting items to be included in the inventory of the State's coastal area resources and facilities, the beginning of the planning process.

The Department is developing the coastal zone management program as required by the Coastal Area Facilities Review Act passed in June, 1973 (N.J.S.A. 13:19-1, et seq.). The planning will be financed in part by Federal grants, with an initial \$275,000 on hand for the first year of the four-year program.

While the Department will have the assistance of many specialists and experts, Commissioner Bardin nevertheless stressed the importance of public participation by both individuals and groups.

"A plan for the use of the coastal area will only be as good as the public participation in its preparation," said Bardin. "The public must be an active participant at all stages of the planning process, including this very beginning of planning, the inventorying of the resources of the coastal area."

Overall goal of the program is to plan, regulate and con-

trol land and water uses of coastal area resources so as to enhance the environment, prevent further degradation and at the same time achieve maximum future utilization of these resources.

The Coastal Area Facility Review Act requires that by September 18, 1975 the Environmental Protection Commissioner shall "prepare an environmental inventory of the environmental resources of the coastal area and of the existing facilities and land use developments within the coastal area . . ."

Deputy Commissioner Thomas V. Seessel explained that the inventory will include five basic parameters: natural resources; current land use; mean high water line; wetlands delineation; identification of all agencies with coastal zone responsibilities, and the extent of those responsibilities.

Additional elements of the first-year program are the development of a monitoring system to detect natural and man-made changes within the coastal zone, development of a land use-resource impact model to determine land use capability, development of socio-economic factors needed for management program formulation and implementation and investigation of computerized information storage, retrieval and analysis systems to aid in utilizing data.

Commissioner Bardin invites all interested groups and individuals to submit comments to:

Thomas V. Seessel, Deputy Commissioner
Department of Environmental Protection
P.O. Box 1390
Trenton, New Jersey 08625

COMMITTEE ON MENTAL HEALTH TO OUTLINE STATEWIDE GOALS

An 18-member committee on mental health planning that includes legislators, professional and consumer interests has been jointly announced by Institutions and Agencies Commissioner Ann Klein, State Health Commissioner Dr. Joanne Finley and Mrs. Kathleen Pitney, Chairwoman of the State Health Planning Council.

"The need for intensive planning to develop a coordinated and integrated mental health delivery system in New Jersey has been recognized and articulated for quite some time by many people," said Commissioner Klein.

"This joint committee is being established to fill this need. Among the many complex specific questions the committee is likely to consider are those such as financing of community-based mental health operations, the future role and size of the public mental health hospitals, mental health commitment laws, patient's rights and alternatives to mental hospitalization."

Mrs. Pitney said "the major responsibility of the committee will be that of policy recommendation. We would expect the committee to recommend alternatives to the present system that will best meet the needs of New Jersey residents."

The Joint Committee, whose report is due by the fall of 1975, will be assisted by a planning support staff, a planning consulting firm and number of issue analysis teams, which will study in depth the key issues identified by the committee and will develop solutions and recommendations for consideration by the committee.

Carl Moore, 40, of Raritan Township will head the planning support staff. Moore has been a research associate with the New Jersey Legislature's Division of Legislative Information and Research since 1970. For the past three years he has been a committee aide to both the Senate and Assembly Committees on Institutions, Health and Welfare.

Moore formerly served as an assistant to Rutgers Uni-

versity President Mason W. Gross and previously as State House correspondent of United Press International. He received a bachelor's degree in journalism and a master's degree in history from Rutgers University.

Staff offices are at 222 West State St., Trenton.

FOUR TOP OFFICIALS NAMED IN INSTITUTIONS DEPARTMENT

Institutions and Agencies Commissioner Ann Klein has recently filled four top posts in her Department, largest in the State Government. Two are newly-created Deputy Commissioners, the other two Division heads.

The Department has responsibility for the State's 31 institutions and agencies and has a current staff of approximately 20,000 working across the State.

On July 3 the new Deputy Commissioners were sworn into office in the Governor's office. They are Alan J. Gibbs, 36, of Haworth and Robert E. Mulcahy, III, 38, of Mendham, both serving at \$38,690 a year.

Gibbs was first deputy commissioner of the New York City health department and Mulcahy the mayor of Mendham before joining I & A.

Gibbs' responsibilities include management analysis, program and policy development, budget and capital planning and project management.

In New York, Gibbs implemented a program budgeting system and introduced numerous highly efficient patient services' programs in maternal and child health and dentistry. He helped start the city's methadone maintenance treatment program and directed upgrading of health care for inmates in the city prisons.

Earlier he was for two years area director of the U.S. Equal Employment Opportunity Commission for Alabama and Tennessee and served as a labor-management relations examiner for the National Labor Relations Board.

He was educated at the University of Illinois where he received a B.S. degree in management and master's degree in economics.

Mulcahy will oversee day-to-day operations including special projects, legislative affairs, public information, labor relations and the activities of the ombudsman.

Elected to the borough council in Mendham when he was 26, Mulcahy served seven years on that body and then moved up to mayor for four years. He directed the administrative reorganization of the municipal government, initiated several outstanding youth and recreational programs, and developed a comprehensive master plan and zoning ordinance.

Mulcahy has a B.A. degree from Villanova University and served in the U.S. Navy as a Lt. j. g. He was also head of a realty and construction firm and a founder and director of First Morris Bank.

Commissioner Klein said the appointment of the two new Deputies will ensure closer liaison between Division Directors and their staffs and her central office.

Public Welfare Director

G. Thomas Riti was named Director of the Division of Public Welfare after serving as acting director since November, 1972. He is a 24-year State employee and receives \$37,520 in the new post.

"Riti brings to the post a special administrative and program expertise which is urgently needed to administer and supervise a vast public assistance program," Mrs. Klein said. "He has the knowledge and skills to develop innovative programs for New Jersey's needy citizens."

Riti said he will continue to make whatever improvements are required in the public assistance programs in

New Jersey to assure a uniform and effective system, making certain that only persons truly in need are helped.

He holds a B.S. degree from New York University and Master of Science from Columbia University's Graduate School of Social Work. He is a New Jersey licensed marriage counselor and member of the American Public Welfare Association and New Jersey Welfare Council.

Riti and his wife, the former Helen Dwyer of Paterson, reside in Lawrence Township. They have two children.

Youth and Family Services Director

James G. Kagen was appointed July 1 as Director of the Division of Youth and Family Services. He had formerly served as first deputy commissioner of New York City's addiction services agency, responsible for drug addiction treatment and prevention services reaching some 30,000 people in 300 facilities.

Earlier, Kagen was deputy assistant commissioner of New York City's health department and had served with the city's human resources administration and as business manager of the New York Urban League's street academy program.

Kagan, 31, who will receive \$35,735, succeeds Frederick A. Schenck, Division Director since 1972, who was offered another position in the Department.

The Division of Youth and Family Services serves as the State's social service agency with responsibility for 36,000 children. The Division provides adoption and foster care placement, protective services for abused, abandoned or neglected children, family counselling, direct supervision for the operation of 22 day-care centers in 12 cities and for the new Juveniles in Need of Supervision (JINS) program.

Kagen has a B.A. degree from Trinity College and a master's in business administration from Columbia University. He and his wife, Margot, live in Bernardsville.

HOSPITAL FINANCING AUTHORITY APPOINTS NEW EXECUTIVE DIRECTOR

The New Jersey Health Care Facilities Financing Authority last month appointed James M. Ruth Jr. as executive director at a \$38,400 salary. The Authority provides tax-exempt, low-interest bonds for hospital construction.

Ruth succeeded J. Robert Lackey, who had been the authority's first executive director since January 1973. Lackey will continue as a special consultant, said Dr. Joanne E. Finley, State Commissioner of Health.

Ruth, 33, served as executive director for legislative and fiscal analysis, New York City bureau of the budget from 1971 through July, 1973. In 1970 he was special assistant for oil and energy in the Federal Office of Emergency Preparedness. He has been a lecturer at the New School for Social Research in New York City.

He is a graduate of the United States Military Academy and holds a master of science degree in civil engineering from Princeton University and a master of public affairs from Woodrow Wilson School, Princeton University.

30,000 POOR YOUTHS AMONG MANY SEEING FREE ENTERTAINMENT SHOWS

A \$25,000 grant from the State Department of Community Affairs is enabling about 30,000 low-income youths to enjoy entertainment programs free this summer at the Garden State Arts Center in Holmdel.

Community Affairs Commissioner Patricia Q. Sheehan said the grant pays for entertainers' fees and stage costs for three different shows, each to be performed twice.

Free tickets are offered by the center through model cities and community development agencies and municipal recreation departments serving large numbers of disadvantaged youths, particularly from inner-city areas.

Noting that the Department of Community Affairs has supported the Garden State program for a number of years, Commissioner Sheehan said, "We feel these cultural experiences are beneficial for the social and personal development of young people who ordinarily could not afford such exposure.

Transportation costs to the performances are met in part by the center with the help of the Department of Environmental Protection.

The performances are part of a series of about 90 free special educational and cultural programs being held for groups of New Jersey citizens who otherwise could not afford them.

According to the center's executive director, John P. Gallagher, an estimated 725,000 school children, disadvantaged youth, senior citizens, disabled veterans, retarded children and blind persons are expected to benefit from the programs over a 20-week period. He said programs are geared to meet the varied entertainment interests of each group.

The free programs are being provided through the non-profit Garden State Arts Center Cultural Fund, which is operated by the New Jersey Highway Authority. The center itself has raised more than \$300,000 through private donations and from the general public for the free programming.

RATE OF RULES ADOPTIONS IS AT RECORD HIGH LEVEL

(Continued from back page)

21,500 and 630 subscribers receiving the full set, Kistner reported.

Both rules publications are available by subscription from the Administrative Procedure Division. A subscription blank for the Administrative Code is on the back page, and information on ordering the Register is on page 2 of this issue.

Reflecting the increased activity, the New Jersey Register of July 11 included 13 proposed and 41 adopted rules, likewise a record.

Among the rules adopted last month, for instance, was one of the State Health Department setting up strict regulations for all summer camps for children under 18. The rules, which apply both to day camps and resident camps, became effective June 19 following the mandatory waiting period after proposal.

Other new rules last month set new bank interest rates, broadened admission to volunteer fire departments and first aid squads, adopted an amended 1974-1975 Game Code and revised the State lottery rules, among others with less general impact.

Rules reporting by law includes all Departments of the State Government, plus seven semi-autonomous agencies which affect the public, Kistner said.

For the first half of this year the greatest rules activity, as usual, was by the Department of Institutions and Agencies, largest State operation.

Next in activity was the Health Department, followed by Environmental Protection, Law and Public Safety, and the Treasury Department. Among the semi-autonomous agencies, the Hackensack Meadowlands Development Commission provided nearly half of recent rule-making.

RATE OF RULES ADOPTIONS IS AT RECORD HIGH LEVEL

New Jersey administrative rules, designed primarily to assist and protect the public, reached a record high rate of adoption in June, it was announced jointly last month by Secretary of State J. Edward Crabel and Thomas F. Kistner, Director of the Division of Administrative Procedure in the State Department.

New rules adopted reached 40 for the month of June, topping by just one the number of rules adopted in January and again in July of 1973. The second quarter this year showed the same adoption rate as last year and Kistner pointed out this is the highest level of rule-making since the Administrative Procedure Division began operations five years ago.

Kistner noted that adopted rules have the same legal effect as do the laws passed by the State Legislature.

"All proposed rules must be printed each month in the New Jersey Register, the official State publication designed to give the public the benefit of prior notification and the opportunity to be heard before rules can be adopted," Kistner said.

"The basis of the law under which we operate is 'the public's right to know' about what will affect them," he added.

Following adoption, all rules are printed in full in one central source—the New Jersey Administrative Code, another major function of the Division. The Administrative Code has grown in the past two years to 13,500 pages in 30 loose-leaf, updated binders, with volume sales of over

(Continued on previous page)

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