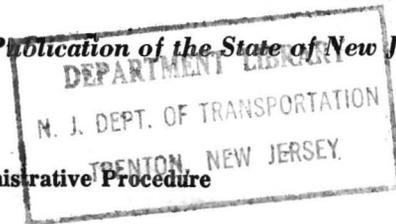


NEW JERSEY REGISTER



Official Publication of the State of New Jersey



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Paul J. Sherwin, Secretary of State
Albert E. Bonacci, Director of Administrative Procedure
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VOLUME 4 • NUMBER 10
Oct. 5, 1972 • Indexed 4 N.J.R. 229-256
Published monthly • Trenton, New Jersey

ASSISTANT COMMISSIONER
HIGHWAYS
DEPT OF TRANSPORTATION
1035 PARKWAY AVE
TRENTON N J 08625

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(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Termination of Hog Cholera Quarantine In Burlington and Ocean Counties

On August 28, 1972, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule which terminated the hog cholera quarantine in Burlington and Ocean counties issued July 7, 1972.

Full text of the adopted rule follows:

2:5-1.6(e) By order of the State Board of Agriculture and pursuant to R.S. 4:1-21.5 of the agricultural laws of New Jersey, that portion of Burlington and Ocean Counties starting at intersection of U.S. Highway 206 and State Highway 70; north on 206 to Route 530; east on Route 530 to Route 539; southeast on Route 539 to State Highway 72; northwest on Highway 72 to Route 532; west on 532 to U.S. Highway 206; north on U.S. 206 to intersection with State Highway 70, is hereby released from the hog cholera quarantine issued July 7, 1972.

An order adopting this rule was filed and effective September 1, 1972, as R.1972 d.173 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Swine Embargo in New Jersey

On September 13, 1972, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning a swine embargo in New Jersey necessitated by the recent outbreak of hog cholera.

Full text of the adopted rule follows:

2:5-1.7 Embargo on swine in New Jersey

(a) No feeder swine may be imported into New Jersey from any state within the United States.

(b) Slaughter hogs consigned to Federal or State slaughter houses will be permitted to enter New Jersey.

An order adopting this rule was filed and effective September 14, 1972, as R.1972 d.180 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

COMMUNITY AFFAIRS

DIVISION ON AGING

Proposed Rules Concerning County Offices on Aging

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 40:23-6.44, proposes to adopt rules for the proper control and management of activities of county offices, for the certification to hold the position of Executive Director and for the administration of grant funds available for the purposes of an Act entitled "County Offices on Aging."

Such proposed rules concern the county offices on aging, the Executive Directors, citizen advisory committees, project costs, standards for selected items of allowable project costs, unallowable costs, cost sharing requirements, audit procedures and administration.

Copies of the full text of these proposed rules may be obtained from:

Director, Office on Aging
Department of Community Affairs
363 West State Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to the Director of the Office on Aging at the above address.

The Department of Community Affairs, upon its own mo-

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

Subscriptions to the New Jersey Register are available from the Division of Administrative Procedure. Rates, payable in advance, are, one year, \$6, single issue, 50 cents.

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

Lawrence F. Kramer
Commissioner
Department of Community Affairs

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules On Pupil Transportation

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-1 et seq., proposes to adopt new rules concerning pupil transportation.

Full text of the proposed new rules follows:

6:21-1.2 Accident reporting

(a) Every school bus driver must report an accident which involves an injury, death or property damage. He must fill out a report in triplicate and deliver it immediately to the principal of the school providing the transportation. The principal shall forthwith transmit one copy (white) to the board of education providing the transportation, one copy (yellow) to the county superintendent of schools, and one copy (pink) to the State Department of Education, 225 West State Street, Trenton, New Jersey 08625. The necessary forms are available at the office of the school principal or the County Superintendent of Schools.

(b) In addition to the above, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of \$200.00 shall within five days after such accident forward a written report of the accident to the Bureau of Security Responsibility, Division of Motor Vehicles, 25 South Montgomery Street, Trenton New Jersey 08625.

6:21-1.3 Remote defined

(a) The words "remote from the schoolhouse" shall mean 2½ miles or more for high school pupils (grades 9 - 12) and 2 miles or more for elementary pupils (grades K - 8), except for pupils suffering from physical or organic defects. State aid for shorter distances for the sole reasons of traffic hazards should not be given, inasmuch as traffic hazards are a local responsibility.

(b) For the purpose of determining remoteness in connection with pupil transportation, measurement shall be made by the shortest route along public roadways or walkways from the entrance of the pupil's residence nearest such public roadway or walkway to the nearest public entrance of the assigned school.

6:21-7.2 Sale of School Vehicle

(a) Any amount realized by a school district from the sale of a district owned vehicle, for which State funds have been or shall hereafter be apportioned for such vehicle, shall be deducted on a prorated basis as established by the initial purchase.

(b) Such amount shall be deducted from the next ensuing application for State aid for transportation by such district.

(c) The sale of any such bus shall be approved by the county superintendent of schools.

6:21-7.3 State aid approval

(a) State aid for each approved transportation route should be 75 per cent of the adjusted cost of the route, as follows:

			aided pupil miles		
Cost of route	X	from pupil school miles from	X ¾ = State Aid		

(b) Definitions

"Aided pupil" means a pupil whose transportation is acceptable for State aid (N.J.S.A. 18A:39-1, 18A:58-7, 18A:46-23).

"Nonaided pupil" means a pupil whose transportation is not acceptable for State aid.

For the purpose of state reimbursement, "miles from school" shall be the shortest distance in miles and tenths of a mile from the pupil's home to his assigned school by an accessible public road or highway.

(c) Transportation routes should be arranged so that the buses will traverse the highways which serve the largest number of pupils within a reasonable time limit and at a minimum cost. Subject to exceptions, such as pupils suffering from physical and organic defects, buses should not be required to leave the main route to pick up elementary pupils residing within 1½ miles of the route and high school pupils residing within 2 miles of the route.

(d) State aided transportation should be limited to a trip to school in the morning and a trip from school following the afternoon session except as hereinafter provided:

Pupils attending double sessions because of insufficient facilities to accommodate them for a full day. The county superintendent in this case should approve State aid on a year-to-year basis if he is satisfied that the board of education, or the legal voters, as the case may be, are making a reasonable effort to eliminate part-time schooling.

(e) Attendants assigned to school vehicles by the board of education for the health, safety and welfare of the students may be State-aided, when in the opinion of the county superintendent of schools, such personnel is necessary.

(f) The following are examples where the county superintendent should not apportion State aid:

1. Trips to museums, art galleries, music festivals, athletic events, play days, and the like.
2. Special trips to transport pupils home who may have become ill during the school day.
3. Special trips for pupils being detained or voluntarily remaining beyond the normal school day.
4. Shuttle trips from the pupil's assigned school to another school or center for special instruction such as industrial arts, home economics or electronics.

5. Exceptions:

i. State aid may be approved under certain circumstances for transporting handicapped children from a public school to a center operated by a board of education for special services or instruction. The county superintendent should consult a representative of the State Department Office of Special Education to assure himself that (1) this special service is needed, (2) this is the most satisfactory and economical means of providing the special service, and (3) State aid is not being used to encourage the continuation of an inadequate type of service or instruction.

ii. State aid may be approved under certain circumstances for transporting vocational students from a public school to a center operated by a local board of education or a county vocational board of education for vocational instruction. The county superintendent should consult a representative of the State Department's Vocational Division to assure himself that (1) the program is approved by the Vocational Division, and (2) State aid is not being used to encourage the continuation of an inadequate type

of service or instruction. To qualify for State aid, such transportation should be provided by the resident district to pupils who spend at least one-half of their school day at the vocational center, and should be limited to one trip per school day from the resident high school to the vocational center and return.

Interested persons may present statements or comments in writing relevant to the proposed action on or before October 25, 1972, to:

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

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

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

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Proposed Extension of Wetlands Order To Cover Certain Portions of Monmouth, Ocean and Middlesex Counties

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq., proposes to extend the coverage of the Wetlands Order filed and effective April 13, 1972 as R.1972 d.68 (See 4 N.J.R. 96(d) for the text of that Order), to include certain portions of Monmouth, Ocean and Middlesex Counties.

Full text of the new rules extending such coverage follows:

7:10-1.1(a) 3. Monmouth County (filed in the Office of the County Recording Officer—Freehold):

462-2172, 469-2154, 490-2166, 497-2172, 539-2154, 546-2154,
546-2160, 546-2184, 546-2190, 553-2160, 553-2184, 553-2190,
560-2184, 560-2190, 574-2118, 574-2124, 574-2154, 574-2160,
574-2166, 581-2112, 581-2118, 581-2124, 581-2130, 581-2136,
581-2142, 581-2148, 581-2154, 581-2160, 581-2166, 588-2118,
588-2130, 588-2136, 588-2142

4. Ocean County (filed in the Office of the County Recording Officer—Toms River):

245-2088, 252-2106, 259-2106, 259-2112, 266-2094,
266-2100, 266-2106, 266-2118, 273-2094, 273-2100, 273-2118,
280-2094, 280-2100, 280-2106, 280-2112, 287-2100, 287-2106,
287-2112, 287-2124, 287-2130, 294-2106, 294-2112, 294-2118,
294-2124, 294-2130, 301-2112, 301-2118, 301-2124, 301-2130,
308-2124, 308-2130, 308-2136, 315-2124, 315-2130, 315-2136,
315-2142, 322-2124, 322-2130, 322-2136, 322-2148, 329-2124,
329-2130, 329-2136, 329-2142, 329-2148, 336-2124, 336-2130,
336-2142, 336-2148, 336-2154, 343-2148, 343-2154, 343-2160,
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427-2148, 427-2154, 427-2160, 434-2148, 434-2154, 434-2160,
434-2166, 441-2148, 441-2160, 441-2166, 448-2148, 448-2160,
462-2172, 469-2154

5. Middlesex County (filed in the Office of the County Recording Officer—New Brunswick):
581-2100, 581-2106, 581-2112, 581-2118, 588-2106, 588-2112,
588-2118

NOTE: In order to establish a State-wide system, each Plan of Lands Affected/Wetlands Map Index is gridded into 6,000 feet by 7,000 feet rectangles. Only those rectangles identified by numbers represent Wetlands Maps.

Public hearings relevant to the proposed action will be held at the following places and dates:

1. Monmouth County—November 8, 1972, at 1:30 P.M. and continuing into the evening if necessary, at:

New Pollak Auditorium
Monmouth College
Norwood Avenue
West Long Branch, New Jersey

2. Ocean County — November 9, 1972, at 1:00 P.M. and continuing into the evening if necessary, at:

Ocean County College
Lecture Hall
Hooper Avenue
Dover Township, New Jersey

3. Middlesex County — November 10, 1972, at 1:00 P.M. and continuing into the evening if necessary, at:

Labor Education Center
Main Auditorium
Rutgers University
Ryderson Lane
New Brunswick, New Jersey

These hearings will be held in accordance with the provisions of the Wetlands Act of 1970, Chapter 272, P.L. 1970. All oral and written testimony at these hearings will be considered.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 11, 1972, to:

Bureau of Marine Lands Management
Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Additions to 1972-73 Game Code

The Fish and Game Council of 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 an addenda to the 1972-73 Game Code.

Full text of the proposed rule follows:

1:25-5.24 Conibear or other killing type traps

(a) Conibear or other killing type traps, when set in tide waters, must be completely covered by water at high tide.

(b) Conibear or other killing type traps set in nontidal streams, ponds or lakes must be completely covered by water at all times.

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing to be held on October 24, 1972, at 7:00 P.M. in the office of the Division of Fish, Game and Shellfisheries, Room 702, State Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

Written statements or arguments relevant to the proposed action may be presented on or before October 25, 1972, to the Fish and Game Council, Division of Fish, Game and Shellfisheries at the above address.

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

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME
AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Supplement to Public Shooting and Fishing Grounds Regulations

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:7-9, proposes to adopt a supplement to the public shooting and fishing grounds regulation.

Full text of the proposed supplement follows:

7:36-2.15 Round Valley Reservoir Boat Launching Ramp

Water craft with motors of greater than ten horsepower and sailboats are not permitted to use the Round Valley Reservoir boat launching ramp under the administration of the Division of Fish, Game and Shellfisheries.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to:

Fish and Game Council
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, N.J. 08625

The Fish and Game Council, upon its own motion or at the instance of any interested party, may thereafter adopt this supplement substantially as proposed without further notice.

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

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME
AND SHELLFISHERIES

SHELLFISHERIES COUNCIL

Revisions to Rules On Closing of Shellfish Beds

On August 31, 1972, the Shellfisheries Council, Atlantic Coast Section, in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:36-7.1(d) concerning the boundaries involved in the closing of certain shellfish beds.

The result of this adoption is to delete in its entirety the present text of N.J.A.C. 7:36-7.1(d) which was filed June 14, 1972, as R.1972 d.111 and appeared at 4 N.J.R. 157(b).

Full text of the now-revised N.J.A.C. 7:36-7.1(d) follows:

7:36-7.1(d) The area hereinafter described shall be closed to the taking of shellfish and remain closed until further notice; such area being described as follows:

1. Stake No. 1 = 39-33-14 latitude
74-17-10 longitude
2. Stake No. 2 = 39-32-56 latitude
74-16-48 longitude
3. Stake No. 3 = 39-32-37 latitude
74-16-31 longitude
4. Stake No. 4 = 39-32-14 latitude
74-17-10 longitude
5. Stake No. 5 = 39-32-47 latitude
74-17-35 longitude
6. Stake No. 6 = 39-33-04 latitude
74-17-23 longitude

An order adopting these revisions was filed and effective August 31, 1972, as R.1972 d.171 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF MARINE SERVICES

Adopt Procedure and Fee Schedules

On September 7, 1972, Richard D. Goodenough, Director of the Division of Marine Services in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34.47j and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the procedure and fee schedules concerning vessels on the waters of New Jersey used for business, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 157(a).

Such rules will be included in Subtitle C of Title 7 of the New Jersey Administrative Code.

An order adopting these schedules was filed and effective September 8, 1972, as R.1972 d.174.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Adopt 1973 Fish Code

On September 18, 1972, 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. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the 1973 Fish Code, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 186(a).

Such rules may be cited as 7:25-6.1 et seq.

An order adopting these rules was filed September 21, 1972, as R.1972 d.184 to become effective January 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

HEALTH

DIVISION OF CONSUMER HEALTH SERVICES

Proposed Revisions to Rules On Sanitary Conduct And Operation of Kennels, Pet Shops, Shelters And Pounds

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 4:19-15.14, proposes to revise Subchapter 3 of Chapter 23 in Title 8 of the New Jersey Administrative Code, which concerns the rules and regulations governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds.

The intent of these revisions is to delete the current text of N.J.A.C. 8:23-3.1 et seq. in its entirety and adopt in place thereof the proposed text.

Full text of the proposed, revised Subchapter follows:

CHAPTER 23. VETERINARY PUBLIC HEALTH SUBCHAPTER 3. KENNELS, PESHOPS, SHELTERS AND POUNDS

8:23-3.1 Compliance

(a) Kennels, pet shops, shelters and pounds shall comply with the provisions of these rules and regulations in the maintenance and care of all animals subject to rabies and other diseases of dogs, as well as rules, regulations and ordinances enacted by the appropriate agency or governing body of the municipality wherein they are located.

(b) The term "animal" as used in these regulations means any animal subject to rabies and other diseases of dogs.

8:23-3.2 Facilities (general)

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, to restrict the entrance of other animals; and location, construction, arrangement and operation shall not constitute a nuisance.

(b) Reliable and adequate electric power, if required to comply with other provisions of these rules and regulations, and adequate potable water shall be available.

(c) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infes-

tation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(d) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease hazards.

(e) Facilities, such as washrooms, basins or sinks, shall be provided to maintain cleanliness among animal caretakers.

(f) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in these rules and regulations. Premises shall remain free of accumulations of trash. Insects, ectoparasites, and avian and mamalian pest shall be controlled effectively.

8:23-3.3 Facilities (indoor)

(a) Indoor animal facilities shall be provided for all pet shops, shelters and pounds. Kennels must also have indoor facilities, except for animals which are acclimated.

(b) Indoor housing facilities for animals shall be sufficiently heated when necessary to protect the animals from cold, and to provide for their health and comfort. In the case of dogs or cats, the ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit, unless the animals are acclimated to lower temperatures.

(c) Indoor housing facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher.

(d) Indoor housing facilities for animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly-distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period.

(e) Primary enclosures shall be so placed as to protect the animals from excessive illumination.

(f) The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned.

(g) A suitable method shall be provided to eliminate rapidly excess water from indoor housing facilities. Drains, when used, shall be properly constructed and kept in good repair to avoid foul odors therefrom. Closed drainage systems, when used, shall be equipped with traps and so installed as to prevent any back-up of sewage onto the floor of the room.

8:23-3.4 Facilities (outdoor)

(a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.

(b) Animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) Shelter shall be provided for animals kept outdoors when the atmospheric temperature falls below 50 degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which an animal is acclimated.

(d) A suitable method shall be provided to drain surface water rapidly.

8:23-3.5 Primary enclosures

(a) A primary enclosure is any structure used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage or compartment.

(b) Primary enclosures shall be structurally sound and maintained in good repair so as to:

1. Contain the animals,
2. Protect animals from injury,
3. Keep predators out,
4. Enable animals to remain dry and clean,
5. Permit animals convenient access to food and water as required in these rules and regulations,
6. Provide sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position.

(c) In addition to the other provisions of this Section, each dog in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, expressed in square feet.

(d) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

1. Females in season (estrus) shall not be housed in the primary enclosure with males, except for breeding purposes, unless otherwise requested by the owner.
2. Any animal exhibiting a vicious disposition shall be housed individually in a primary enclosure.
3. Immature animals shall not be housed in the same primary enclosure with adults other than their mothers, except when permanently maintained in breeding colonies.

8:23-3.6 Feeding and watering

(a) Animals shall be fed at least once each day except as otherwise might be required to provide adequate care.

(b) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animals.

(c) Immature animals shall be fed in accordance with generally accepted procedures.

(d) Containers of food shall be accessible to animals and shall be located so as to minimize contamination by excreta.

(e) Feeding pans shall be durable and kept clean.

(f) Disposable food receptacles may be used but must be discarded after each feeding.

(g) Self-feeders may be used for the feeding of dry food and they shall be cleaned regularly to prevent molding, deterioration or caking of feed.

(h) If potable water is not accessible to the animals at all times, potable water shall be offered to animals at least twice daily, for periods of not less than one hour except as might otherwise be required to provide adequate care. Receptacles for such purposes shall be kept clean at all times.

8:23-3.7 Sanitation

(a) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning, any animal contained therein shall be removed from such enclosures during the cleaning process, and adequate measures shall be taken to protect the animals

in other such enclosures from being contaminated with water and other wastes.

(b) Primary enclosures for animals shall be physically cleaned often enough to prevent an accumulation of debris or excreta and to reduce to a practical minimum agents injurious to health of animals or humans.

(c) At least once every two weeks, cages, rooms and hard-surfaced pens or runs shall be sanitized by washing them with hot water (180 degrees Fahrenheit) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with live steam. Pens or runs using gravel, sand or dirt shall be cleaned by removing the soiled gravel, sand or dirt and replacing it as necessary.

(d) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and disease, to facilitate the prescribed sanitary practices as set forth in these rules and regulations, and to prevent nuisances.

(e) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

8:23-3.8 Disease control

(a) Programs of disease control and adequate health care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each animal shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick, diseased, injured, lame or blind animals shall be provided with veterinary care or humanely disposed of unless such action is inconsistent with the purposes for which such animal was obtained and is being held; provided, however, that this provision shall not affect compliance with N.J.S.A. 4:19-15.16 which requires the holding for seven days of all stray dogs.

(c) Any animal under quarantine or treatment for a communicable disease shall be separated from other animals in order to minimize dissemination of such disease.

(d) Any person operating or employed at a kennel, pet shop, shelter or pound who observes an animal which he suspects of being rabid shall at once notify by telephone or telegraph the executive officer of the local board of health or the State Department of Health and segregate such animal for a period of ten days unless examined and released on the written statement of a veterinarian.

8:23-3.9 Holding and receiving of animals

(a) Steps in the protection of the public from rabies infection include:

1. Impounded animals must be kept alive for seven days to give opportunity for rabies disease surveillance and opportunity for owner to reclaim. (See Reg. 9.2) (N.J.S.A. 4:19-15.16).

2. A dog or cat which has bitten a human may be kept alive and observed for ten days following the bite if the owner of the animal so desires.

3. A dog or cat that is not wanted, or any other animal which has bitten a human should be sacrificed for laboratory examination for rabies. The specimen to be submitted is the head of a small animal such as dog, cat or mouse, the brain of a large animal such as a horse, cow or sheep, or an entire bat. The specimen should be delivered by messenger to the State Department of Health laboratory, Health-Agriculture Building, John Fitch Plaza, Trenton.

4. Animals brought in for elective destruction may not be killed until the person in charge of the facility has determined the animal is not a stray, and that the person

requesting the animal's destruction is its owner or a representative of the owner, and the animal has not bitten a human being within ten days or evidenced other aggressive tendencies compatible with symptoms suspicious of rabies. If the animal has bitten a human being within ten days, appropriate specimen shall be delivered to the laboratory under the provisions of Regulation 9.1c.

5. The person in charge of the facility shall keep a record of evidence submitted in support of paragraph 4 for a period of one year.

(b) Each shelter or pound shall post a sign establishing specific hours during which persons will be permitted to enter the facility to look at animals and records for the purpose of seeking animals that are missing:

1. The sign must be clearly visible from the outside.
2. The hours must be at least one hour each business day.
3. The person who is searching for a missing animal, shall identify himself by presenting a driver's license or other acceptable identification document.
4. The person who is searching for a missing animal shall furnish to the shelter or pound a written description of the missing animal and a license for any dog which has attained the age of seven months or which possesses a set of permanent teeth, or a bill of sale or other proof of ownership of a younger dog or other animal.
5. The person who is searching for a missing animal shall abide by all reasonable security measures required by the shelter or pound to prevent the spread of disease.

8:23-3.10 Euthanasia

(a) Euthanasia is the act of inducing painless death.

(b) No animal being disposed of shall be allowed to make physical contact with another animal while in any apparatus designed to kill unless pretranquilized to the extent that they are not capable of aggressive actions dangerous to humans or animals. The milling, fighting, biting and clawing that take place when several animals are put to death together, unless pretranquilized, are inhumane and cannot be defended. Avoidance of such aggressive physical contact may also be achieved by disposing of animals singly or by the use of a chamber with compartments so constructed that the animals cannot make contact with each other. Excitable and apprehensive animals shall be given a tranquilizer prior to being killed. Carcasses must be removed prior to reuse of the equipment with other live subjects. Whatever method is used, the operator must be carefully trained and know the equipment and how to use it. The equipment should be periodically checked by someone mechanically competent with regard to the specific method of euthanasia. The operator must be motivated to want to dispose of animals with a minimum of suffering and pain.

(c) The acceptable methods of euthanasia include the following:

1. The primary recommended method is injection of a barbiturate.
 - i. It is recommended that this method be limited to use by a veterinarian or personnel directly under the supervision of a veterinarian.
 - ii. Intravenous injection is preferred intrathoracic or intracardiac injection may be made where intravenous injection is impractical, as in the very small animal, or in the comatose animal with depressed vascular function.
 - iii. Some animals, because of nervousness or viciousness, should be quieted by prior oral or parenteral administration of a tranquilizer or sedative.
2. Inhalation of carbon monoxide by animals confined in a chamber.

i. Safeguards must be observed to prevent discomfort to animals and hazard to personnel.

ii. Personnel using CO must be instructed thoroughly in its use and understand the hazards and limitations.

iii. The CO generator and chamber must be located in a well-ventilated environment, preferably out of doors.

iv. The lethal chamber must be equipped with internal lighting and viewports which allow direct visual surveillance of collapse and death of animals within the chamber.

v. The gas generation process should be adequate to achieve a CO concentration throughout the lethal chamber of at least five per cent within no more than 20 minutes after animals are put in the chamber.

vi. If chemical generation through the use of sodium formate and sulfuric acid is used, the generated CO must have the irritating acid vapors filtered out by passing it through a ten per cent solution of sodium hydroxide prior to its entry into the lethal chamber.

vii. If CO generation is by combustion of gasoline in an engine:

(1) The engine must be maintained in good operating condition and carefully tuned.

(2) The engine must be operated only at idling speed with the richest fuel-air mixture the choke will permit.

(3) Prior to entry into the lethal chamber the exhaust gas must be cooled so that it does not exceed 125 degrees Fahrenheit (51.7 centigrade).

(4) The chamber must be equipped with accurate temperature gauges monitored by attendants to assure that internal temperature of the chamber does not exceed 110 degrees Fahrenheit (41.3 centigrade).

(5) Prior to its entry into the lethal chamber the exhaust gas must be passed first through an adequate water filtration process and subsequently through a cloth filtration process to remove irritants and carbon particles.

3. Hypoxia induced by rapid decompression.

i. Equipment must be properly constructed, maintained and operated.

4. Hypoxia induced by nitrogen piped into a chamber from a cylinder until all of the air is displaced.

5. Administration of inhalent anesthetics.

i. Ether, chloroform, halothane or methoxyflurane may be used.

ii. Acceptable for small animals such as birds, rodents, and young cats and dogs. Not recommended for larger animals.

iii. Precautions shall be taken to protect personnel and other animals. Ether is flammable and expensive. Chloroform, halothane and methoxyflurane are potentially harmful by large dose or repeated exposure.

6. Inhalation of high concentration of carbon dioxide by animals in a chamber.

i. Acceptable only for very small animals such as mice, rats, guinea pigs and rabbits.

7. Intravenous injection of combinations of chloral hydrate, magnesium sulfate and pentobarbital.

i. Acceptable for large animals, such as horses.

8. Injection of neuromuscular blocking agents.

i. Where standard methods of restraint are impractical or impossible (such as zoo animals, animals in severe pain from trauma, or animals that are intractable for other reasons) or where manual capture and restraint may cause pain and injury through struggling and anxiety, the use of immobilizing drugs such as curare, succinylcholine and other neuromuscular blocking agents is acceptable.

ii. Because the immobilized animal is fully conscious and subject to death by suffocation, euthanasia by other means should be accomplished without delay.

(d) Methods not acceptable for euthanasia include the following:

1. Hydrogen cyanide gas.
2. Injection of chloral hydrate.
3. Injection of magnesium sulfate.
4. Strychnine in any form.
5. Injection of hydrocyanic acid.
6. Electrocution.
7. Shooting and captive bolt pistol.
8. Drowning.
9. Exsanguination.

8:23-3.11 Transportation

(a) Vehicles used in transporting animals shall be mechanically sound and equipped to prevent hazards to the health of all animals being transported.

(b) The animal cargo space of all vehicles shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) Primary enclosures used to transport animals, such as compartments or transport cages, cartons or crates, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

1. Each animal in the vehicle has access to sufficient fresh air for normal breathing.
2. The opening of such enclosures are easily accessible at all times for emergency removal of the animals.
3. The animals are afforded adequate protection from the elements. The temperature within such enclosures shall not be allowed to exceed 85 degrees Fahrenheit or fall below 45 degrees Fahrenheit for a period of more than four hours, provided, however, that at no time may an animal be transported for longer than one hour at a temperature of more than 95 degrees Fahrenheit or less than 35 degrees Fahrenheit.

(d) Animals transported in the same primary enclosure shall be maintained in compatible groups, and any animal exhibiting a vicious disposition shall be transported individually in a primary enclosure. Further, any female animal shall not be transported in the same primary enclosure with any male animal unless otherwise requested by the owner.

(e) Primary enclosures used to transport animals shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect and to lie in a natural position.

(f) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta from entering lower enclosures.

(g) Primary enclosures used to transport animals shall be maintained in a clean and sanitary condition.

(h) It shall be the responsibility of the attendant or driver to inspect the animals to determine whether they need emergency veterinary care, and if so, to obtain such care from a doctor of veterinary medicine at the earliest opportunity.

8:23-3.12 Records and administration

(a) Each person in charge of a kennel, pet shop, shelter or pound shall be responsible for compliance with these rules and regulations.

(b) There shall be kept at each kennel, pet shop, shelter or pound a record of all animals received and/or disposed of. Such record shall state the date each animal was received, description of animal, license number, breed, age and sex; name and address of person from whom acquired; date killed and method, or name and address of person to whom sold or otherwise transferred.

(c) These records shall be kept at the premises for 12 months after the date the animal is killed or removed from the establishment and shall be available to any agent of the municipal government, the local board of health or the State Department of Health.

(d) Except as otherwise provided in this Section, no kennel, pet shop, shelter or pound shall, within one year from the making thereof, destroy or dispose of any books, records, documents or other papers required to be maintained under these rules and regulations.

(e) The records required to be maintained under these rules and regulations shall be held for such period in excess of the one year period specified in subsection (c) of this Section as may be required to comply with any Federal, State or local law. When the local board of health, or local regional health department, or the State Department of Health notifies a kennel, pet shop, shelter or pound in writing that specified records shall be retained pending completion of an investigation or proceeding, such facility shall hold such records until their disposition is authorized by the local or regional agency or the State Department of Health.

(f) A licensee shall promptly notify the licensing agency of any change in his name and address, or any change in his operations which may affect his status.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to:

Dr. Oscar Sussman
Director, Consumer Health Services
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

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

James R. Cowan
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Proposed Revisions to Rules for Licensing Nursing Home Administrators

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 30:11-1 et seq., proposes to adopt revisions to the rules for licensing nursing home administrators which were originally adopted by the Department of Institutions and Agencies but which now come under the jurisdiction of the Department of Health.

Such revisions concern definitions, board meetings, licensing board's duties, powers and officers, license requirements, applications for license, disqualification, examinations, approval of programs of study and other related areas.

Copies of the full text of the proposed revisions may be obtained from:

John Haney
Nursing Home Administrators Licensing Board
State Department of Health
P.O. Box 1540
Trenton, N.J. 08625

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before October 25, 1972, to the Department of Health at the above address.

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.

James R. Cowan
Commissioner
Department of Health

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Administrative Policies and Procedures On Tuition for Public Institutions

On August 30, 1972, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:62-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules regarding the administrative policies and procedures concerning tuition for public institutions of higher education.

Such rules will be included in Chapter 5 of Title 9 in the Administrative Code and may be cited as N.J.A.C. 9:5-1.1 et seq.

Full text of the adopted rules follows:

CHAPTER 5. ADMINISTRATIVE POLICIES AND PROCEDURES CONCERNING TUITION FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION

SUBCHAPTER 1.

REGULATION ON STUDENT RESIDENCY

9:5-1.1 Residency defined

A student shall be classified as a "resident" for tuition purposes upon admission to a public institution of higher education in the State of New Jersey if the student, or the parent(s) or guardian(s) upon whom the student is financially dependent, has been a bona fide domiciliary of the State of New Jersey for at least one year immediately prior thereto.

9:5-1.2 Change in non-resident status

(a) A student who does not qualify as a "resident" under 9:5-1.1 is considered to be in the State of New Jersey for the purpose of attending school and is presumed not to be a permanent resident of the State.

(b) Such student may thereafter qualify as a "resident" if the student, or the parent(s) or guardian(s) upon whom the student is financially dependent, acquires a bona fide domicile within the State for a continuous period of one year.

9:5-1.3 Foreign nationals

The governing board of an institution may approve the remission of non-resident fees in excess of resident fees for students of foreign nationality, up to one per cent of the full-time enrollment.

An order adopting these rules was filed August 30, 1972, as R.1972 d.169 (Exempt, Emergency Rule), to become effective September 1, 1972.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions to Dental Manual Of New Jersey Health Services Program

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise certain portions of the Dental Manual of the New Jersey Health Services Program (that is, the former Section 233.7 of that manual) regarding procedures for the orthodontic program.

The proposed revisions concern certain changes in the referral, evaluation and treatment and billing procedures for orthodontic services under the Health Services Program.

Copies of the full text of the proposed revisions may be obtained from:

Administrative Analyst
324 East State Street
Trenton, N. J. 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to the Division of Medical Assistance and Health Services, at the above address.

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

Robert L. Clifford
Commissioner
Department of Institutions
and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Rule 11, Part III

On August 31, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Ruling 11, Part III F2, concerning obligations of the employee, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 189(a).

Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 8, 1972, as R.1972 d.175.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Financial Assistance Manual

On August 31, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A.

44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Financial Assistance Manual, substantially as proposed in the Notice published August 10, 1972, at 4 N.J.R. 187(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Institutions and Agencies.

The substantive change included the following additional rule concerning underpayments (additions indicated in boldface thus):

251. Overpayments—Underpayments

b. 2) Underpayment

(c) When administrative error occurred earlier than within the preceding six months, a report of all relevant facts and recommendation for corrective action shall be submitted to the State office. Corrective payment for any period greater than six months shall not be issued without approval and authorization by the State office.

Such revisions will be included in Subtitle L of Title 10 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 8, 1972, as R.1972 d.176.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revise Food Stamp Manual

On August 31, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, deleted in its entirety the present Food Stamp Manual and adopted a new Food Stamp Manual in place thereof, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 187(a).

The Food Stamp Manual will be included in Subtitle L of Chapter 10 in the New Jersey Administrative Code.

An order adopting this manual was filed and effective September 8, 1972, as R.1972 d.177.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

Rule On Medical Fees in Uncontested Cases

On September 1, 1972, Ronald M. Heymann, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 34:15-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning medical fees in uncontested cases.

Full text of the adopted rule follows:

In any case where the matters in controversy shall have been resolved by agreement of the parties and the facts

presented to a referee, formal hearings or a judge of compensation for the purpose of the entry of a consent judgment or an order approving settlement pursuant to the provisions of N.J.S.A. 34:15-22, the personal appearance of medical witnesses for either party is deemed unnecessary and medical reports or stipulations shall be submitted in lieu thereof.

An order adopting this rule was filed September 1, 1972, as R.1972 d.172 (Exempt, Exempt Agency), to become effective September 25, 1972.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Rule On Payment of Fines By Licensees In Lieu of Suspension

Robert E. Bower, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-31 and 33:1-39, proposes to adopt a new rule concerning the payment of fines by licensees in lieu of license suspensions.

Full text of the proposed rule follows:

13:2-17.7 Payment of fines in lieu of suspension

(a) The Director in his discretion may accept from any licensee or permittee an offer in compromise in such amount as may in his discretion be proper under the circumstances in lieu of the suspension of any license or permit imposed by the Director or any other issuing authority.

(b) Payment of such offer in compromise shall be considered the equivalent of a license or permit suspension for the purposes of the disciplinary record of a licensee or permittee and for the purposes of answering questions in license or permit applications.

(c) The Director in his discretion also may accept from any licensee or permittee such an offer in compromise in lieu of the institution of formal disciplinary proceedings by the Director.

(d) Payment of such an offer in compromise shall not be considered the equivalent of a license or permit suspension for the purposes of the disciplinary record of a licensee or permittee or for the purposes of answering questions in license or permit applications.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before October 27, 1972, to:

Robert E. Bower, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety
25 Commerce Drive
Cranford, N.J. 07016

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

Robert E. Bower, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules for Licensed Motor Vehicle Dealers

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and 39:10-19, proposes to adopt new rules concerning New Jersey Licensed Dealers and Used Motor Vehicles Dealers.

Full text of the proposed rules follows:

SUBCHAPTER 15 NEW JERSEY LICENSED MOTOR VEHICLE DEALERS

13:21-15.1, General provisions

(a) Applications for a dealer license required to be obtained under the provisions of N.J.S.A. 39:10-19 shall be verified by an oath or affirmation of the applicant and shall be on forms prescribed by the Director and furnished to such applicants.

(b) An initial applicant, if a natural person, shall submit with his application, two applicant (non criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency.

(c) The initial applicant, if a corporation or partnership, shall submit with its application two applicant (non criminal) fingerprint cards (one State Police card and one Federal Bureau of Investigation card) with impressions taken by a recognized law enforcement agency for each officer, director, controlling person or partner.

(d) Examinations may be conducted of all applicants to determine knowledge of appropriate motor vehicle laws of the State of New Jersey before granting a dealer license.

(e) All title papers of a dealer shall be executed in the name of the dealer.

(f) All applicants shall disclose whether they intend to trade or do business under a name other than the name in which the application is filed. Subsequent to licensing, a dealer shall be required to report to the Division of Motor Vehicles any additional business name or changes in existing names under which the dealer intends to do business.

(g) Photographs and/or plans which clearly depict the complete premises from which a dealer intends to do business shall be submitted with the initial application for a dealer license.

13:21-15.2 Proper person

(a) In order to be considered a proper person, an applicant must:

1. Be at least 18 years of age and have legal capacity to contract, to be sued and to be liable for all debts.

2. Be of sufficient good character, in the Director's discretion to warrant consideration as a proper person to be licensed as a dealer. To assist the Director in making this determination, he may consider an applicant's financial responsibility as well as whether or not the applicant has been involved in any illegal activities prior to his applying for a license.

3. Not have been convicted of a crime arising out of fraud or misrepresentation in the sale or financing of a motor vehicle.

4. Submit, within ten days after preliminary approval of his application, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request

or with his consent. This insurance shall be in an amount sufficient in the judgment of the Director of the Division of Motor Vehicles to protect the public from injury or loss due to the operation of said vehicles.

13:21-15.3 Established place of business:

(a) All applicants for a dealer license shall submit satisfactory evidence that the applicant has established and maintained a permanent, properly identified location wherein there are facilities to display automobiles and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business, including all documents required by N.J.S.A. 39:10-6.

(b) The established place of business shall display an exterior sign permanently affixed to the land or building which is consistent with local ordinances and which has letters easily readable from the major avenues of traffic. Said sign must reflect the dealer name or trade name, providing such trade name has been previously disclosed to the Division of Motor Vehicles.

(c) A proposed place of business will not be considered suitable for approval if there are two or more licenses issued for the same premises, except where there is absolutely common identity of ownership and in such case a record of the transactions of each licensed dealer shall be separately maintained.

(d) Any licensed dealer who changes his business location or intends to open a branch operation must notify the Dealer License Section, Bureau of Agencies of the Division of Motor Vehicles prior to doing so.

13:21-15.4 Grounds for Rejection or Suspension or Revocation of a Dealer License

(a) The Director may deny an application for a license, or revoke or suspend a license after it has been granted for any of the following reasons:

1. Applicant or licensee is not a proper person as defined above.

2. Any willful misrepresentation or omission made by an applicant in an application for a dealer license or renewal thereof under the provisions of this rule.

3. Applicant was a previous holder of a license which was revoked for cause by the Director and never reissued or which was suspended for cause and the terms of such suspension have not been satisfied.

4. One or more of the partners, if the applicant is a partnership, or one or more of the officers, directors or other controlling persons of the corporation, if the applicant be a corporation, previously held a license issued under the authority of this Division, which was revoked for cause and never reissued or was suspended for cause and the terms of suspension have not been satisfied.

5. Any willful failure to comply with any provision of this rule.

6. Applicant or licensee seeks or has obtained a dealer license for the benefit of one who is not a proper person within the meaning of this rule, or seeks to employ or does employ any person who is not a proper person within the meaning of this rule.

7. The dealer fails to comply with the requirements of existing law governing the Standards for Used Motor Vehicles. (N.J.S.A. 39:10-26 thru 39:10-30).

8. If it is found by an administrative determination of the Division of Motor Vehicles that the subject dealer has engaged in the unlawful act of altering the true reading of an odometer (the mileage recording instrument of a motor vehicle). Evidence that such alteration was made while the vehicle was in the dealer's possession shall be prima facie proof that such alteration was performed by the dealer or with his consent.

9. Any failure to maintain the qualifications for a license herein set forth or otherwise set forth by law.

13:21-15.5 Hearing

Before the Director denies an application for or revokes or suspends a dealer license, he shall provide the applicant or licensee an opportunity for a hearing in accordance with N.J.S.A. 52:14B-1 et seq.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 31, 1972, to:

Ray J. Marini, Director
Division of Motor Vehicles
Department of Law and Public Safety
25 South Montgomery Street
Trenton, New Jersey 08666

The Division of Motor Vehicles, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed regulation without further notice.

Ray J. Marini
Director, Division of Motor Vehicles
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Revisions to Rules of the Commission

On September 6, 1972, Leo A. Culloo, Executive Secretary of the Police Training Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:17B-66 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning duties of the school director, definitions and police and instructor certification, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 167(a).

Such revisions will be included in Chapter 1 of Title 13 in the New Jersey Administrative Code.

An order adopting these revisions was filed and effective September 12, 1972, as R.1972 d.178.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Modification of Rules Governing Preservation of Records of All Classes Of Electric, Gas and Water Utilities

On September 14, 1972, the Board of Public Utility Commissioners in the Department of Public Utilities, pursuant to authority of N.J.S.A. 48:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted by reference the "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities", originally proposed to various states for adoption by the National Association of Regulatory Utility Commissioners as promulgated and published in April, 1972, for use by the electric, gas and water utilities.

The Board of Public Utility Commissioners adopted

these rules as its modified regulations governing the preservation and destruction of records for all classes of electric, gas and water utilities subject to its jurisdiction and as a supplement to its uniform system of accounts for all classes of electric, gas and water utilities.

Copies of the full text of these rules are available for examination in the Board's offices in Room 208, 101 Commerce Street, Newark, N.J., and are included in the case files in these dockets. Copies in pamphlet form may also be purchased from the National Association of Regulatory Utility Commissioners, P.O. Box 684, Washington, D.C. 20044.

Notices of the adoption by reference of these rules will be included in Chapters 5, 6 and 9 of Title 14 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective September 18, 1972, as R.1972 d.181 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Revisions to Rules Concerning Local Government Aid

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7-21, 27:8-1 et seq., 27:13-1 et seq., 27:13A-1 et seq., 27:14-1 et seq. and 27:15-1 et seq., proposes to revise certain Sections of Subtitle C, Division of Local Government Aid, in Title 16 of the New Jersey Administrative Code, by reorganizing the sequence and references of some rules therein; and also proposes to adopt as Chapter 20 new rules concerning the Federal Aid Urban System.

A summary of the reorganization changes follows:

(1) Changing the references to Divisions, Bureaus, Titles and the like as necessary to reflect the current organizational structure of the Department of Transportation in Sections 16:13-1.3, 1.4, 1.12, and 1.13 of Chapter 13 "Federal Aid Secondary"; Sections 16:14-1.1, 1.3, 4.1, and 4.2 of Chapter 14 "State Aid Road System"; Sections 16:15-1.3, 1.4, 1.5, 1.6, 5.1 and 5.2 of Chapter 15 "County Operations"; Sections 16:16-4.1 and 4.2 of Chapter 16 "Municipal Operations"; Sections 16:17-1.2, 1.3, 4.1 and 4.2 of Chapter 17 "Municipal Construction"; Sections 16:18-1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3 and 2.4 of Chapter 18 "Reimbursed Highway Safety Lighting"; Sections 16:19-4.1 and 4.2 of Chapter 19 "Construction Equipment Damage Program"; and Sections 16:20-1.3, 1.4, 3.5 and 3.6 of Chapter 20 "TOPICS".

(2) Transferring Chapter 18 "Reimbursed Highway Safety Lighting" from Subtitle C. "Division of Local Government Aid" to Chapter 26 "Electrical Bureau" of Subtitle E. "Transportation Operations", redesignating it as Subchapter 3 and renumbering the Sections therein as indicated in the text.

(3) Transferring Chapter 19 "Construction Equipment Damage Program" of Subtitle C. to the vacated Chapter 18 of the same Subtitle, renumbering the Chapter and Sections of Chapter 19 as indicated in the text.

(4) Transferring Chapter 20 "TOPICS" of Subtitle C. to the vacated Chapter 19 of the same Subtitle, renumbering the Chapter and Sections therein as indicated in the text.

(Continued on Page 15)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly index is a new service for subscribers to the New Jersey Administrative Code. Its purpose is to provide an up-to-date check-list of all new rules adopted by the various State Departments.

The index will be adjusted each month following the mailing to Code subscribers of update pages for Titles already distributed, and will also cover additional Titles as published.

First publication and the initial update service has

been distributed for the following six Titles:

1. CHIEF EXECUTIVE (Reserved)
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
16. TRANSPORTATION
18. TREASURY-TAXATION

Since the latest update, the above Departments have adopted the following additional rules, which are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Notice of Adoption N.J.R. Citation
AGRICULTURE — TITLE 2			
2:2-4.36	Swine consigned to livestock markets	R.1972 d.131	4 N.J.R. 180(c)
2:3-2.5	Quarantine of swine after treatment	R.1972 d.131	4 N.J.R. 180(c)
2:3-2.8	Importation of horses, mules and asses	R.1972 d.132	4 N.J.R. 180(b)
2:2-4.35	Health certificate to indicate swine free from brucellosis	R.1972 d.133	4 N.J.R. 180(a)
2:3-2.9	Imported breeding swine to conform to Federal regulations	R.1972 d.133	4 N.J.R. 180(a)
2:3-2.11	Quarantine of imported breeding swine	R.1972 d.133	4 N.J.R. 180(a)
2:3-3.4	Imported feeder swine to conform to Federal regulations	R.1972 d.134	4 N.J.R. 180(d)
2:3-3.6	Quarantine of imported feeder swine	R.1972 d.134	4 N.J.R. 180(d)
2:5-1.3	Hog cholera quarantine; Lakewood Township	R.1972 d.72	4 N.J.R. 86(a)
2:5-1.4	Termination of hog cholera quarantine; Lakewood Township	R.1972 d.96	4 N.J.R. 116(a)
2:5-1.5	Hog cholera quarantine; Evesham, Medford, Voorhees Twps.	R.1972 d.104	4 N.J.R. 115(c)
2:5-1.5	Termination of hog cholera quarantine, Evesham, etc.	R.1972 d.144	4 N.J.R. 181(a)
2:5-1.6	Hog cholera quarantine; Burlington and Ocean Counties	R.1972 d.141	4 N.J.R. 180(e)
2:5-1.6(e)	Termination of hog cholera quarantine	R.1972 d.173	4 N.J.R. 230(a)
2:5-1.7	Swine embargo in New Jersey	R.1972 d.180	4 N.J.R. 230(b)
2:53-1.4	Statement of indebtedness; settlement	R.1972 d.130	4 N.J.R. 181(b)
2:54-2.5	Amendments to Federal Order Number 4 (March 30, 1972)	R.1972 d.74	4 N.J.R. 88(a)
2:55-1.1 et seq.	School milk purchase regulations	R.1972 d.103	4 N.J.R. 116(b)
2:71-1.1	Standards, grades and weight classes for shell eggs	R.1972 d.125	4 N.J.R. 181(d)

Notes:

1. Subchapter 3 in Chapter 31, Title 2, will become Subchapter 1 in Chapter 31, Title 2.
2. The remaining text in Chapter 31 will be transferred and recodified as the new Chapter 71.
3. Chapter 32, Title 2, will become the new Chapter 7, Title 2.
4. Chapters 33 and 34 now become Chapters 72 and 73 respectively.
5. Chapters 36 and 37 now become Chapters 74 and 75 respectively.

TREASURY-TAXATION — TITLE 18

18:5-3.6	Purchase of stamps; credit basis	R.1972 d.108	4 N.J.R. 169(a)
18:10-21.3(c)	Emergency Transportation Tax return	R.1972 d.82	4 N.J.R. 142(c)
18:10A-1.1	Transportation Benefits Tax return	R.1972 d.83	4 N.J.R. 142(d)
18:12-4.1 et seq.	Revaluations of real property by appraisal firms	R.1972 d.179	4 N.J.R. 249(a)
18:24-20.1 et seq.	Accounting procedures relating to collection of Sales Tax	R.1972 d.126	4 N.J.R. 197(d)
18:24-26	Revised list of District Supervisors for Inheritance Tax	R.1972 d.113	4 N.J.R. 168(a)

IN ADDITION —

First publication - but no update service as yet - has also been mailed for the following seven additional Titles:

5. COMMUNITY AFFAIRS
6. EDUCATION

8. HEALTH
9. HIGHER EDUCATION
14. PUBLIC UTILITIES
15. STATE
17. TREASURY-GENERAL

Full text of the proposed new Chapter 20 follows:

CHAPTER 20 FEDERAL AID URBAN SYSTEM

16:20-1.1 Definition

"Federal Aid Urban System Funds" means funds which are appropriated by the Federal Government and allocated annually to the State for right-of-way, preliminary engineering, construction and reconstruction of municipal, county and state highways on the Federal Aid Urban System. These funds are committed by the New Jersey Department of Transportation and matched by funds provided by the State, county or municipality, or combination thereof.

16:20-1.2 Requirements

All Federal Aid Urban System projects shall comply with the Federal Highway Act of 1970 and related Federal regulations.

16:20-1.3 Distribution of applications

Applications for aid shall be mailed to eligible counties or municipalities by the Chief Engineer, Transportation Operations and Local Aid.

16:20-1.4 Filing of applications

Applications, accompanied by the required maps, shall be executed and submitted to the Chief, Bureau of Local Federal Aid Programs.

16:20-1.5 Programming

The Bureau of Local Federal Aid Programs shall submit a program consisting of descriptions, justifications and maps to the Federal Highway Administration for approval. On approval by the Federal Highway Administration, the Bureau of Local Federal Aid Programs shall notify the county or municipality to proceed with the completion of the plans and specifications.

16:20-1.6 Agreements

After program approval, the State will initiate a state-county or state-municipality agreement which will be executed between the county or municipality and Commissioner of Transportation. When utilities are involved in the improvement and Federal participation is approved, an agreement will be executed between the State and said utility. Where consulting engineering services involve Federal funds, an agreement shall be executed between the State and consultant.

16:20-1.7 Plans and specifications

The county or municipality or consulting engineer shall provide plans and specifications prepared by a professional engineer registered in the State of New Jersey, and shall provide for the necessary engineering, planning, soil investigations, and other incidental services, in accordance with AASHO Design Standards reviewed and approved by the State. Also, it is mandatory that the traffic signals be designed in accordance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways", "A Policy on Geometric Design of Rural Highways", 1965 and "Title 39 of the Revised Statutes". Also the guidelines set forth in the current "Highway Capacity Manual" should be followed.

16:20-1.8 Contract

Receipt of bids and award of contract shall be made by the State. After receipt of bids, the county or the municipality shall, by resolution, recommend to the Commissioner of Transportation that he award the contract to the lowest responsible bidder and also shall deliver a check in the amount requested (by invoice) to cover their share of the project costs.

16:20-1.9 Surveillance

Surveillance shall be made by the State to provide materials inspection, supervision of engineering and construction inspection.

16:20-1.10 Authorization

Any change in the contract shall be made by change order, initiated by the county or municipality, and approved by the Commissioner of Transportation. Any work performed without approval by the Commissioner will be cause for nonparticipation.

16:20-1.11 Payment

Payment shall be made to the contractor by the Department of Transportation.

16:20-1.12 Acceptance

Upon completion of the project, the Chief, Local Federal Aid Programs, shall make a detailed inspection. The Chief, Local Federal Aid Programs shall notify the Federal Highway Administration so that a final inspection shall be made. The county or municipality shall, by resolution, recommend acceptance of the project.

16:20-1.13 Final payment

After completion of the project, the county, or municipality or consulting engineer shall present as-built plans and calculations to the Bureau of Local Federal Aid Programs. The Bureau of Local Federal Aid Programs shall check as-built plans with calculations to determine the final quantities. The State, together with the county or municipality, shall then review final quantities with the contractor, and, if all parties agree, the State shall prepare final estimate and invoice for final payment to the contractor.

Copies of the full text of all of the proposed changes may be obtained from:

Victor A. Rice Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to the Department of Transportation at the above address.

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

John C. Kohl
Commissioner
Department of Transportation

(a)

TRANSPORTATION

DIVISION OF TRAFFIC ENGINEERING

Proposed Revisions to Rules of Division of Traffic Engineering

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5, proposes to revise certain portions of Chapters 26 and 27 in Title 16 of the New Jersey Administrative Code. It is also proposed that the present Subchapters 4 through 8 of Chapter 27, Title 16 be deleted in their entirety and a new Subchapter 4, concerning the application procedures for the approval of traffic signals

and/or channelization on county and municipal roads and streets, be adopted in place thereof.

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

[thus]):

**SUBTITLE E [DIVISION OF TRAFFIC ENGINEERING]
TRANSPORTATION OPERATIONS**

16:26-1.2 Authorization

The [Supervising Electrical Engineer] Chief, Electrical Bureau may furnish information on traffic signals only if the requirements of Section 1.1 (Requirements) of this Chapter are observed. These requirements may be waived if the information is for official use of government agencies.

16:26-2.1 Opening and closing of bridges

(b) A copy of these rules and regulations specified in subsection (a) of this Section may be inspected at the office of the Division of [Traffic Engineering,] Transportation Operations and Local Aid, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

**Chapter 27. [Traffic Bureau]
Bureau of Traffic Engineering**

16:27-1.1 Requirements

(a) All matters concerning traffic regulations shall be referred to the [Traffic Bureau, Division of Traffic Engineering.] Bureau of Traffic Engineering, Division of Transportation Operations and Local Aid.

16:27-1.2 Notification

Copies of the regulation with letters of transmittal indicating dates of adoption and approval shall be prepared by the [Traffic Bureau] Bureau of Traffic Engineering and forwarded to the following:

1. Department of Law and Public Safety
2. County Clerk
3. Municipal Clerk
4. County Traffic Safety Coordinator
5. Bureau of Maintenance (N.J.D.O.T.)
6. Deputy Attorney General (N.J.D.O.T.)
7. Central Files (N.J.D.O.T.)

16:27-2.1 Requirements

All construction plans, including sign specifications, designed by any agency other than the Department, and which affect the interests of the Department, shall be furnished to the [Traffic Bureau] Bureau of Traffic Engineering for approval prior to the erection of any signs.

16:27-2.2 Requests

All requests for signs, or revisions thereof, shall be submitted in writing to the [Traffic Bureau, Division of Traffic Engineering] Bureau of Traffic Engineering, Division of Transportation Operations and Local Aid.

16:27-2.3 Authorization

(a) The [Supervising Engineer, Traffic Bureau] Chief, Bureau of Traffic Engineering shall authorize all signs, or changes to existing signs, by memorandum or by a plan drawing signed by him.

(b) All complaints or suggestions regarding signs received by the Department shall be referred to the [Traffic Bureau] Bureau of Traffic Engineering for investigation, study and action.

16:27-2.4 Erection

All signs shall be erected only as specified by the [Supervising Engineer, Traffic Bureau] Chief, Bureau of Traffic Engineering whose specifications shall include message, size of sign, letter size and spacing, material, reflecting or

lighting requirements, location, height and any other requirement he may deem necessary.

16:27-3.2 Advance Engineering Data Required

(b) [Section 4.2 (Compilation of advance engineering data)] Subchapter 4 (Application procedures for the approval of traffic signals and/or channelization on county and municipal roads and streets) of this Chapter contains details of the data required for subsection (a) of this Section.

16:27-3.3 Signal Warrants

[(a) With such information as will be provided by the data referred to in Section 4.1 (Introduction) of this Chapter, it is possible to appraise the need for signalization in terms of the warrants given below:

1. Minimum vehicular volume
2. Interruption of continuous traffic
3. Relationship to adjacent signals
4. Minimum pedestrian volume
5. Accident hazard
6. Combination of warrants of paragraphs 1 through 5 of this subsection.]

Traffic signals shall not be installed unless conditions meet the warrants as set forth in the current "Manual on Uniform Traffic Control Devices for Streets and Highways".

Subchapter 4. Application Procedures for the Approval of Traffic Signals and/or Channelization on County and Municipal roads and streets.

16:27-4.1 Initial Application

(a) An initial application shall be submitted by the authority having jurisdiction, except that on county roads a municipality may submit an application if accompanied by a letter of consent from county officials. This initial application will enable the Bureau of Traffic Engineering to determine if a traffic signal or channelization is warranted before time-consuming design work begins.

(b) If approval is desired for an existing signal which has not previously been approved, an initial application should be submitted.

16:27-4.2 Information required for initial application

(a) A minimum eight-hour traffic count (preferably taken during the highest volume hours) should be made on any normal weekday. The count should show all vehicular movements, including turns. If pedestrian activity is significant, the number crossing each roadway should be included. The data must be broken down into intervals of no more than one hour each. Fifteen-minute breakdowns are desirable during the peak hours.

(b) Accident summary or collision diagram from Police Department records (if available). This information should cover the most recent three-year period and include direction of vehicles, type (right angle, same direction, and the like), date, time of day, weather conditions and severity of accidents.

Note: Traffic count and accident summary forms are available upon request from the Division of Transportation Operations and Local Aid, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

16:27-4.3 Method of applying

(a) Upon receipt of the information indicated in Section 4.2 of this Subchapter, the Bureau of Traffic Engineering's Engineers will review the material and if it is determined that a traffic signal and/or channelization is warranted, the Division of Transportation Operations and Local Aid will authorize the design of the appropriate device.

(b) After the Authorization to Design is issued, a signal and/or channelization design is prepared. The authority having jurisdiction over the intersection must concur with this design.

16:27-4.4 Design information required

(a) A reproducible tracing of a signal and/or channelization layout plan, preferably drawn to a scale of 1 inch = 20 feet (1 inch = 10 feet and 1 inch = 30 feet are also acceptable), and containing the following information:

1. Existing details of the physical layout including edge of pavement or curbline, right-of-way lines, channelization, existing traffic controls, driveways, catch basins, sidewalks, corner sight distance restrictions, bus stop locations, parking prohibitions, and the like. (Specify dimensions.)

2. Geometric improvements

i. Roadway widening

ii. Corner cutbacks

iii. Channelization

iv. Pavement width transitions

v. Driveway openings.

3. Signal equipment

i. Pole and pedestal location

ii. Length of mast arms

iii. Other than standard three section signal heads should be illustrated on the plan

iv. Location and manner of suspension of signal heads

v. Special signal visibility limiting devices, approximate location and type of detectors and back plates, if any.

4. Signs

i. Locations

ii. Legends (on other than standard signs, sign and letter sizes will be required)

iii. Operation (if special electrically-operated sign)

Note: Parking signs need not be shown.

5. Pavement markings

i. Top lines, lane lines, center lines, cross-walk lines, pavement edge lines, channelizing lines, word and symbol markings

ii. All lane widths should be dimensioned.

6. Proposed traffic regulations (limits of regulations clearly indicated on plan)

i. Parking, stopping or standing, bus stops, loading zones, lane use control, and the like.

(b) Signal timing schedule and, where applicable, special signal sequence charts, length of vehicle interval and assignment and hours of flashing operation. If desired, this signal timing information can be shown on the signal layout plan, thereby eliminating a separate document.

16:27-4.5 Submission

(a) One of the following methods shall be used in preparing and submitting the signal design:

1. The design, including all the information set forth in Section 4.4 of this Subchapter, shall be submitted along with a certification from the municipal or county engineer (or the municipal or county traffic engineer) bearing his New Jersey professional engineer's seal stating that the design conforms with State law requirements and, except where prohibited by State law, conforms with the current Manual on Uniform Traffic Control Devices for Streets and Highways (a copy of this Manual is available for inspection at the Division of Transportation Operations and Local Aid, 1035 Parkway Avenue, Trenton, New Jersey during normal business hours). Upon receipt of such a certified design, the Bureau of Traffic Engineering will authorize the installation (this method was developed to take advantage

of the qualified traffic engineers employed by some jurisdictions); or,

2. A preliminary design may be submitted by the municipality or county along with a letter requesting the Bureau of Traffic Engineering to review the design. Liaison will be maintained with local officials to insure that the final design conforms to State law requirements and, where possible, the current Manual on Uniform Traffic Control Devices for Streets and Highways; or,

3. The municipality or county may submit a sepia tracing of an intersection plan showing the information set forth in Section 4.4(a)1. of this Subchapter and request the Bureau of Traffic Engineering to accomplish the design. The Bureau of Traffic Engineering's engineers will maintain liaison with local officials to insure their concurrence with the final design.

Note: All reports and intersection plans bear an identification number and have a preparation date and all revision dates clearly indicated.

16:27-4.6 Installation of signal and submission of signal ordinance

(a) Having obtained the Bureau of Traffic Engineering's authorization, local officials may proceed with the installation, modification or revamping of the traffic signal.

(b) Upon completion of the authorized signal work, local officials should prepare a traffic signal ordinance (a model traffic signal ordinance is available for inspection at the Division of Transportation Operations and Local Aid, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey). If the signalized intersection involves a county roadway, it is necessary that the municipality must also obtain a resolution of consent from the Board of Chosen Freeholders. The proposed municipal ordinance, and county resolution of consent from the Board of Chosen Freeholders if applicable, must be submitted to the Chief Engineer, Transportation Operations and Local Aid, for approval.

16:27-4.7 Inspection and Approval

(a) The following methods shall be used to insure that the signal installation conforms with the authorized design.

1. After the installation is completed, and before it is placed in operation, responsible officials must notify the Bureau of Traffic Engineering and request an inspection; or,

The responsible professional engineer should forward a letter certifying that the installation has been inspected by him, or a member of his staff, and conforms with the authorized design.

2. When the installation conforms to the authorized design, and the various regulations set forth in the design have been approved, the Bureau of Traffic Engineering will recommend approval of the appropriate signal ordinance and/or resolution.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to:

Victor A. Rice Jr.
Administrative Practice Officer
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

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

John C. Kohl
Commissioner
Department of Transportation

(a)

TREASURY

DIVISION OF PENSIONS

Proposed Revisions to Rules Concerning General Administration

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq., proposes to revise various sections in Chapter 1 of Title 17 in the New Jersey Administrative Code concerning the rules of general administration.

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

TITLE 17.

CHAPTER 1. GENERAL ADMINISTRATION

FOREWORD

The Division of Pensions is the successor to the former Bureau of Public Employees' Pensions which was created in June, 1952. To this Bureau were assigned all administrative functions of the various State pension funds and retirement systems. Prior to this date, these retirement systems had been administered independently, having been located within one central area only since 1951.

Under the general reorganization acts of 1948, the pension funds were originally located within the State Division of Budget and Accounting. Later they were transferred to the Division of Investment under the 1950 statute creating that Division. The Bureau of Public Employees' Pension was, therefore, located within the Division of Investment. In 1954, as a result of the enactment of Chapter 84, P.L. 1954, an expansion in staff was required in the State Employees' Retirement System. Separate offices were found for this agency which remained apart from the other pension fund staffs until September, 1956. In July, 1955, the Division of Pensions was created by virtue of Chapter 70, P.L. 1955. To this Division were assigned all administrative functions of the various State pension funds, except for investment records and proceedings retained by the Division of Investment. In September, 1956, there was a consolidation of the staff at central quarters in Trenton.

In addition to State pension plans, the Division of Pensions has been responsible for the operation of the State Agency for Social Security since its inception in 1951, the Pension Increase program beginning in 1958, the Supplemental Variable Annuity System first established in 1963, the State Health Benefits program with its extension to include local government employers for the first time in 1964, the State Police Retirement System as established in 1965, and the Alternate Benefit Programs for State and County Colleges as authorized in 1968, and as expanded to include the group life and long-term disability benefits for all public institutions of higher education in New Jersey as a result of legislation enacted in 1969.

The Division of Pensions administers the laws governing the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, the Prison Officers' Pension Fund, the State Police Retirement System, Central Pension Fund, Judicial Pension Fund, the Supplemental Variable Annuity System, the Public and School Employees Health Benefits Plan, the Program, subject to rules, regulations and decisions of the respective boards of trustees and commissions of these systems as such may be altered from time to time by

legislation, court decisions and opinions of the Attorney General.

In the regulations governing the general administration of the Division of Pensions there are those which are common to all employee benefit programs administered by the Division as well as those which are unique to specific systems, such as the Alternate Benefit programs of State and County Colleges, the Central Pension Fund, Judicial Pension Fund, Pension Increase Program, the State Agency for Social Security and the Office of the Hearing Officer.

The Alternate Benefit program for State Colleges was authorized by Chapter 281, P.L. 1967 while the comparable program for the County Colleges was established by Chapter 181, P.L. 1968. These programs provide full-time faculty members with annuities purchased by employer and employee contributions and group life insurance comparable to that provided by the State retirement systems. These benefits can be vested immediately and thereby provide the mobility of pension credit which is necessary for this group of public employees. The benefits are coordinated with Social Security.

The Central Pension Fund consists of the administration of a series of noncontributory pension acts. No reserves are established for the payment of these pensions. These benefits are administered by the Division of Pensions in accordance with the governing statute and the rules and regulations of the State House Commission, where applicable. The scope of the fund extends to: (1) Heath Act pensioners, in accordance with N.J.R.S. 43:5-1 to 5-4, consisting of persons employed by the State as of January, 1921; (2) Veterans Act Pensioners, in accordance with N.J.R.S. 43:4-1 to 4-6; (3) Annuity for Widows of Governors, in accordance with N.J.R.S. 43:8-2; (4) Special pensioners, in accordance with various laws of the State authorizing payments to designated individuals.

All controversies which may arise from decisions of any board or commission are subject to appeal action upon the request of the member or his attorney as filed with the respective board or commission. If the request is filed on a timely basis and the member or his attorney raises a question of fact or of law, the board may authorize a hearing. If so, the matter is referred to the Hearing Officer of the Division of Pensions who arranges for all hearings on behalf of members of the State-administered retirement programs. Following the hearing, the hearing officer makes his recommendations to the respective board or commission and transmits a transcript of the hearing along with any statement of exceptions prepared by the Attorney General or the member's legal representative. Thereby a record has been established upon which the board can review its original decision and also serves as a record which can provide the petitioner with a basis for an appeal to the Appellate Division of the Superior Court.

The Judicial Pension Fund consists of the administration of several noncontributory pension acts providing benefits to members of the State Judiciary. No reserves are established for the payment of these pensions.

These benefits are administered by the Division of Pensions in accordance with the governing statute and the rules and regulations of the State House Commission, where applicable.

The Pension Increase Program was established pursuant to Chapter 143, P.L. 1958, and it covers all eligible pensioners of the State-administered retirement programs.

The State Agency for Social Security was initially established by Chapter 253, P.L. 1951, and became effective with the execution of a Federal-State compact on Social Security coverage in December, 1952. Pursuant to Article 1 of Chapter 84, P.L. 1954, all eligible public employees in New Jersey were required to be covered by Social Security

pursuant to the terms of the Federal-State Agreement effective January 1, 1955. Under terms of the State statute the State Treasurer is the State Agency and his responsibility is delegated to the Director of the Division of Pensions.

Unemployment Compensation for certain public employees was made possible for the first time under the provisions of Chapter 346, P.L. 1971, effective January 1, 1972. Coverage was extended to employees of the State or any of its instrumentalities employed in a hospital or institution of higher education. The Division of Pensions was requested by the Treasury Department to coordinate the administration of the program and specifically the receipt and transmittal of payroll deductions for State employees to the Division of Unemployment Compensation. Aside from this accounting function, the Division will monitor and audit the claims paid by Unemployment Compensation in order to verify the State's experience under the program.

17:1-1.1 Receipts deposited

[All routine receipts should be deposited within one working day after they are received.]

(a) All routine receipts as of noon of any working day, which are identifiable as to origin and propriety, are to be deposited the same day.

(b) All other checks are to be deposited as soon as possible.

17:1-1.4 Delinquent notices

(a) Reporting agencies which do not file timely reports, transmittals, or remittances, will receive a delinquent notice.

(b) [The initial delinquent notice will be sent within five days of the due date.

(c) In the event the employer does not respond to the delinquent notice, the group will be added to a list of the delinquent agencies to be sent to the Field Service counselors, who will contact the delinquent employers to secure the data needed by the Division.

17:1-1.5 Interest charges; delinquent transmittals

(a) If payment in full, representing the monthly transmittal and report of employee contributions is not made within 15 days of the due dates for such transmittals and reports, interest at the rate of six per cent per annum shall commence to run against the total transmittal of employee contributions for the period on the first day after such fifteenth day.

(b) The penalty will apply where the monies have been forwarded but without the report necessary to distribute such monies to the proper accounts.

17:1-1.9 Adjustment statements

(a) Adjustment statements are mailed quarterly and annually.

(b) Ten days after an overpayment notice is mailed a check is issued unless the employing agency offers an explanation for the variance.

(c) Overpayments are returned to the source from which they were received; however, for those overpayments covering State employees reported on a bi-weekly basis and dual members, the member is made the payee.

(d) One month after shortage statements are mailed, a second notice is sent.

(e) One month after the second notice, a letter is sent advising the reporting agency that the shortage will be certified with interest as a back deduction or as an arrears obligation if payment is not received within 30 days.

(f) If the member is off the payroll so that such extra deduction cannot be certified, the shortage will be estab-

lished in the member's account and will be subject to an interest charge of six per cent per annum calculated from the date of the first notice forwarded to the member.

17:1-1.14 Annual reports of salary changes

(a) Employers are provided with one copy of the report of salary changes.

(b) The report of salary changes will be sent to reporting agencies of the Public Employees' Retirement System except Boards of Education, and the Police and Firemen's Retirement System with their quarterly report for the fourth quarter.

(c) The reporting agencies must file the report of salary changes with the Division by February 1.

(d) The report of salary changes will be sent to [reporting districts of the Teachers' Pension and Annuity Fund] Boards of Education with their quarterly reports for the second quarter.

(e) The reporting districts must file the report of salary changes with the Division by August 1.

17:1-2.18 Contributions [change]

(a) A participant may elect to allocate salary deductions, salary reductions and employer contributions between the Teachers' Insurance and Annuity Association and the College Retirement Equities Fund only on one of the following bases:

1. 100 per cent to TIAA; none to CREF
2. 75 per cent to TIAA; 25 per cent to CREF
3. 50 per cent to TIAA; 50 per cent to CREF
4. 25 per cent to TIAA; 75 per cent to CREF
5. 100 per cent to CREF; none to TIAA

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

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

17:1-2.27 Military leave

If a participant is granted a military leave of absence to enter active military service [before he is eligible for the transfer of employer contributions to a retirement annuity contract, employer] military leave contributions on his behalf and employer contributions for the period of the military leave shall be retained by the employer or the Division of Pensions as required by the statute, until the participant has resumed active employment and has contributed to an Alternative Benefit Program for a period of at least 90 days after termination of the military leave.

17:1-4.2 Compulsory enrollments; failure to enroll

(a) In most retirement systems there are employees who are required to enroll as a member of the retirement system as a condition of employment.

(b) In some cases the employee may fail to file an application for enrollment even though he and his employer have been advised of the compulsory nature of enrollment. In these cases the certifying agent [will fulfill his obligation by filing an application lacking the employee's signature and other information prescribed by the application and in such cases, the member will be assigned the highest possible rate of pension deduction.] is obligated to complete the employee's section of the enrollment application as well as such other information prescribed on the enrollment application. However, where an employer fails to complete the information prescribed by the enrollment application, the employee will be enrolled and assigned the highest possible rate of pension contribution. Upon

receipt of a properly completed enrollment application, the member's rate of contribution will be redetermined and his contributions adjusted, and the member's beneficiary designation may be accepted provided the member has signed the enrollment application.

(c) In the event of the member's death where no benefits are payable to a specific survivor, all benefits otherwise payable would be paid to his estate since the employee has not made the necessary beneficiary designation which is part of the enrollment application. [Upon receipt of a properly completed enrollment application, the member's rate of contribution will be redetermined and his contributions adjusted, and his designation of beneficiary will be accordingly considered.]

(d) For purposes of establishing an employer's liability on delinquently filed enrollment applications, as well as the member's requirement to prove insurability, one year shall cover the 12-month period elapsing between the employee's date of enrollment or transfer and the date pension contributions are certified to begin, plus an additional 2 months to allow for administrative processing time.

17:1-4.3 Multiple enrollments; contributions

(a) In some retirement systems an employee may be enrolled in the system on the basis of more than one position with more than one employer participating in the retirement program. Within the limits of the statute and Board regulations such an employee shall be required to enroll from each position and the employee's rate of contribution shall be based on the earliest enrollment date that may be assigned.

(b) For multiple members, the Division will make the determination as to which employer shall use the two per cent credit in computing pension contributions.

17:1-4.13 Purchases; cancellation requested

A member who authorizes payroll deductions or makes a lump sum payment for the partial or complete purchase of service credit and then requests cancellation of the purchase and/or the return of his payment, or who requests the cancellation of further payroll deductions as previously arranged, shall be informed that the purchase cannot be cancelled. [Such a member may appeal to the respective Board or Commission for relief.]

17:1-4.17 Retroactive salary increases

[In some retirement systems, retroactive salary increases are not creditable for retirement or death benefit computations. In others, they may be so creditable; in such latter systems retroactive salary increments are not normally creditable unless the enabling resolution became effective prior to the member's retirement or death. If the retroactive adjustment was authorized after the effective date of retirement or date of death, the case should be reported to the Board or Commission to determine if it is to be considered as salary creditable for pension or insurance purposes, even if the period covered by the salary adjustment extends to a period before the retirement or death.]

In no event will retroactive salary adjustments that have been authorized after the member's effective date of retirement or date of death be used as creditable salary for pension or insurance purposes even if the period covered by the salary adjustment extends to a period before the member's effective date of retirement or date of death.

17:1-4.18 [Abnormal salary increase] Final compensation

(a) In computing retirement benefits, salary increments in excess of [ten] 15 per cent over the previous year's salary preceding retirement may be considered as possibly

[creating a shortage in retirement reserves and the case should be reported to the Board or Commission to (1) determine if the employer granting such increment is to pay the shortage, in addition to all other employer obligations, in order to have the full salary credited or (2) to review the salary history for verification.] a violation of the statute governing the definition of final compensation and all such cases should be investigated.

(b) Those cases where a violation of the statute is suspected shall be referred to the respective Board or Commission.

17:1-4.19 State bi-weekly salary conversion

(a) In computing final average salary or final compensation at retirement on State bi-weekly cases, the bi-weekly salaries are converted to annual and monthly salaries. The service credit is also converted to months.

(b) In computing the salary received in the last year of service prior to death on State bi-weekly cases, the bi-weekly salaries are converted to annual and monthly salaries.

(c) When an employee's wages cover more than a 15-day period in the month prior to death, a full month's credit will be given for insurance computation purposes.

17:1-4.25 Indictments, litigation or appeals

(a) When a member is indicted and has been accused of a crime involving moral turpitude, the matter shall be referred to the Attorney General's office to determine the status of any claim which may be filed by the member.

(b) No credit shall be granted for the period during which the member's salary has been terminated while under indictment or suspension, until the outcome of the proceedings determines the basis for the award of such credit, if any.

(c) All claims for retirement, death benefits and the return of contributions cannot be processed until the matter has been completely resolved and this has been verified by contact with the Attorney General's office, the Department of Education, the Civil Service Commission, or other responsible agents.

(d) Likewise in cases where anything pertaining to a member's employment is in litigation, or under appeal, the matter should be referred to the Attorney General's office to determine if claims can be processed or whether the processing of such claims are to be postponed pending a final resolution of the litigation or appeal.

17:1-7.8 Employer payments

The employers shall review the detailed tabulations of retirants and beneficiaries provided with the invoice for employer liability submitted by the Division of Pensions and shall report any corrections or revisions within 60 days of receipt of the invoice, otherwise invoices must be paid as submitted.

17:1-7.2 Employer payments; delinquencies

(a) The employer's failure to pay invoices within 30 days after the statutory due date will result in the suspension of payments of the adjusted benefits to his eligible retirants and beneficiaries on the first of the month 30 days later.

(b) The Division will inform all retirants and beneficiaries of the reason for the suspension of payments.

(c) Retroactive adjustments will be made once the employer's appropriation has been paid.

17:1-7.6 Waiver

(a) Application for waiver in whole or part by a retirant or beneficiary who is eligible to receive the increased allowance shall be made at least 30 days prior to the desired effective date on a form prescribed by the Division

of Pensions and shall be effective on the first day of a subsequent month.

(b) A waived benefit may be reinstated by application to the Division of Pensions at least 30 days prior to the re-statement date and shall be effective on the first of a subsequent month.

17:1-7.7 Accrued interest; limitations

Upon the death of a retirant or a beneficiary receiving a pension, any payments which were due to the deceased [pensioner] shall be paid to a named beneficiary as established in the records of the State-administered retirement system, or if [there is] none is named [beneficiary], to the [retirant's] deceased's estate.

17:1-8.4 Federal-State agreement; modifications

All modifications of the Federal-State agreement are prepared by the Division of Pensions [upon the advice of] and subject to review by the Attorney General's office.

17:1-8.9 Wage reports; copies

(a) Participating employers shall prepare three copies of each report or adjustment statement forwarding the original and one copy to the Division of Pensions. [Inter-state instrumentalities shall file a copy of their reports and statements with the Division.]

(b) Interstate instrumentalities, with the exception of the Palisades Interstate Park Commission, or any agency whose employer tax liability is paid by the State, are not required to file a quarterly wage report with the Division.

(c) Copies of such reports must be retained by employers for ten years.

SUBCHAPTER 9. UNEMPLOYMENT INSURANCE

17:1-9.1 Due dates for contributions and reports

State hospitals and institutions of higher education participating in the Unemployment Insurance Program shall file the required data and reports of unemployment insurance contributions with the Division of Pensions by the 15th day following the end of each calendar quarter, together with the remittance for the deductions taken from their eligible employees' salaries or wages.

17:1-9.2 Employer responsibility; benefit claims

Covered State hospitals and institutions of higher education shall respond to communications with respect to benefit claims from the Division of Unemployment and Disability Insurance, in accordance with the rules and regulations of that Division.

17:1-9.3 Employer verification of claim payments

The covered State hospitals and institutions of higher education shall review and verify the benefit claims paid to their employees or former employees by the Division of Unemployment and Disability Insurance and, upon request, shall certify such verification to the Division of Pensions.

17:1-9.4 Employee eligibility for coverage

Determinations will be made by the Division of Pensions, subject to review by the Division of Unemployment and Disability Insurance relative to an employee's eligibility for coverage in the Unemployment Insurance Program.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before October 25, 1972, to:

William J. Joseph
Director, Division of Pensions
Department of the Treasury
20 West Front Street
Trenton, New Jersey 08625

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

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

(a)

TREASURY

DIVISION OF TAXATION

Rules Governing Revaluation of Real Property by Appraisal Firms

On September 13, 1972, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-35.35 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the revaluations of real property by appraisal firms, substantially as proposed in the Notice published August 10, 1972, at 4 N.J.R. 197(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Division of Taxation.

The substantive changes from the proposed rules involved those Sections regarding proof of qualifications, qualifications of employees, requirements of contract, standards for valuation and revaluation, property record cards, availability of appraisal firm for defense, qualifications of firms and personnel, progress and control, tax maps, costs and unit values, property records, photographs, file equipment and other materials and defense.

Such rules will constitute Subchapter 4 of Chapter 12 in Title 18 of the New Jersey Administrative Code.

An order adopting these rules was filed and effective September 13, 1972, as R.1972 d.179.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

STATE INVESTMENT COUNCIL

Revisions to Rules of Investment Council

On September 15, 1972, the State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to its rules concerning various Sections in Chapter 16 of Title 17 in the New Jersey Administrative Code.

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

17:16-26.1(a)1.iii. Has paid dividends on common stock [in at least eight of the ten] for the last five years next preceding the date of such purchase (includes dividends paid by predecessor companies);

17:16-26.2(c) No mortgage shall be recommended for purchase to the pension funds unless approved by a majority of the members of a Mortgage Advisory Committee

created within the Division to advise the Director with respect to mortgage applications. The committee shall be composed of five members serving without compensation who reside in New Jersey and are experienced in the purchase of mortgages. The committee will meet whenever sufficient material is available to warrant a meeting and three members of the committee shall constitute a quorum. Whenever practical, an agenda will be mailed to each committee member in advance of the meeting. A copy of the agenda and analysis sheets (describing the mortgage offerings in detail), as well as a copy of the minutes summarizing the action taken, will be mailed to all five members. [and will be attached to such recommendation as the Director may make to the pension funds.]

17:16-28.3(f)3. The Real Estate Department of a bank with capital stock, surplus and undivided profits totaling at least \$40 million, engaged in the purchase of FHA insured multi-family housing mortgages.

17:16-28.4(a)2. [A current photograph of the property, or] Plans and specifications of the proposed construction and a survey of the property;

17:16-28.4(a)5. All other pertinent FHA documents and approvals including, but not limited to, project analysis [and breakdown of reserves for replacements] estimated cost of construction and personal financial and credit statements.

17:16-28.4(a)6. [The breakdown of the estimated cost of construction.]

Such immediate purchase commitment data as:

- i. Photographs of the property;
- ii. Credit report on mortgagor;
- iii. Mortgagor's most recent financial statement;
- iv. Current operating statement and occupancy report;
- v. Copy of the application for FHA commitment, the FHA commitment for insurance and project analysis.

17:16-29.3 Legal papers

(a) Prior to issuance of any commitment to [purchase] participate in a construction loan, the Director shall have obtained and approved:

- 1. A current credit report on the borrower;
- 2. [A current photograph of the property, or] Plans and specifications of the proposed construction and a survey of the property.
- 3. A copy of the FHA commitment for insurance;
- 4. A copy of [FHA mortgagee's application for insurance] the application for FHA commitment, completed in its entirety;
- 5. All other pertinent FHA documents and approvals including, but not limited to, project analysis [and breakdown of reserves for replacements], estimated cost of construction and personal financial credit statements;

[6. The breakdown of the estimated cost of construction;]

[7]6. A participation agreement [executed] entered into between the principal bank and the pension or annuity fund;

[8]7. Builder's qualifications, including but not limited to, recent financial statements and past experience on similar projects.

17:16-10.4(b) [3. A servicing agreement in such form as the Attorney General may direct, entered into with the major bank recommending the mortgage.]

17:16-19.5 Qualifications of mortgage bankers [3].

(Editor's Note: The purpose of this revision is to eliminate footnote 3 in this text.)

17:16-19.6(a)6. Be servicing directly or through a wholly-owned subsidiary at least [\$30,000,000.00] \$20,000,000 in mortgages, including FHA and VA mortgages in its own portfolio;

17:16-20.5(a)6. Be servicing directly or through a wholly-owned subsidiary at least [\$30,000,000.00] \$20,000,000 in mortgages, including FHA and VA mortgages, in its own portfolio.

An order adopting these revisions was filed and effective September 18, 1972, as R.1972 d.182 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PURCHASE AND PROPERTY

Rules Regulating Use of State Buildings and Grounds

On September 11, 1972, the Division of Purchase and Property in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:20-7 and 52:27B-64 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules regulating the use of State buildings and grounds, as proposed in the Notice published May 4, 1972, at 4 N.J.R. 107(a).

Such rules may be cited as N.J.A.C. 17:15A-1.1 et seq.

An order adopting these rules was filed and effective September 21, 1972, as R.1972 d.183.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revised Rules On Parking Rates at Pier 40 Facilities

On August 10, 1972, the Committee on Operations of the Port Authority of New York and New Jersey adopted revised rules concerning vehicular parking rates for the Pier 40 Consolidated Passenger Ship Terminal.

Full text of the resolution adopting these revised rules follows:

Resolved, that the following vehicular parking rates for Pier 40, Consolidated Passenger Ship Terminal, be adopted to be effective September 1, 1972:

Non-boat days public parking - per day or part	\$ 1.50
Boat days - public parking - per day or part	2.50
10-coupon booklet, each coupon good for one day's parking within one year of issuance	12.50
Parking permit valid for one calendar month	20.00
Parking permit valid for one calendar month for any employee working in the Terminal. (Proof of employment necessary.)	17.00
20-coupon booklet, each coupon good for \$.50 toward daily parking charge or two-hours parking. (Available to Pier 40 lessees or operators only).	10.00
Cruise parking (vehicle storage) - per day or part	2.00
Note: All rates include six per cent City Sales Tax.	

An order adopting these rules was filed August 30, 1972, as R.1972 d.170 (Exempt, Exempt Agency), to become effective September 1, 1972.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

INSURANCE DEPARTMENT MOVES TO END "214" AUTO COVERAGE PROGRAM

New Jersey Insurance Commissioner Richard C. McDonough last month announced a program aimed at removing most of the present 50,000 private passenger car owners from the "consent to rate" program, also known as the 214 program, and placing them in programs where many can obtain automobile insurance at lower rates.

The Commissioner said: "We want to remove these people from a market where they may now pay high premium rates for coverage and enable them to get insurance either in the open market or under the assigned risk plan."

Backbone of the new program is in several new regulations, which include:

- Cutting the time that a consent to rate form is submitted to the Commissioner from 90 days to 15 days.
- Including key rating information on all forms, which must include territory, age of driver, driving record and other particulars, so the Insurance Department can determine whether coverage is reasonable and necessary and the premium being charged is proper.
- Checking that premium changes under 214 filings are adequate, not excessive and not unfairly discriminatory.

"What this program will basically do is remove private passenger automobiles from the 214 program," the Commissioner said.

He noted that consent to rate filings amounted to 50,000 policies in the past year and that most applications pertained to automobile insurance, predominantly for collision and comprehensive coverage.

The Commissioner said that because of recent expansion and revisions of the Automobile Insurance (assigned risk) Plan both by him and former Commissioner Robert L. Clifford, "most of these automobile filings, if not all, will be unnecessary because these insureds can obtain coverage through the voluntary market or the Assigned Risk Plan, often at a lower rate".

The regulations also cover similar 214 programs under the Fair Plan for fire insurance and the crime indemnity program for burglary and theft insurance.

NEW ORDER LIMITS CANCELLATION RIGHTS ON HOME FIRE INSURANCE

New Jersey Insurance Commissioner Richard C. McDonough recently approved and put into effect new filings submitted by the two major insurance rating organizations which limit most company's right to cancel either a homeowner's insurance or fire insurance policy on an owner-occupied dwelling.

The Commissioner said the new procedure is significant to the insurance-buying public because it removes "some of the irritants" where policies were previously cancelled before their normal expiration date.

He said that occasionally policies were cancelled by a company shortly after a loss, or when the completion of an underwriting check-up showed that the risk had characteristics making it undesirable, such as a home left unoccupied for extended periods.

Under the new agreement, a company will have to make its decision during the first 60 days as to whether it wants to continue coverage. After 60 days, the company cannot cancel the policy except for stated reasons, such as non-payment of premium, fraud or material misrepresentation, a substantial change in the risk characteristics, or a willful or negligent act or omission by the insured that substantially increases the hazard.

The rating organization requesting the changes were the Insurance Services Office and Transportation Rating Bureau, which together represent companies writing about 75 per cent of homeowner's and home fire insurance business in New Jersey, the Commissioner said.

The homeowner policy is the more comprehensive of the two. It covers protection against loss from fire, windstorm and related perils, as well as burglary or theft and personal liability coverage. The dwelling policy provides coverage only against losses caused by fire and related hazards such as windstorm and lightning.

With respect to nonrenewals as opposed to cancellations, if a company now decides not to renew at the end of the policy term, it must give notice to the insured at least 30 days in advance.

NEW HANDBOOK WARNS ON BUYING HOSPITAL INSURANCE BY MAIL

Gov. William T. Cahill and New Jersey Insurance Commissioner Richard C. McDonough last month announced publication of a free public handbook on the pitfalls of buying hospital insurance policies through the mail.

Said Governor Cahill: "This handbook is part of the State's continuing effort to protect and alert New Jersey consumers in all areas, but particularly the area of public health insurance.

"I commend Commissioner McDonough and his Department for this unique step in explaining in down-to-earth language what to look for in buying this type of insurance."

Commissioner McDonough said that the handbook—"The Stop! and Look! Approach in Buying Mail Order Accident and Health Insurance"—resulted from the Department's recent investigation into misleading and deceptive advertising by such mail-order companies.

Purpose of both the handbook and the Department's new advertising regulations is to "alert the public of New Jersey not to be duped by slick come-ons, gimmicks, endorsements by prominent persons, and the negative fear approach used particularly against senior citizens", McDonough explained.

"When we began examination of the advertisements, we found many companies implying in their ads that a person could earn extra cash by being flat on his back in a hospital bed. You know this isn't true, and we know it."

He said that new advertising regulations implemented by the Department erase the implication that a person can get extra cash by being in a hospital.

He noted that before the advertising regulations were imposed, many companies used a "negative-fear" approach regarding Federal Medicare.

For example, a company might have advertised in big headlines:

"What happens to you after Medicare is gone?"

Then the same ad would skip over the details of Medicare, leading the prospective buyer to believe Medicare might not provide him with adequate insurance coverage.

Now, all advertisements must use a positive approach, describing just what Medicare does cover, and must emphasize that the private policy being offered for sale is only a supplement to Medicare and not a substitute.

The handbook contains a supplement covering what Medicare does pay for and statistics on the average stay in a hospital.

It notes that Medicare pays all hospital costs except \$68 for the first 60 days; all but \$17 a day for the 61st through 90th day, and all but \$34 a day from the 91st through 150th day.

It also points out that according to 1970 statistics of the Bureau of Health Insurance of the Federal Social Security Administration, few people spend more than 60 days in a hospital.

The new advertising regulations also require companies to list the daily rate a company will pay for a person while in the hospital.

Before, the companies gave the maximum total and not the daily rate and an ad might have said, **"This policy gives you \$20,000"**, which meant you would have to be in a hospital for almost two years to collect that, because the daily rate was only \$28.56.

The handbook lists the following eight conditions to look for in advertisements offering accident and health or hospital insurance through the mails:

- Is the company licensed to do business in New Jersey?
- What are the daily benefits you will get paid?
- What will not be paid by the policy?
- What is excluded, and how long is the waiting period before you will get paid?
- Will an illness or injury you had before you bought the policy be covered?
- What are the premium rates and can they be raised after you sign on the dotted line?
- Can the policy be cancelled or renewed?
- If a well-known personality endorses the company, does that person have a monetary interest in the company?

Commissioner McDonough pointed out that if an advertisement does not state the company is licensed to do business in New Jersey, a consumer should be cautious.

He said, "If the company is licensed to do business in New Jersey, we require them to place this in the advertisement. This will at least show the buying public that the company is financially sound to sell insurance."

The Commissioner concluded: "Any questions on these policies can be answered by a knowledgeable licensed insurance agent in New Jersey, or by our Department of Insurance."

Copies of the handbook are available gratis by writing "Stop and Look*", New Jersey Department of Insurance, 201 East State Street, Trenton, New Jersey 08625.

FEDERAL GOVERNMENT CONSIDERING STATE'S OCCUPATIONAL SAFETY PROGRAM

Ronald M. Heymann, New Jersey Commissioner of Labor and Industry, announced that G. C. Guenther, Assistant Secretary of Labor of the United States, published a notice in the Federal Register on August 26, 1972, that the U.S. Department of Labor is considering the occupational safety and health developmental plan submitted by the State of New Jersey.

Under the proposed plan New Jersey will enact legislation prescribing occupational safety and health standards that will be at least as effective as those prescribed by the Federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Commissioner said.

STATEWIDE TESTING OF 212,000 PUPILS TO BE CONDUCTED IN GRADES 4 AND 12

Approximately 212,000 New Jersey public school students will be tested Nov. 14 and 15 under the State Department of Education's Educational Assessment Program, according to Dr. Gordon Ascher, director of the program.

He said the tests will measure levels of achievement in reading and mathematics and will aid in developing norms of pupil achievement for the State as well as for each county and local school district.

"We expect some 95,000 twelfth- and 117,000 fourth-graders will be tested in this first such Statewide program," he added.

The tests will be administered by classroom teachers under the direction of a district coordinator. Students will take a one-hour test on each of the two days.

Ascher explained that educators, including many classroom teachers, and specialists and advisors from the public at large guided the Department of Education in the development of the tests to assure that they will be relevant to what is being taught.

State Board of Education policy requires that test results, exclusive of data about individual students, be made available to the public, but no data will be released without explanatory or interpretive material, Ascher said.

PORT AUTHORITY TO TAKE OVER NEWARK'S PENN STATION AND RUN IT

The Port Authority of New York and New Jersey announced last month that it will lease Penn Station in Newark for 15 years and spend about \$12.3 million to repair, improve and police the facility.

Port Authority Chairman James C. Kellogg 3d announced that the P.A. and the Penn Central Transportation Co. have signed a memorandum of intent that will lead to the takeover.

The actual rehabilitation, maintenance and security program would be carried out by P.A.'s subsidiary, the Port Authority Trans-Hudson Corp., which operates PATH trains between New Jersey and New York. The P.A. will assume responsibility for the station as soon as necessary legal procedures are settled.

Penn Station each day serves about 40,000 passengers of the Penn Central, Jersey Central and Reading railroads, PATH and Amtrak, which operates the Metroliners between New York and Washington, D.C. The 37-year-old station also serves the Newark City subway and bus lines, including Transport of New Jersey and Greyhound.

The work, estimated to take about five years, will include a new heating plant, repair of plumbing, ventilation and electrical systems, repair of escalators, floors, walls and roof areas, installation of a sprinkler system and overall cleaning, painting and sandblasting.

Penn Central will continue to be responsible for the control of all trains moving through the station.

The takeover of the station is one of three projects Governor Cahill has urged on the P.A.

Recently, Cahill noted with approval that studies are under way on the feasibility of a new rail tunnel under the Hudson River and plans are in final form to expand mass transportation to both Kennedy and Newark airports.

STATE NEWS OF PUBLIC INTEREST

NEW "PATH" TRANSPORTATION CENTER OPENS IN JERSEY CITY

Governor William T. Cahill, who has fought to equalize New Jersey's share of Port Authority of New York and New Jersey revitalization projects since taking office, last month praised a giant new transportation center nearing completion in Jersey City.

"I am here today as one who has changed from a critic to an ardent admirer of the work that is being done," Cahill said, as the cornerstone for the \$80 million Port Authority Trans-Hudson (PATH) Transportation Center was laid at Journal Square.

Calling the new center "the catalyst which will bring about the rebirth of Jersey City", Cahill hailed the combined efforts of the Port Authority, Federal, State and local officials in bringing the project to near fruition.

"It is a cooperative effort of the best kind," the Governor said.

Cahill previously had vetoed Port Authority proposals to erect a hotel at the World Trade Center in lower Manhattan, claiming more money must be pumped into mass transit facilities.

The PATH center at Journal Square, a coordinated rail-bus facility on an eight-acre site in the heart of the city, has been under construction since 1968. It is being built in stages with completion expected by the end of next year.

PATH is the interstate rail rapid transit system which connects Newark, Harrison, Jersey City and Hoboken with New York City via tunnels under the Hudson River.

The new center, said Jersey City Mayor Paul Jordan, is expected to "renew interest in real estate in the Journal Square area", rejuvenating commercial and industrial development and spurring job opportunities.

The \$80 million center has been approved for a Federal grant of more than \$39 million under provisions of the Urban Mass Transportation Act.

It features two PATH station platforms capable of handling longer trains, a consolidated bus station with off-street berths for buses serving 30 routes and a concourse for rail and bus passengers. It also will have a landscaped street-level plaza and two levels of off-street parking which will accommodate 600 cars.

The complex will include a ten-story building which will house PATH's administrative offices and headquarters.

PATH, in the last decade, has invested \$250 million in rehabilitation and modernization of the 13.9-mile rapid transit system, formerly the Hudson and Manhattan Railroad.

With delivery by the end of the year of 46 new cars, PATH's all-air-conditioned fleet will total 298 cars.

STATE'S INVESTMENT INCOME UP TO \$166 MILLION, A NEW HIGH

State Treasurer Joseph M. McCrane announced that the State Treasury's Division of Investment produced a record-high \$166,734,461 in income during the fiscal year which ended June 30, 1972. This is \$20,706,125 higher than in fiscal 1970-71, he said.

The State's share of the income is \$29,309,112, while the much larger portion, \$131,081,415, was earned on securities held by the five State-managed pension funds and is retained by those funds for the benefit of their 250,000 members.

The remaining \$6,343,934 investment income was earned on State trust funds managed by the Treasurer.

McC Crane commended the Investment Division, directed by Richard L. Stoddard, for "astutely investing in securities which returned record-high investment income for both the State-administered pension funds and the State's General Treasury".

Book value of all securities held by the State's investment funds as of June 30 was \$3,444,206,720, an increase of \$363,822,868 over the previous year.

Of the \$3,444,206,720 book value of 44 funds held by the State, the five pension funds represent \$2,569,790,495, with the remainder in 39 trust funds and other Treasury funds.

The Investment Division's policies and procedures are regulated by the State Investment Council, comprised of private citizens and pension fund representatives. In addition to pension and other funds, the Division invests such assets as bond sale proceeds.

The State Investment Council is chaired by Frank Kelemen of Moorestown. He is a gubernatorial appointee, as are William F. Greenley Jr., a Newark banker; John P. Byram, Wayne Township, investment banker; Dr. Paul Nadler, economist from Summit; and Mrs. Mary G. Roebing, Trenton banker. Five others on the Council serve as representatives of the five pension funds.

MARBURGER PREDICTS A CHANGE IN FINANCING OF SCHOOL COSTS

The annual bulletin listing new State programs and upcoming events was mailed early in September by the State Department of Education to all boards of education and county and local superintendents of schools.

An official assessment of the current situation in State educational affairs was included in a "personal message" from Education Commissioner Carl L. Marburger.

His views follow in full:

As I join New Jersey's local boards of education and school administrators in looking forward to a new year, I cannot refrain from reflecting upon the past 12 months. I am not unmindful of Satchel Paige's advice, "Don't never look back, you never know who's gaining on you." However, the past year has been of such overwhelming importance for all of us that it certainly warrants mention.

Last January, in what could turn out to be the most critical court decision affecting education in many years, State Superior Court Judge Theodore Botter struck down as unconstitutional two key provisions of the State school aid formula: minimum aid and the save-from-harm clause.

Judge Botter's decision is currently under appeal to the State Supreme Court. Should it be upheld, the Commissioner of Education will be required to redistribute a considerable portion of State school aid from New Jersey's more affluent districts to its poorer districts.

Governor William T. Cahill's tax reform proposals would have the effect of meeting the mandate for a more equitable tax system set down in Judge Botter's decision. As yet, however, the State Legislature has not acted favorably on the tax reform package, but there is still time for affirmative action before the court's order would take effect on January 1, 1973.

I am uncertain at this time what the outcome might be, but one thing that does appear likely is that, either through court decisions or legislative action, New Jersey's method

of financing its public schools is due for a significant change.

One effect of the Botter decision is already being felt in New Jersey's school system. Both Judge Botter and the Governor's Tax Policy Committee stated in strong terms that New Jersey should conduct a thorough assessment of the effectiveness of the public school system. Governor Cahill also made it clear in his annual message to the Legislature that our schools need periodic evaluation.

With these imperatives in mind, the Department of Education will launch New Jersey's first Statewide achievement testing program during the coming months.

Elsewhere in this Bulletin are details of the test program, so I will not comment upon it beyond stating that the Department of Education, working closely with teachers and administrators in nearly all of the State's school districts, has been scrupulous to avoid unfair or biased tests.

Furthermore, we have made every effort to avoid odious comparisons among schools and school districts. Our essential purpose is to help local districts improve the quality of education, not to be punitive.

The Statewide assessment program is by no means the only change in view. During the past year, the State Board of Education took a monumental step forward by changing the secondary school credit structure. By abandoning the traditional "Carnegie Unit", the Board has opened up new options for school districts which desire to make their high school programs more flexible.

Also during the coming year, we expect to have all four regional Educational Improvement Centers in operation. These centers will facilitate the Department of Education's outreach to school districts and provide a much broader range of State services to local schools.

Throughout this Bulletin you will find numerous other expanded and new State services and programs fully described. I urge all school districts to take full advantage of these services, and to seek consultant help from the Department of Education when the need arises.

Best wishes for a successful school year.

MISS ANNE TANTUM NAMED DIRECTOR OF STATE ELEMENTARY EDUCATION BUREAU

Appointment of Anne R. Tantum as director of the Bureau of Elementary and Secondary School Administration and Supervision in the State Department of Education was announced by Commissioner Carl L. Marburger.

Miss Tantum, 55, has been with the Education Department 23 years, most recently as supervising consultant in elementary education. As bureau director in the \$18,804-\$25,384 salary range, she succeeds Robert A. Withey, who resigned in April to become deputy state education commissioner in Vermont.

Miss Tantum was graduated from Trenton State College in 1939 and began her career as a teacher in Mount Holly. She later taught in Burlington and Ewing Townships before joining the State in 1947 as a helping teacher in Warren County. She left in 1957 to serve as director of elementary education in the New Brunswick school system and returned to State service two years later as assistant director of elementary education. She became supervising consultant in 1970.

Miss Tantum holds a master's degree in curriculum and teaching from Teachers College, Columbia University. Among other professional activities, she is on the executive committee of the N.J. Association of Elementary School Principals and the N.J. Association of Kindergarten Educators and is chairman of high school service and college cooperation for the State PTA Congress. She lives in Trenton.

ARENTS NAMED TO STATE POST FOR SCHOOL-INDUSTRY COOPERATION

Robert H. Arents has been appointed supervising consultant for school-industry cooperation in the State Department of Education's Division of Curriculum and Instruction, according to Commissioner Carl L. Marburger.

Arents, 43, served the past three years as director of educational services for the Work Incentive (WIN) program in the Bureau of Adult and Continuing Education. In his new \$19,492 position, he succeeds Dr. Richard B. Scheetz, who resigned last spring to become educational coordinator for Edison Electric Institute in New York City.

As school-industry coordinator, Arents will develop a program of cooperation between school districts and industrial concerns able to provide assistance and materials for educational programs related to careers in industrial and technological fields. Emphasis will be placed on promoting career education in the schools.

Arents received his B.S. degree from Central (Iowa) College in 1952. He served nine years in the U.S. Marines and eight years as a teacher and guidance counselor at Asbury Park High School before joining the State in 1969.

He holds a master's degree in counseling and guidance from Rutgers University. Arents lives in the Oakhurst section of Ocean Township with his wife and one child, a boy.

SCHOOL HOLIDAYS AND SPECIAL DAYS LISTED IN ANNUAL STATE BULLETIN

The official listing of the 11 legal school holidays and of commemorative days was included in last month's annual pre-opening bulletin from the State Education Department to all school boards and superintendents.

The article, one of 31 separate items in the 12-page publication, noted: "These special days present rich opportunities for inculcating in our young people a spirit of patriotism and an understanding of our government."

*Labor Day	September 4, 1972
Commodore Barry Day	September 13, 1972
National Anthem Day	September 14, 1972
Citizenship Day	September 17, 1972
*Columbus Day	October 9, 1972
*Veterans Day	October 23, 1972
United Nations Day	October 24, 1972
Navy Day	October 27, 1972
Theodore Roosevelt's Birthday	October 27, 1972
*General Election Day	November 7, 1972
*Thanksgiving Day	November 23, 1972
Human Rights Day	December 10, 1972
Bill of Rights Day	December 15, 1972
*Christmas Day	December 25, 1972
*New Year's Day	January 1, 1973
*Lincoln's Birthday	February 12, 1973
*Washington's Birthday	February 19, 1973
**Crispus Attucks Day	March 5, 1973
New Jersey Day	April 17, 1973
*Good Friday	April 20, 1973
Arbor Day	April 27, 1973
*Memorial Day	May 28, 1973
Flag Day	June 14, 1973

STATE NEWS OF PUBLIC INTEREST

*These are legal holidays as provided in Title 36:1-1 of the Revised Statutes. Title 18A:25-3 provides that no teacher shall be required to teach school on any legal holiday.

As provided in Title 18A:36-6 et seq., schools are required to hold appropriate exercises in observance of Flag Day, Arbor Day, Commodore Barry Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Columbus Day, Veterans Day and Thanksgiving Day.

**Permissive commemorative day, Title 36:2-1.

GOVERNOR NAMES GARRITY AS HIS NEW PRESS SECRETARY

Charles J. Garrity, former Trenton bureau chief for the Star Ledger of Newark, has been named as his press secretary by Governor William T. Cahill.

Garrity, 49, succeeds Thomas Flynn, who resigned June 30 to become editor of the Courier Post of Camden. A veteran of 25 years in newspapers, Garrity took over August 14 in the \$25,000 state post.

Garrity had been Trenton bureau chief for the Star Ledger the past three years, after joining that paper in 1955. Earlier he had covered Newark City Hall and the waterfront beat and worked as night city editor and chief of the copy desk.

Gov. Cahill said that Angelo Baglivo, state director of public information, will continue to be responsible for coordinating stategovernment informational activities. William Lynch continues as the Governor's assistant press secretary.

Garrity was graduated from St. Peter's College, Jersey City, with a B.S. degree in economics, and earned a Master of Arts degree in English from Seton Hall University. He also attended Fordham University and Columbia University Graduate School.

During World War II, Garrity served as an officer from 1941 to 1945 with the Air Force and received the Distinguished Flying Cross and five Air Medals for flying 50 missions with the 15th Air Force out of Italy.

He is married to the former Elizabeth Doris Kluser; they have two daughters, Mary Elizabeth and Holly Ann, and live at 1607 Palisade Avenue, Union City.

LAZZA NAMED NEW DIRECTOR OF LOCAL GOVERNMENT SERVICES

Community Affairs Commissioner Lawrence F. Kramer announced the promotion of John F. Laezza Jr. of Cranford to director of the Department's Division of Local Government Services.

Laezza, 41, had served as deputy director of the Division since joining the Department in 1970. He succeeds Joseph N. Ehret Jr., who has assumed one of the Department's three Assistant Commissioner posts. Laezza's new salary is \$25,142.

Kramer said that Laezza brings to his new post "an invaluable combination of experience in business and government which will be of great benefit to the Division of Local Government Services".

Prior to entering State service, Laezza served for two and a half years as both clerk and administration and finance director of Cranford Township. Earlier he was self-

employed as a certified public accountant and registered municipal accountant. He is also licensed as a public school accountant.

Laezza served as an associate and manager of accounts from 1958 to 1967 for the accounting firm of Weber, Borrelli and Malone, New Brunswick. Prior to that he was employed as an accountant by Joseph J. Seaman and Company, Perth Amboy.

Laezza earned his B.S. degree in commerce from Rider College in 1952 and is currently enrolled in a masters program in public administration.

Married and with three girls, the family lives at 361 East Lincoln Avenue, Cranford.

DR. SCHOENWALD APPOINTED FIRST PUC EXECUTIVE DIRECTOR

Dr. Arthur A. Schoenwald of East Brunswick was appointed Sept. 1 as the first Executive Director of the State Department of Public Utilities at a salary of \$26,459.

The official announcement stated: "Dr. Schoenwald will coordinate the legal, administrative and functional activities of the Department and supervise the work of the Deputy Director, the Chief Officer and Chief Counsel. He will translate the decision-making and policy development of the Board into actual operational activities. He will serve as the alter ego of the Board, interpreting policy for the functioning of staff work."

The new top executive, who is 32, majored in accounting at City College of New York's Baruch School of Business and was graduated cum laude with a bachelor of business administration. He holds a 1962 master of business administration from the University of Chicago and a 1968 doctor of business administration from Harvard University.

He had been associated with the Rutgers University Graduate School of Business Administration since 1967, first as an assistant professor and most recently associate professor. He served the New Jersey PUC as an expert consultant on questions of cost of capital and fair rate of return in the Princeton Water, Garden State Water and New Jersey Water rate cases. He also was an "expert witness" for intervenors in several rate matters before the PUC.

In announcing the appointment, William E. Ozzard, PUC President, commented: "Current economic conditions have led to an unprecedented number of utilities requesting an unprecedented amount of rate relief and financing approvals. This trend is expected to continue for the foreseeable future. It was therefore imperative that this Board appoint as Executive Director a person whose knowledge and experience in rate-making and financing is of the highest possible calibre.

"Dr. Schoenwald will complete a top administrative staff that is a blend of youth and experience, with technical, legal and administrative skills in utilities regulation."

The new post was provided for in a Department reorganization plan adopted earlier this year, Ozzard noted.

Dr. Schoenwald lives with his wife and two children on Grace Road, East Brunswick.

OZZARD ELECTED PRESIDENT OF MAJOR PUBLIC UTILITY GROUP

William E. Ozzard, President of the New Jersey Public Utilities Commission, was recently elected President of the Great Lakes Conference of Public Utilities Commissioners. The Great Lakes Conference is one of five regional groups within the National Association of Regulatory Commissioners.

