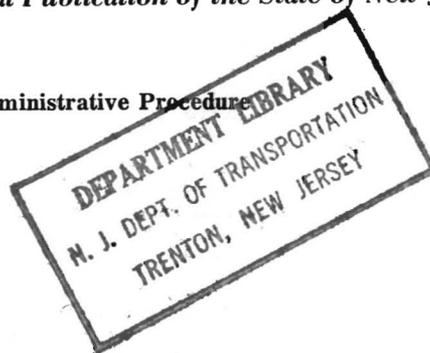


# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

WILLIAM T. CAHILL, Governor  
Albert E. Bonacci, Director of Administrative Procedures  
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**VOLUME 4 • NUMBER 11**  
Nov. 9, 1972 • Indexed 4 N.J.R. 257-296  
Published monthly • Trenton, New Jersey

CHIEF-BUREAU OF  
SURFACE DESIGN  
DEPT OF TRANSPORTATION  
1035 PARKWAY AVE  
TRENTON N J 08625

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(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### DIVISION OF ANIMAL HEALTH

##### Proposed Revisions to Quarantine Rules Concerning Brucellosis Reactors

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.22, proposes to revise the quarantine rules concerning Brucellosis reactors. Such revisions will be included in N.J.A.C. 2:2-2.13.

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

2:2-2.13 Conditions for quarantine release

(a) A herd quarantined for brucellosis shall remain under quarantine until the following conditions have been met, at which time a written release from quarantine shall be issued;

1. The reactor or reactors have been sent to slaughter.
2. The barn or barns and stable area have been thoroughly cleaned and disinfected.
3. The herd has passed at least [two] **three** consecutive [clean] **negative** tests. The first test shall not be conducted less than 30 days after the reactor or reactors are removed for slaughter. The second test shall not be conducted less than [60] **30** days after the first [clean] **negative** test. **The third retest shall be conducted not less than 60 days after the second negative test.**
4. The New Jersey Department of Agriculture is satisfied that the aforementioned conditions have been met and that the infection no longer exists.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before November 30, 1972, to:

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

The State Board of Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt

these revisions substantially as proposed without further notice.

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

##### Proposed Revisions On Supplying Of Equipment to Customers

W. W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq., proposes to revise the rules concerning the supplying of equipment to customers by licensees of the Division by rescinding or deleting in their entirety Subchapters 2 and 3 of Chapter 53 in Title 2 of the New Jersey Administrative Code and adopting in place thereof a new Subchapter 2 in Chapter 53.

Full text of the proposed Subchapter 2 follows:

#### SUBCHAPTER 2 ACCEPTING, LOANING, RENTING AND SELLING OF REFRIGERATION EQUIPMENT

##### 2:53-2.1 Gifts, loans, rentals and sales of equipment

(a) It shall be unlawful for any licensee to offer to give or lend or sell or to give or lend or sell any refrigeration equipment to any customer served or solicited to be served by the licensee; and it shall be unlawful for any licensee to receive the benefit of such gift or loan or sale except as follows:

i. A licensee may supply refrigeration equipment for the storage or display of milk to a store customer (including schools and institutions) provided a rental fee is charged and received for all equipment placed in stores after October 1, 1972, as follows:

i. On new equipment and on used equipment less than 60 months old, an annual rental charge of not less than 20 per cent of the cost of the equipment plus two per cent of its cost as an annual service charge until such equipment reaches an age of 60 months. In determining the cost of the equipment the licensee shall include the invoice cost, plus freight charges, plus handling and installation cost which shall be presumed to be not less than ten per cent of the invoice cost. After such equipment is 60 months

## 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.*

old the rate of rental may be reduced to four per cent of cost plus two per cent of its cost as an annual service charge.

ii. On used equipment which is more than 60 months old, a rental charge of not less than four per cent of the cost plus two per cent of its cost as an annual service charge. Cost as used in this paragraph shall be invoice cost, plus freight, plus current handling and installation cost which shall be presumed to be not less than ten per cent of the invoice cost.

iii. Payments as provided in paragraph 1 and 2 above may be collected annually or monthly and must be billed in advance. Schools and institutions purchasing milk on competitive bids shall be considered a new account at the beginning of each contract period.

2. The licensee may sell refrigeration equipment for the storage and display of milk to a store customer (including schools and institutions) as follows:

i. New equipment may be sold to a store account by a licensee for cash or on time payment at not less than the cost of the equipment to the licensee. Cost shall be as defined in subparagraph i above.

ii. Used equipment may be sold to a store at not less than the depreciated value of such equipment at the time of sale, subject to the following limitations:

(1) The rate of depreciation may not exceed 20 per cent per year.

(2) The price shall not be lower than a reasonable salvage value and in no case shall the sale price be less than ten per cent of the original cost except on specific approval by the Division of Dairy Industry.

(3) The installation cost shall be paid by the store purchasing same and if installed by the licensee such installation cost shall be presumed to be not less than ten per cent of the original invoice cost of the equipment, except that installation cost may be waived on used equipment which has been in place for one year or longer prior to the sale.

iii. If new or used equipment is sold on a time payment basis, the charge shall include interest at not less than six per cent per year on the unpaid balance at the beginning of each year, with payments including interest to be spread evenly over a maximum period of not more than three years on used equipment and five years on new equipment.

iv. Stores purchasing either new or used equipment shall be responsible for paying repair and maintenance costs for such equipment. The licensee selling the equipment to the store shall not make such repairs or maintenance unless charges are made to the store at not less than comparable charges by competitive commercial firms for both parts and service.

#### 2:53-2.2 Supplying of equipment and limitation on use

(a) A licensee may supply refrigeration equipment to stores for storage of milk and milk products when the equipment is installed for the convenience of the dealer or subdealer licensee. Such equipment shall include only storage boxes not to be used to display milk and milk products, but may include milk and cream dispensers used to dispense milk and cream to customers from bulk containers for consumption on the premises where sold and shall not be used by the store for storage of any products except those distributed by the licensee supplying the box(es).

(b) Also, dealer or subdealer licensees who distribute ice cream and other frozen dairy products (in addition to milk and milk products) may supply freezer refrigeration equipment for the storage and display of such products, but

such equipment shall not be used by the store for any products except those distributed by the licensee supplying the equipment.

#### 2:53-2.3 Filing of rental contract, bill of sale or sales contract

(a) Licensees renting or selling refrigeration equipment to a customer pursuant to this regulation shall file a copy of the rental contract or bill of sale or sales contract with the Division of Dairy Industry not later than ten days after the date of installation.

(b) The rental contract or bill of sale or sales contract shall show, as a minimum, the name and address of the customer, description of equipment including the manufacturer and the manufacturer's serial number, location of equipment, the invoice cost of the equipment, freight charges, handling and installation cost, monthly rental or purchase payments and the signature of both parties including trade name and license number if applicable.

#### 2:53-2.4 Records of equipment rental income and purchase payments

(a) The dealer or subdealer licensee shall maintain adequate and accurate records of equipment rental income and receipts from the sale of equipment.

(b) These records must be maintained in such detail as to permit the amounts to be traced through the income and cash records and accounts of the dealer or subdealer.

(c) The store licensee shall maintain adequate and accurate records of rental payments and the payments for purchase of equipment from other licensees of the Division.

(d) These records must be maintained in such detail as to permit the tracing of the payments through the expense and capital equipment accounts of the store.

#### 2:53.2.5 Identifying of equipment

(a) A licensee supplying refrigeration equipment to stores shall cause the equipment to be clearly identified as the property of the licensee.

(b) Such identification may be painted on the equipment or placed on such equipment by decal or metal plate. The paint or decal must be in contrasting permanent colors, easily accessible to inspectors.

(c) Such identification shall be placed on all equipment in place by not later than 30 days after the effective date of this regulation.

(d) New installations shall be so identified not later than ten days after installation.

(e) Licensees shall replace mutilated or missing identification and any licensee receiving notice from the Division of Dairy Industry of mutilated or missing identification shall have ten days for replacement.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before November 30, 1972 to:

Woodson W. Moffett Jr., Director  
Division of Dairy Industry  
New Jersey Department of Agriculture  
P.O. Box 1999  
Trenton, New Jersey 08625  
Telephone: (609) 292-5646

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

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

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Revisions to Rules On Hog Cholera Indemnity Payments

On September 26, 1972, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 to 4:5-17 and 4:5-106.1 to 4:5-106.20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:2-4.34 concerning rules on hog cholera indemnity payments, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 178(a).

An order adopting these revisions was filed and effective September 27, 1972, as R.1972 d.191.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Rules Establishing Procedures for Determining Percentage of Milk or Cream

On September 26, 1972, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:12-41.15 and 4:12-41.25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted N.J.A.C. 2:48-5.4 concerning the establishment of procedures for determining the percentage of milk or cream, as proposed in the Notice published August 10, 1972 at 4 N.J.R. 179(a).

An order adopting this rule was filed September 27, 1972, as R.1972 d.192 to become effective September 28, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Revisions to Commercial Values Rules

On September 26, 1972, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.33 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:69-1.11 concerning commercial values, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 179(c).

An order adopting these revisions was filed September 27, 1972, as R.1972 d.193 to become effective September 28, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Recission of Regulations Concerning Grade and Standards of Milk and Cream

On September 26, 1972, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-3, 4:10-6 and 4:10-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, rescinded in their entirety N.J.A.C. 2:31-1.1 through 2:31-1.12 which concerned grades and standards of milk and cream, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 179(b).

An order rescinding these rules was filed and effective September 27, 1972, as R.1972 d.194.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Release of Swine Embargo in New Jersey

On October 23, 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 the release of the swine embargo in New Jersey which was effective September 14, 1972.

Full text of the emergency rule follows:

2:5-1.7(c) The recent embargo of September 14, 1972, on importation of feeder swine into New Jersey is hereby rescinded. Feeder swine may now be imported into New Jersey from any area that is not under a State or Federal quarantine for hog cholera effective October 25, 1972.

An order adopting this rule was filed and effective October 25, 1972, as R.1972 d.208 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(f)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Proposed Rules On Uniform Standards Code for Mobile Homes

Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of L.1972 c.148, proposes to adopt the Uniform Standards Code for Mobile Homes and rules for the implementation thereof. Such code is the

Standards Code promulgated by the American National Standards Institute and identified as ANSI A119.1.

Such rules, if adopted, will appear in Subtitle B of Title 5 in the New Jersey Administrative Code.

The code and rules concern the protection of the health and safety of the public against dangers inherent in the use of substandard design and construction and unsafe plumbing, electrical and heating systems in mobile homes sold in New Jersey.

A copy of the complete text of the proposed rules is available upon written request to:

Director  
Division of Housing and Urban Renewal  
Post Office Box 2768  
Trenton, New Jersey 08625

A public hearing on the proposed action will be held at 9:30 A.M., Monday, November 27, 1972, in the New Jersey State Museum, Cultural Center Auditorium, West State Street, Trenton, New Jersey. Interested persons may present statements relevant to the proposed action at that hearing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before December 7, 1972, to the Division of Housing and Urban Renewal at the above address.

The Department of Community Affairs, upon its own motion 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)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Revisions to Relocation Assistance Rules

On September 20, 1972, Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 20:4-1 et seq. and 52:31B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning relocations assistance, substantially as proposed in the Notice published June 8, 1972, at 4 N.J.R. 116(c), with only inconsequential structural or language changes, in the opinion of the Department of Community Affairs.

Such revisions will be included in Chapter 11 of Title 5 in the New Jersey Administrative Code. An order adopting these revisions was filed and effective September 26, 1972, as R.1972 d.190.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Revisions to Rules on Safety Glazing Materials

On September 25, 1972, Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 51:12-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 5:19-1.7 (Standards) concerning safety glazing materials, substantially as proposed in the Notice published September 7, 1972, at 4 N.J.R. 211(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The essence of the substantive change on the adopted rules was to change the size of the individual glazed area regarding exit and entrance doors to now read that such an area should be over six square feet.

An order adopting these revisions was filed and effective September 27, 1972, as R.1972 d.196.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Revisions to Rules Concerning Constructions and Maintenance of Hotels and Multiple Dwellings

On September 25, 1972, Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:27-21 and 55:13A-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the construction and maintenance of hotels and multiple dwellings, substantially as proposed in the Notice published September 7, 1972, at 4 N.J.R. 212(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The essence of the substantive change in the adopted rule concerns the size of the individual glazed area regarding exit and entrance doors. The adopted rule states that the size should be over six square feet rather than the description previously proposed.

These revisions will be included in Table 9.1 appearing in N.J.A.C. 5:10-9.9.

An order adopting these revisions was filed and effective September 27, 1972, as R.1972 d.197.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules for County Boards of Special Services

On September 20, 1972, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:46-29 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning county boards of special services, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 156(a).

Such rules may be cited as N.J.A.C. 6:28-4.1 et seq.

An order adopting these rules was filed and effective September 22, 1972, as R.1972 d.185.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Emergency Aid Under State Library Assistance Program

On September 20, 1972, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:74-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on emergency aid under the State library assistance program, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 155(a).

Such rules may be cited as N.J.A.C. 6:68-3.1 et seq.

An order adopting these rules was filed and effective September 22, 1972, as R.1972 d.186.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Statewide Assessment of Students

On September 20, 1972, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on statewide assessment of students, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 183(b).

Such rules may be cited as N.J.A.C. 6:39-1.1 et seq.

An order adopting these rules was filed and effective September 22, 1972, as R.1972 d.187.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Identification, and Driver Seat Belts on School Buses

On September 20, 1972, 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. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on identification and driver seat belts on school buses, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 183(a).

Such rules may be cited as N.J.A.C. 6:21-6.20(f) and 6:21-11.5.

An order adopting these rules was filed and effective September 22, 1972, as R.1972 d.188.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions to Rules on Teacher Education and Certification

On September 20, 1972, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules on teacher education and certification, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 154(b).

Such rules may be cited as N.J.A.C. 6:11-1.1 et seq.

An order adopting these rules was filed and effective September 22, 1972, as R.1972 d.189.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(f)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Emergency Rules on Nonpublic School Secular Education

On October 20, 1972, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:58-59 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning nonpublic school secular education.

Such rules will be included in portions of Subchapter 1 of Chapter 8 in Title 6 of the New Jersey Administrative Code.

Full text of the revised rules follows:

6:8-1.2(f) Auxiliary services as defined herein shall be limited to those which are currently provided to the students of the public school district in which the nonpublic

school is located. Such services are to be provided on the basis of mutually satisfactory arrangements between the nonpublic school and the local board of education. Both the nonpublic school and the local board of education shall make good faith efforts to reach these mutually satisfactory arrangements. Except for reasons beyond its control, the local public school board of education shall provide eligible auxiliary services as defined herein if requested by the nonpublic school. Such eligible auxiliary services provided to the nonpublic school shall be equivalent to, and under conditions similar to, those provided in the local public school. If requested services cannot be provided, the local public school board shall give the reasons. Personnel providing such services must:

1. Be employees of the board of education at the time the services are provided;
2. Be certified by the State Board of Examiners if such certification is required of similar personnel assigned to public schools;
3. Be under the supervision of the local board of education.

(g) The request for authorization to acquire auxiliary services shall be accompanied by a statement signed by a responsible official of the board of education indicating agreement to provide auxiliary services and the terms and conditions of such agreement. Payments for auxiliary services shall be made directly to the board of education providing such services.

#### 6:8-1.3 Definitions

"Auxiliary services" shall be defined as nonadministrative services provided by personnel other than regular classroom teachers, school librarians, principals or other supervisory personnel to students whose special needs are not met in a standard or regular school program. Auxiliary services are limited to services, usually described as, or similar to, the following:

1. Remedial and corrective instruction and diagnostic services in reading and mathematics;
2. Corrective instruction in speech;
3. Adaptive or corrective instruction in physical education;
4. Guidance counseling and testing services;
5. Psychological testing and diagnostic services;
6. School nursing and health services.

"Equipment" means mobile or portable articles which are particularly appropriate for use in providing education in academic subjects in an elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning secular nonideological subjects. The term excludes such items as general purpose furniture, radio or television broadcasting apparatus and school public address systems. Equipment consists of, but is not limited to, the following items:

1. Projectors—film, filmstrip, slide, and the like;
2. Projectors—overhead, opaque;
3. Viewers—filmstrip, slide;
4. Television receivers;
5. Record players—disc, tape;
6. Tape recorders—audio and video;
7. Radio receivers;
8. Portable listening stations;
9. Portable projection screens;
10. Cameras—movie, still, video;
11. Micro—reader and/or printer;
12. Copying and/or duplicating machines;
13. Typewriters;
14. Transcribing-recording apparatus;
15. Microscopes;
16. Reading accelerators;
17. Tachistoscopes;

18. Various apparatus and equipment used for instruction in science and math, physical education, art, music, industrial arts, home economics, and business and commercial subjects. Excluded are any items of equipment, whether listed above or not, used for any purpose other than instruction in a classroom. Excluded also are any items of equipment which are not portable and which require permanent installation.

"Instructional materials" means those items which, with reasonable care and use, may be expected to last for more than one year and are suitable for and are to be used in providing education in secular nonideological subjects in a nonpublic elementary or secondary school. The term includes such items as tapes and discs, slides and transparencies, films and filmstrips, books, pamphlets and periodicals and other printed and published materials such as maps, globes and charts. The term also includes models, graphic materials, materials for duplication, microfilm, instructional kits, and programmed materials. The term does not include textbooks (as defined in paragraph j).

"Supplies" means those articles which are appropriate for use in providing education in an elementary or secondary school and which are ordinarily consumed in use by students, including but not limited to such items as pencils, paper, paints, crayons, chemicals, and special supplies used for instruction in home economics, industrial arts, and the like. Excluded are supplies such as role books, marking books, registers, pencil sharpeners, duplicating fluid, and the like which are used primarily for classroom administration or management rather than for instruction.

An order adopting these rules was filed and effective October 20, 1972, as R.1972 d.207 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF WATER RESOURCES

#### Proposed Standard Specifications For Sealing Abandoned Wells

Charles M. Pike, Director of the Division of Water Resources in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 58:4A-4.1, proposes to adopt new rules concerning the standard specifications for sealing abandoned wells.

Such rules, if adopted, will be included in Subtitle D of Title 7 in the New Jersey Administrative Code.

Full text of the proposed rules follows:

#### General

1. The filling and sealing of an abandoned well in accordance with the following specifications will be accepted as in compliance with the provisions of N.J.S.A. 58:4A-4.1. A well may not be sealed by a proposed alternate method unless first approved in writing by the Bureau of Water Control of the Division of Water Resources.

2. A well may not be filled and sealed unless and until the qualifications and experience of the contractor proposed to do the work is first approved in writing by the Bureau of Water Control of the Division.

3. The use of dynamite in well-sealing operations is

expressly prohibited unless authorized in writing by the Bureau of Water Control of the Division.

4. An abandoned well which has already been affected by salt water intrusion or any other contaminants shall be considered a special case, and the method of filling and sealing such well shall be subject to individual review and written approval by the Bureau of Water Control of the Division.

5. In the case of a double- or multiple-cased well to be sealed, the contractor shall submit a drawing thereof with description of the proposed procedure and materials to be used, for prior approval by the Bureau of Water Control of the Division.

#### I. Single-cased wells, including rock wells

A. Wells drilled to the first water bearing formation.

1. Clear well of pump, pipe, and all other obstructions.

2. Regarding rock wells, that portion of a well which is uncased in rock shall be filled only with coarse gravel or crushed stone extending not more than two feet above the bottom of the cased portion and sealed off with an impermeable plug of sterilized packing material. The cased portion thereof shall be filled and sealed with clay or cement slurry weighing not less than 14 pounds per gallon, which shall be introduced under pressure through a pipe discharging at the bottom of the space to be filled in order to prevent dilution of the slurry.

3a. Regarding sand wells, the casing and the screen shall be filled with a clay slurry weighing not less than 14 pounds per gallon, which shall be introduced under pressure through a pipe discharging at the bottom of the space to be filled in order to prevent dilution of the slurry.

b. The clay slurry must be sterilized with chlorine prior to its introduction into the space being filled.

c. If preferred, in large diameter wells the casing and the screen may be filled with dry clay free of lumps larger than 3/4-inch in diameter, in lifts not higher than five feet, and each lift tamped with a drill bit.

4. The top of the well casing shall be closed, after inspection to insure satisfactory consolidation of the material used for filling the well casing, with a wooden plug cut flush with the casing or with a welded metal plate.

5. The closed top of the well casing shall then be covered with a concrete slab at least 6 inches thick and with a radius of at least 2 feet, to prevent the entrance of surface contamination.

B. Wells drilled to below the first water-bearing formation.

1. No sand or gravel filling shall be used except in uncased rock. Otherwise the procedure to be followed is identical with that described under Section A above. Special effort must be made to secure a tight seal at the level of the confining bed between any two water bearing strata.

#### II. Double- or multiple-cased wells

A. Wells drilled to the first water-bearing formation where salt water intrusion is not a consideration.

1. Clear well of pump, pipe, and all other obstructions and where possible remove all inner casings.

2. Procedure to be followed shall be that described under Section I, A, above.

B. Wells drilled to below the first water-bearing formation where salt water intrusion is imminent or where contamination is possible by interconnection of two or more fresh water aquifers.

1. Clear well of pump, pipe, and all other obstructions and where possible remove all inner casings.

2. The screen shall be filled with coarse gravel and its surrounding gravel pack, if any, shall be filled and sealed with chemical grout under pressure in two stages. First,

the bottom three-quarters of the screened length is grouted and is allowed to set. Grout is then introduced into the remaining section of screen and at least five feet up into the annular space between casings. After sufficient time is allowed for this stage to set, the entire casing and the annular space between casings shall be filled with a clay slurry weighing not less than 14 pounds per gallon, which shall be introduced under pressure through a pipe or pipes discharging at the bottom of the spaces to be filled in order to prevent dilution of the slurry. Said clay slurry must be sterilized with chlorine prior to its introduction into spaces being filled.

3. The top of the well casing shall be closed, after inspection to insure satisfactory consolidation of the material used for filling the well casing, with a wooden plug cut flush with the casing or with a welded metal plate.

4. The closed top of the well casing shall then be covered with a concrete slab at least six inches thick and with a radius of at least two feet to prevent the entrance of surface contamination.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to:

Division of Water Resources  
Department of Environmental Protection  
Post Office Box 1390  
Trenton, New Jersey 08625

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

Director, Division of Water Resources  
Department of Environmental Protection  
Charles M. Pike

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Amendment to 1972-73 Game Code

On October 25, 1972, 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. 13:1B-30 et seq. and 23:4-38.2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the 1972-73 Game Code, substantially as proposed in the Notice published October 5, 1972, at 4 N.J.R. 232(b).

Full text of the adopted amendment follows (changes from the proposal indicated in boldface thus):

7:25-5.24 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 normal high tide.

(b) Conibear or other killing type traps set in non-tidal streams, ponds or lakes must be completely covered by water when the water is at normal level.

An order adopting this amendment was filed October 26, 1972, as R.1972 d.211, to become effective November 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Amendment to Restrictions on Manasquan River

On October 10, 1972, 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. 13:1B-30 et seq. and in accordance with applicable provisions of the Administration Procedure Act of 1968, adopted amendments to the Game Code concerning restrictions on the Manasquan River, as proposed in the Notice published September 7, 1972, at 4 N.J.R. 213(b).

Such amendment may be cited as N.J.A.C. 7:25-5.24.

An order adopting this amendment was filed and effective October 13, 1972, as R.1972 d.202.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Condemnation of Certain Shellfish Beds in Parker Run

On September 21, 1972, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 24:2-1 and 24:14-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule condemning certain shellfish beds in the Parker Run area. The effect of this rule is to condemn the waters therein described for the taking of shellfish.

Full text of the new rule follows:

7:25-7.1(a)38. Parker Run: All of Parker Run and its tributaries west (upstream) from a straight line across the creek between the peak of Ocean County pavillon (shelter) on the north bank and navigational aid flashing green #1 on the south bank.

An order adopting this rule was filed and effective October 13, 1972, as R.1972 d.203 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## HEALTH

### PUBLIC HEALTH COUNCIL

#### Proposed Revisions to Administrative Manual and Certified Health Services

Dr. James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15, proposes to revise a portion of the rules concerning the administrative manual and certified health services currently included in Chapter 48 of Title 8 of the New Jersey Administrative Code.

Such proposed revisions concern audits, contracting of nursing services, eligibility, potential participants, contract assistance, administrative apparatus, conduct of programs of health services for seasonal agricultural workers, surveillance of food establishments, sanitation in institutions and other health services.

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

John Harrison, Director  
Health Aid Services  
Division of Community Health Services  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to the Department of Health at the above address.

The Public Health Council, 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

(d)

## HEALTH

### THE COMMISSIONER

#### Guidelines Concerning Public Review Of Health Facility Inspection Reports

On September 28, 1972, Dr. James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning guidelines for the public review of health facility inspection reports.

This rule will constitute Subchapter 13 of Chapter 30 in Title 8 of the New Jersey Administrative Code.

Full text of the adopted rule follows:

#### SUBCHAPTER 13 RECORD REVIEW

8:30-13.1 Guidelines for public review of inspection reports

(a) Effective September 28, 1972, all State health facility inspection reports will be made available for public review under the following guidelines:

1. Only health facility evaluation reports completed after September 28, 1972 will be made available to the public.
2. All requests for copies of such reports must be made in writing to:

N.J. Department of Health  
Division of Health Facilities  
P.O. Box 1540  
Trenton, New Jersey 08625

3. No report will be made public until all aspects of the inspection process have been completed.

An order adopting this rule was filed October 13, 1972, as R.1972 d.204 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

# HEALTH

## THE COMMISSIONER

### Procedure Rule On Refund of Fees

On October 17, 1972, Dr. James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule concerning the refund of fees less than one dollar.

This rule may be cited as N.J.A.C. 8:2-2.1.

Full text of the new rule follows:

#### SUBCHAPTER 2. FEES

##### 8:2-2.1 Refund of fees; excess payment

In the instance of individuals forwarding funds in excess of those fees specified in N.J.S.A. 26:8-40.1, 26:8-61, 26:8-62, 26:8-64 and 2A:52-4 (Vital Statistics), the New Jersey State Department of Health, as of December 1, 1972, will discontinue making refunds of one dollar or less.

An order adopting this rule was filed October 19, 1972, as R.1972 d.206 to become effective December 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

# HEALTH

## THE COMMISSIONER

### PUBLIC HEALTH COUNCIL

#### Rules On Public Posting of Food Establishment Reports

On October 25, 1972, Dr. James R. Cowan, Commissioner of Health, and Dr. Harry J. Robinson, Chairman of the Public Health Council, pursuant to authority of N.J.S.A. 24:2-1 and 26:1A-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the public posting of food establishment reports, substantially as proposed in the Notice published September 7, 1972, at 4 N.J.R. 215(a).

Full text of the adopted rules follows (changes from the proposed rules indicated in boldface thus):

##### 8:21-2.35 Public posting of inspection reports

(a) The operator of every food establishment shall post on forms approved by the New Jersey State Department of Health the most recent inspection report, subsequent to December 15, 1972, the effective date of this regulation, made by a licensed municipal, county, regional, or state health department employee.

(b) Each such report shall be presented to the owner or manager of the establishment inspected at the completion of each inspection by the inspector, with instructions that such report shall be posted in a conspicuous place near the public entrance of the establishment in such manner that the public may review the report.

(c) The detailed supporting data serving as the basis of each inspection report shall be maintained by the operator of each food establishment on the premises for review by the public.

Authority  
N.J.S.A. 24:2-1

##### 8:21-2.36 Public availability of inspection records

Records of inspections of food establishments subsequent to December 15, 1972, the effective date of this regulation, shall be made available to the public.

Authority  
N.J.S.A. 24:2-1

##### 8:24-9.8 Public posting of inspection reports

(a) The operator of every food establishment shall post on forms approved by the New Jersey State Department of Health the most recent inspection report, subsequent to December 15, 1972, the effective date of this regulation, made by a licensed municipal, county, regional, or state health department employee.

(b) Each such report shall be presented to the owner or manager of the establishment inspected at the completion of each inspection by the inspector, with instructions that such report shall be posted in a conspicuous place near the public entrance of the establishment in such manner that the public may review the report.

(c) The detailed supporting data serving as the basis of each inspection report shall be maintained by the operator of each food establishment on the premises for review by the public.

Authority  
N.J.S.A. 26:1A-7

##### 8:24-9.9 Public availability of inspection records

Records of inspections of food establishments subsequent to December 15, 1972, the effective date of this regulation, shall be made available to the public.

Authority  
N.J.S.A. 26:1A-7

An order adopting these rules was filed October 25, 1972, as R.1972 d.209, to become effective December 15, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

# HIGHER EDUCATION

## BOARD OF HIGHER EDUCATION

### Procedure and Regulations to Implement Provisions Of Independent Colleges Utilization Act

On September 28, 1972, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the State Board of Higher Education, pursuant to authority of New Jersey Senate Bill 865 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a manual of administrative procedures and regulations to implement the provisions of the Independent Colleges and Universities Utilization Act, substantially as proposed in the Notice published September 7, 1972, at 4 N.J.R. 216(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Higher Education.

Full text of the Sections affected by the changes follows:

##### 9:14-2.2 General Provisions

In order to encourage and assist eligible independent institutions in the recruitment and education of students, who are New Jersey residents and who have been determined as needing financial assistance, the Board of Higher Education, subject to the availability of appropriations,

is authorized to contract with eligible institutions to provide educational services to such New Jersey undergraduate students and to pay to such eligible institutions a sum of up to \$300.00 annually (depending upon the total dollars available and the number of eligible requests) for each New Jersey student who was enrolled in the previous academic year and was a recipient of State financial aid, exclusive of loans, or of aid administered by such institutions totaling \$1,000 or more exclusive of loans.

#### 9:14-2.5 Distribution and Payment

(a) The Department, after review of the required reporting forms, shall authorize payment to each eligible institution. In the event that the appropriations available for contracts under this Section are not sufficient to provide the maximum per student amount allowed under this Section, amounts paid to each eligible institution shall be in the same ratio to the total funds available as the number of eligible students at the institution bears to the total number of eligible students at all institutions.

(b) The Department may pay up to 80 per cent of the funds tentatively allotted to each institution under this Section pending final audited reports, such payments to be made as soon as reasonably possible.

(c) The final audited report of qualified students shall be submitted to the Department on or about October 15 of each year for the previous academic year, and the Department shall pay the balance of the funds due to the institution as soon as reasonably possible after receipt of the final audited reports from all contracting institutions.

(d) Payment pursuant to this Section is independent of payment eligibility for other Sections of the Act.

#### 9:14-3.3 Optimum Enrollment

(a) An eligible institution will be considered to have achieved optimum enrollment if at any time during the term of the contract its net assignable square feet of instructional space (NASF) per full-time student (graduate and undergraduate) is equal to or less than the following:

1. For institutions without a graduate program (less than or equal to 150 full-time students in graduate programs) 24 NASF/Full-time Student;
2. For institutions with a graduate program (more than 150 full-time students in graduate programs) 29 NASF/FTS;
3. For schools of engineering 62 NASF/FTS;
4. For national universities with at least four doctoral programs (Ph.D. or Ed.D.) 39 NASF/FTS.

(b) Facilities space measurements shall be taken from the 1970 Heller Inventory Report (excluding space used primarily for the preparation or training of ministers and the like, until changed by appropriate additions, alterations and removal of buildings or usable space, which changes shall be reported to the Department by the annual HEGIS facilities report).

#### 9:14-3.4 Alternate Methods for Establishing Optimum Enrollment

(a) An eligible institution may request that its optimum enrollment be considered by the Board of Higher Education at a level different than that set in 9:14-3.3 in light of economics, physical plant constraints and the character or purpose of the institution.

(b) Such a request should be accompanied by a full explanation and a complete analysis of space utilization at the institution, using the Educational Facilities Information System (EFIS), a facilities inventory data processing system.

#### 9:14-3.8 Contract Performance Standards

(a) An institution whose enrollment of full-time under-

graduate students at any time falls below, (a) its optimum enrollment or (b) its projected contractual enrollment (whichever is lower) will have its contract reviewed by the Board of Higher Education.

(b) If the figure falls 15 per cent below the contracted figures or if the effective cost of education to a significant proportion of New Jersey students has not been lowered relative to the academic year prior to the signing of the contracts (adjusted for inflation), the contract will terminate.

(c) The Board may, at its option, choose to renegotiate such a contract.

#### 9:14-4.1 Contractual Arrangements

(a) The Board of Higher Education is "authorized to contract with eligible institutions for the provision of specialized graduate and professional programs where to do so would employ special resources of the independent institutions and would reduce or eliminate the need for the State to create or expand such programs at public institutions to meet an existing demand".

(b) The board of trustees of independent colleges and universities may submit proposals for contract support of specialized graduate and professional programs for which, in the opinion of the Board of Higher Education, there is a State need. The State will pay a negotiated amount for specific services rendered to New Jersey residents or for those programs which are judged to be appropriate and fulfill a State need.

#### 9:14-4.3 Contract Guidelines

(a) Where appropriate, the contract will specify:

1. The total number of new student places to be provided as well as the number of New Jersey residents to be served. Programs that include a substantial proportion of New Jersey residents will receive special consideration.
2. The cost of operating the program, including non-instructional costs and provisions for meeting the needs of financially-disadvantaged New Jersey residents.
3. Provisions for financing new equipment and required facilities.
4. Short-term costs which may result from under-utilization of facilities during the start-up phase of the program's operation.

(b) Proposals including format and deadlines must conform to the normal requirements of Program Approval Procedures of the Department of Higher Education.

(c) Multiple year contracts, contingent upon appropriations, as well as one year start-up grants are eligible for consideration.

(d) Existing programs may be funded for continuation or expansion if research and planning indicate a State need.

Such rules may be cited as N.J.A.C. 9:14-1.1 et seq.

An order adopting these rules was filed and effective September 28, 1972, as R.1972 d.199.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Manual of Administration Concerning Resources

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise Sections 2401.3 (Resources for

medical care and health services) and 2822. (Special Age—72 Benefits) of the Manual of Administration for the Division of Public Welfare.

Such revisions, if adopted, will appear in Chapter 81 of Title 10 of the New Jersey Administrative Code.

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

2401.3 Resources for Medical Care and Health Services

Medical care and health services are available to eligible persons only to the extent that other health benefits provided by law or through employment are not available.

a. Procedure for Identifying "Other Coverage"

The county welfare board shall identify on the eligibility MAP form the existence of "other coverage". (See 234. FAM)

"Other coverage" includes:

- 1) Blue Cross or other medical insurance, and
2) Health services available to a member of the armed forces and his dependents.

2822. Special Age-72 Benefits

.3 Amount of Benefit

a. Special Age-72 Benefits [\$48.30] \$58.00 per month for each eligible individual. In case a husband and wife living together are both individually entitled, the husband's benefit is [\$48.30] \$58.00 and the wife's is [\$24.20] \$29.00.

b. When an individual is covered for Supplementary Medical Insurance, the monthly premium will be deducted from the Special Age-72 Benefit. In such case, the monthly cash benefit payment for the individual would be [\$42.70] \$52.20. In the case of husband and wife both covered for SMI, the total monthly benefit would be [\$61.30] \$75.40. However, if the individual is a [welfare] Medicaid recipient and on the State Buy-In, he will receive his full benefit amount.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Emergency Revisions to Financial Assistance Manual Concerning Adult Categories

On September 26, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the Financial Assistance Manual regarding standards and procedures in the adult categories.

The full revised text of the portions of the Manual affected follows:

Section 114. In the OAA, DA and AB programs, two schedules apply, as follows:

a. Schedule III-A identifies the program eligibility standard and is used only to determine eligibility with respect to the "need" factor.

b. Schedule III-B identifies the public assistance allowance standards for eligible persons (other than those living in approved group facilities in accordance with Section 130 and those who are parents or parent-persons in an ADC or AFWF unit). This Schedule comprises a pre-calculated conversion table of the Standards in Schedule III-A when ratably reduced by 16.9 per cent for purposes of calculating entitlement to money payment.

Note: Section 115 outlining Schedule I (ADC Program) and Section 117 outlining Schedules for the OAA, DA and AB programs, are likewise revised, also as of October 1, 1972.

Section 201b(2). In the OAA, DA and AB programs, financial eligibility must be established first in accordance with Section 213. Total income shall be determined according to subsections d(1) through (4) below.

Section 201d(5). Enter appropriate public assistance allowance(s) from Schedule I, II or III-B; or

213. Program Eligibility in OAA, DA, and AB

In the OAA, DA, and AB programs, the Program Eligibility Standard (Schedule III-A) must be used to determine financial eligibility except for those persons who are parents or parent-persons in an ADC or AFWP unit.

a. All income available to the eligible unit (disregarding the first \$4.00 of each Social Security and Railroad Retirement benefit payment) shall be totaled and applied against the Program Eligibility Standard, Schedule III-A. Any deficit of whatever amount signifies financial eligibility. When the income is equal to or exceeds the Program Eligibility Standard, no eligibility exists.

b. The Income column of Part II on the PA-3A form shall be used to determine the Total Income for comparison with the Program Eligibility Standard. When financial eligibility has in fact been established, the Public Assistance Allowance column of Part II, Form PA-3A shall be completed in accordance with procedures for determining the amount, if any, of the monthly grant, Section 201.

c. Computations relating to the monthly grant may result in no adjusted allowance, and therefore no money payment; there is, however, eligibility for Medicaid in all cases in which financial eligibility has been established in accordance with subsection a. above.

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

An order adopting these revisions was filed September 27, 1972, as R.1972 d.195 (Exempt, Emergency Rule) to become effective October 1, 1972.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WORKS

Revised Rules On Fair Hearings

On October 25, 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 pro-

visions of the Administrative Procedure Act of 1968, adopted a mandatory rule concerning fair hearings necessitated by a recent judicial decision.

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

A summary of the newly revised rules follows, in question-and-answer format:

#### YOUR RIGHT TO A FAIR HEARING AND CONTINUED ASSISTANCE

If you are a person seeking or receiving assistance from any county welfare board and you are dissatisfied or in disagreement with any action or lack of action by your county welfare board, you have a right to ask for a Fair Hearing.

Some of the reasons why people request fair hearings are: (1) agency delays in accepting or reaching decisions on assistance applications; (2) a person believes that the amount of assistance he receives is incorrect or is not sufficient to meet his needs; (3) a person believes that a suspension of his assistance is not reasonable; (4) a person thinks that he is eligible for assistance and should receive it although his application has been denied or his assistance payment has been discontinued; or (5) a person is dissatisfied because his assistance is being given to someone else to control or spend for him.

#### What is a Fair Hearing?

A Fair Hearing is a hearing which is held before an official of the State Division of Public Welfare. That official is known as a hearing officer. The hearing officer will listen to all the reasons you have for complaining about the action or inaction of your county welfare board in your case. After hearing both sides he will make a report of the hearing and a decision will be made in your case.

#### When Can You Ask for a Fair Hearing?

When should the county welfare board act upon your application?

If it is reasonably possible, the county welfare board is expected to complete action within 30 days on applications for Assistance for the Blind, Assistance for Dependent Children, Medical Assistance for the Aged, and Old Age Assistance, and within 60 days for Disability Assistance.

If you are an applicant for assistance under any of these programs except Disability Assistance, you are entitled to receive notice on or before the end of 30 days regarding the final action taken on your application or be given an explanation if a further delay is unavoidable. If you are an applicant for Disability Assistance, you are entitled to the same notice or explanation on or before the end of 60 days.

How much time can you let go by before you ask for a Fair Hearing?

It is important for you to remember that a fair hearing must be requested within a reasonable time. A fair hearing request must be made within 90 days of the action or lack of action about which you are dissatisfied.

#### How Can You Ask For a Fair Hearing?

You can ask for a fair hearing either orally or in writing. Your request for a fair hearing should be made to your county welfare board, your caseworker, or the New Jersey Division of Public Welfare at the following address:

Department of Institutions and Agencies  
Division of Public Welfare  
P.O. Box 1627  
Trenton, New Jersey 08625

If you want help in making your request for a fair hear-

ing or for continuation of assistance, your county welfare board will give you help. Also, if you ever have any questions about your rights, you can go to your county welfare board, or write to the Division of Public Welfare at the above address.

If you want, you can have a friend, relative or a lawyer request a hearing on your behalf. You can also have what is called a "group hearing". Simply, if you and other recipients are complaining about the same policy issue or issues, you can ask that all be heard together.

Some of you may belong to a welfare rights organization. If you would like that organization to be able to request hearings on your behalf, be sure to advise your county welfare board in writing that the organization has your permission to make such a request for you.

If the organization to which you belong requests a hearing for you, and there is no record on file that you have given them permission to do so, the request will not be granted since there is no evidence that they have authority to speak for you.

#### Who Can Help in Presenting Your Case?

You may present your reasons and arguments yourself, or you can have somebody else do so. You have the right to have a lawyer present your case for you. If you wish to see a lawyer about presenting your case or requesting a fair hearing on your behalf, contact your neighborhood legal services office. The address and phone number will be provided on the notice of agency action which is mailed to you.

#### Can You Continue to Receive Assistance While Awaiting a Fair Hearing?

If you have been advised by your county welfare board or the State Division of Public Welfare that your financial or medical assistance is going to be suspended, reduced or terminated, you may have the right to continue receiving assistance at the same level until your case is decided through a fair hearing.

In order to have this right you must meet the following conditions:

(1) You cannot be receiving assistance under the program of Assistance to Families of the Working Poor or the program of Medical Assistance for the Aged.

(2) You must make your request for a fair hearing within 15 days from the mailing of the notice stating that your assistance is going to be suspended, reduced or terminated. Your request must be made either to your county welfare board or directly to the State Division of Public Welfare.

(3) Your complaint or disagreement with the notice to suspend, reduce or terminate your assistance must be based on what is called an "issue of fact or judgment". So, when you request a fair hearing and wish assistance to be continued, be sure to explain why you think the reasons on the notice are wrong. You will be helping yourself by showing why your assistance should be continued.

The two most important things to remember are:

(1) If you want your assistance continued you must request a fair hearing within 15 days from the date of the notice you receive, and

(2) If you decide you want a fair hearing even after 15 days, you must request it within 90 days of the date on which the action you complain about took place.

#### Other Actions You Can Take

There are other ways in which you can get your complaint heard besides applying for a fair hearing. You can ask to meet with your caseworker or supervisor. You can, if you want, complain to the State Division of Public Wel-

fare. Your complaint will be given prompt and courteous attention.

You should understand, however, that you can use these more informal methods of having your complaints adjusted without prejudicing your right to a fair hearing, and even after you have requested a fair hearing.

You must make sure, however, if you decide to use these informal methods for settling your complaint, that you do not allow more than 90 days to go by from the date of your complaint without requesting a fair hearing. Remember that after 90 days you may not have the right to a fair hearing.

You should also remember that if you let more than 15 days pass from the date of the notice before you request a fair hearing, you will not receive continuation of assistance.

An order adopting these rules was filed and effective October 26, 1972, as R.1972 d.213 (Exempt, Mandatory Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules On Implementation Of Automobile Reparation Reform Act

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt new rules concerning the implementation of N.J.S.A. 39:6A-1 et seq., the New Jersey Automobile Reparation Reform Act.

Such rules will be included, if adopted, in Subchapter 6, Chapter 3 of Title 11 in the New Jersey Administrative Code.

Full text of the proposed rules follows:

(Note: All references to "Sections" in the following pertain to Sections in the Second Official Copy Reprint of Assembly Bill No. 667.)

#### SUBCHAPTER 6.

#### AUTOMOBILE REPARATION REFORM ACT

##### 11:3-6.1 Definitions

In Section 2, line 4C, the term "long-term contract" shall mean a written agreement or lease for not less than 12 months.

In Section 2, line 4A, the term "automobile" does not include motorcycles; the term does include vehicles used for family recreational purposes, such as campers and motor homes, except if such vehicles are customarily used:

1. In the occupation, profession or business of the insured; or
2. For the transportation of passengers other than members of the insured's family and guests.

Coverage shall not apply when such vehicles are located for use as residence or premises. Note: A commercial vehicle customarily used in business, when used occasionally to hold a camper body for personal recreational purposes, is not included in the definition of "automobile".

In Section 2G, "named insured" means the person(s) or the organization named in the declaration of the policy and, if an individual, shall include the spouse if a resident of the same household. Note: A person not owning an automobile but provided an automobile for his own use by

an organization may be afforded no-fault coverage by appropriate endorsement as though he owned an automobile.

In Section 4d, "survivors benefits" shall mean any unpaid medical expenses plus either the unpaid remaining portion of the maximum \$5,200 in the case of death of an income producer or the unpaid remaining portion of the maximum \$4,380 in the case of the death of a person performing essential services.

##### 11:3-6.2 Payments

(a) Under Section 5b and c, payments shall not be overdue where there is a charge pending which would make operative an exclusion in accordance with Section 7.

(b) If the injured party is found not guilty of such charge, benefits shall be overdue if not paid 30 days after the insurer is furnished written notice of the disposition of such charge.

##### 11:3-6.3 Minimum schedule of additional personal injury protection

(a) Appendix A outlines the minimum schedule of "additional personal injury protection" coverage benefits that insurers must make available in accordance with Section 10 of the Act. (Ed. Note: See bottom of next page.)

(b) In the Appendix A table, only five weekly indemnity schedules are shown, with a two-year benefit duration. It is believed that these ranges of benefits will meet the demand for this additional coverage in most cases.

(c) Consequently, at least for the initial period, it will be sufficient if your manuals exhibit these minimum benefit schedules with corresponding rates.

(d) However, benefits in excess of those set forth in Appendix A must be made available at the option of the named insured at reasonable intervals subject to the specific approval by the Commissioner, up to a maximum additional weekly loss of income benefit of \$35,000 per year, as well as reasonable essential service benefits, survivor benefits and funeral expense benefits, as required by Section 10 of the Act.

##### 11:3-6.4 Policy form or endorsement

The policy form or endorsement providing the personal injury protection benefits shall provide that Section 4 benefits shall be afforded by the insurer of the injured person.

##### 11:3-6.5 Reimbursable expenses

Expenses incurred under "essential services benefits" in Section 4 shall be reimbursable only if the injured person other than an income producer is unable to perform essential services as a result of bodily injury caused by an automobile accident and the substitute services are actually performed for a charge.

##### 11:3-6.6 Residual medical payments coverage

(a) Appropriate language shall be included in the policy form or the personal injury protection endorsement to add residual medical payments coverage, corresponding to Coverage C in the Family Automobile Policy to provide such coverage at a limit of \$1,000 per person on an excess basis over other collectible insurance and with a subrogation provision.

(b) With respect to insureds carrying medical payments coverage in excess of \$1,000 per person on policies remaining in force beyond January 1, 1973, a company may provide \$9,000 of additional medical payments coverage per person in addition to the \$1,000 limit included in the bodily injury coverage in accordance with the preceding paragraph.

(c) Appropriate rate filings for the Commissioner's approval will have to be made, and it is the Commissioner's present intention to approve a rate of no more than \$1.00 per car for the period of coverage of additional \$9,000.

11:3-6.7 Filings

(a) Filings to comply with the New Jersey Automobile Insurance Reparation Reform Act shall be submitted on or before November 15, 1972, as follows:

1. Bodily Injury Increased Limits Table: The present table in use by the rate filer shall be adjusted to a starting point of 15/30 by the usual actuarial method. If any table values are adjusted to obtain proper gradation, an appropriate explanation shall be included in the filing.

2. Bodily Injury Rates:

i. The present 10/20 bodily injury rates shall be reduced by 15 per cent to produce the rate reduction mandated by the Act, and the result shall be adjusted to a 15/30 basis to comply with the newly-required financial responsibility limits by application of the present 15/30 increased limits factor.

ii. It is required in Section 6 above that a residual medical payment coverage be included with the bodily injury coverage. This residual coverage will be applicable in the rare situations where an insured under the policy providing the P.I.P. coverage would not be able to obtain reimbursement for medical expenses, such as in the situation where he is injured while riding in a truck. It is noted that this coverage will be on an excess basis over other collectible insurance and the insurer will have the right of subrogation.

It is estimated that this exposure will be approximately five per cent of the exposure presented under the present medical payments coverage. The present average medical payment rate in the State of New Jersey amounts to approximately \$8.00. Five per cent of that amount would be \$0.40, which would be the appropriate charge for this reduced coverage.

iii. A charge for this medical payments coverage may be included in the bodily injury rate as follows: For companies that round their manual rate to the nearest dollar, the rate under subparagraph i. above may be rounded to the next higher dollar. Companies that round rates to other than whole dollar amounts shall modify this procedure appropriately and so explain in their rate filing.

iv. Each rate filer shall review all other rates in the manual related by formula to the private passenger bodily injury rate, and shall revise these rates for classifications affected by the P.I.P. provisions of the Act, and use for such adjustment the private passenger bodily injury rates developed in accordance with the above procedure.

v. It is also required that rates in the garage section of the manual for Hazard 1 be modified to reflect the 15 per cent reduction in the private passenger exposure. It is estimated that 70 per cent of the Hazard 1 garage bodily injury rate reflects the private passenger exposure, the remainder is attributed to the premises exposure which is not affected by the Act. In order to reflect the 15 per cent reduction in the bodily injury premium charge, the garage Hazard 1 bodily injury rate shall be reduced by 10.5 per cent. The minimum premium shall be adjusted by the same method that was used in the last rate filing approved for the rate filer in New Jersey.

vi. Bodily injury rates for classifications other than those referred to above shall be adjusted to a 15/30 basis by applying to the present rate the present factor for 15/30 coverage.

3. Additional Personal Injury Protection: Every rate filer shall submit a proposed schedule of rates to provide at least the benefit schedules set forth on Exhibit A.

4. Rules and Policy Forms: Rating organizations and independent filers shall file the appropriate policy forms or endorsements as well as the necessary manual rules for the implementation of this program.

Interested persons may present statements or arguments in writing relative to the proposed action on or before November 29, 1972, to:

Richard C. McDonough  
Commissioner of Insurance  
201 East State Street  
Trenton, New Jersey 08625

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

Richard C. McDonough  
Commissioner  
Department of Insurance

APPENDIX A

ADDITIONAL PERSONAL INJURY PROTECTION

	Maximum Additional Weekly Loss of Income Benefit			Maximum Additional Essential Services			
	During Period of Basic Benefits Payments(a)	After Period of Basic Benefits Payments(b)	Total Maximum Income Benefits	During Basic Payments	After Basic Payments	Total Max. E. Serv.	Death Bene. fits (c)
1.	\$ 0	\$100	\$ 5,200	\$0	\$12	\$ 4,380	\$10,000
2.	25	125	7,800	8	20	10,220	10,000
3.	75	175	13,000	8	20	10,220	10,000
4.	150	250	20,800	8	20	10,220	10,000
5.	300	400	36,400	8	20	10,220	10,000

NOTES TO TABLE

(a) Subject to 75 per cent of the amount of weekly income in excess of \$100.00 per week.

(b) Subject to 75 per cent of the total weekly income.

(c) Death benefit shall be payable provided death occurs within 90 days from date of accident.

GENERAL: Above schedules applicable to named insured as defined; limits apply per person, per accident. Broader forms of additional personal injury protection benefits are available on a "refer to company" basis. Nothing herein is intended to prohibit the marketing of additional coverage on a per-car basis.

(a)

# INSURANCE

## THE COMMISSIONER

### Rules On Identification Insurance Code

On September 29, 1972, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on identification insurance cards, as proposed in the Notice published September 7, 1972, at 4 N.J.R. 219(b).

Such rules may be cited as N.J.A.C. 11:3-6.1 et seq.

An order adopting these rules was filed and effective September 29, 1972, as R.1972 d.198.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

# LAW AND PUBLIC SAFETY

## DIVISION OF CONSUMER AFFAIRS

### STATE BOARD OF MEDICAL EXAMINERS

#### Proposed Rules On General Administrative Regulations

Anthony J. Balsamo, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt new rules concerning general administrative regulations.

Such rules, if adopted, will constitute new Subchapter 9 of Chapter 35 in Title 13 of the New Jersey Administrative Code.

Full text of the proposed rules follows:

#### SUBCHAPTER 9.

#### GENERAL ADMINISTRATIVE REGULATIONS

##### 13:35-9.1 Absence of a candidate from examination

(a) Upon absence of candidate from a scheduled examination, the Board shall determine whether or not the candidate remains eligible for other examinations.

(b) A candidate, who, after receiving notice of his intentions within the time prescribed by the statute for admission to examination and who has been notified of his eligibility and fails to appear for two successive examinations, shall no longer remain on the eligibility list for examination unless and until he has submitted reasons satisfactory to the Board for his non-appearance at such examinations.

(c) It shall be incumbent for such candidate to present to the secretary of the Board, at least 90 days before the commencement of the next examination following his determination of ineligibility, notice of his intention to be examined at the next examination, submitting therewith reasons satisfactory to the Board for his non-appearance at the two prior examinations.

(d) The Board after receiving such notice shall determine if said candidate is to be considered eligible for said examination or, in the alternative, summon said candidate for an appearance before the Board.

##### 13:35-9.2 Guidelines for an externship program

(a) An externship training program for medical students shall be limited to: 1. Observation of operative procedures; 2. The taking of histories; 3. The performance of physical examinations; 4. The performance of limited procedures under the supervision of a licensed physician; and 5. The participation in patient rounds and other organized patient care activity functions of the supervising physician.

(b) At no time shall the extern be delegated direct and sole responsibility for the care of the patient, the patient's diagnosis or any aspect of the patient's treatment, including the prescription of medication for the patient. All notes or comments placed on the patient's chart by externs should be clearly identified as to their extern status and counter-signed by the responsible supervising physician.

(c) Patients shall be informed that they are being seen by an extern who has been granted written permission for participation in such a community hospital externship program.

(d) Under no circumstances should the performance of any of the above duties by an extern, while engaged in such a program, be construed as the practice of medicine.

##### 13:35-9.3 Granting license to direct and supervise a registered bio-analytical laboratory

(a) The Board shall grant without examination a license to direct and supervise a registered bio-analytical laboratory to any person licensed by the Board to practice medicine and surgery and certified in clinical pathology by a specialty board approved by the American Medical Association or the American Osteopathic Association.

(b) A person licensed to practice medicine and surgery shall be eligible for a license to direct and supervise a registered bio-analytical laboratory provided such person has had not less than three full years of post-graduate general bio-analytical laboratory experience in a laboratory or laboratories acceptable to the Board, following a personal appearance by the candidate before the Board at a regular meeting.

(c) Nothing contained herein shall be construed to waive registration and fees required under N.J.S.A. 45:9-42.15.

##### 13:35-9.4 Cheating during a licensing examination

(a) Any candidate alleged to be cheating or attempting to cheat during an examination for licensure shall be given an opportunity of appearing before the Board, or its representative, to explain why he should not be denied the opportunity of taking another examination.

(b) Upon a finding by the Board that the candidate cheated or attempted to cheat during the examination he shall be denied the opportunity of sitting for another licensing examination for a period of not less than five years. Furthermore, the candidate will not be accepted for endorsement if in the interim he has been licensed in a sister state.

##### 13:35-9.5 Pronouncement of death at a home or non-medical facility

(a) In the event of a death at a home, or a non-medical facility, an official pronouncement of the death shall be the primary responsibility of the attending physician or his designated substitute.

(b) Upon notification of a probable death, the attending physician or his designated substitute shall proceed without inordinate delay to the location of the presumed decedent and make the proper determination and pronouncement of the death. In no case shall a physician direct a funeral director or his representative to remove the presumed decedent from the premises until an official pronouncement of the death has been made.

(c) In cases of death within the jurisdiction of the county

medical examiner, he shall without inordinate delay require the proper and established means for the pronouncement of the death, arrange for the removal of the body and completion of the death certificate.

(d) A physician who fails to comply with this rule shall be subject to disciplinary sanction in accordance with the Medical Practice Act.

#### 13:35-9.6 Requirements for issuing a prescription

(a) Physicians and podiatrists shall provide the following information on all prescriptions:

1. Full name, age and address of patient;
2. Prescriber's full name, address, telephone number and proper degree designation as appears on prescriber's license;
3. Prescriber's BNDD number when required for the dispensing of controlled substances. (Controlled Substance Act of 1970);
4. Date of prescription;
5. Name, strength and quantities of drug or drugs to be dispensed;
6. Adequate instructions for the patient (P.R.N. or "as directed" alone is not sufficient);
7. Number of refills permitted or time limit for refills or both;
8. Signature of prescriber;
9. When preprinted prescription blanks are not available the full name of the prescriber must be printed or stamped in block letters under the signature of prescriber;
10. In no instance shall a physician or podiatrist sign a blank prescription form which does not conform with the above standards.

(b) Failure to comply with this ruling will subject the physician to disciplinary sanction in accordance with the Medical Practice Act.

#### 13:35-9.7 Approving educational institutions of chiropractic

(a) Acceptable schools, institutions or colleges teaching chiropractic may include schools, colleges or institutions approved by the American Council on Education of the American Chiropractic Association.

(b) However, this does not preclude inspection by the Board before final approval of such school, college or institution.

#### 13:35-9.8 Licensure by endorsement of midwives

The Board shall grant a license to practice midwifery to such person who shall furnish proof that the applicant can fulfill the requirements demanded in N.J.S.A. 45:10-1 et seq. relating to applicants for admission by examination, and furthermore provide with the application certification by the American College of Certified Nurse-Midwives or other evidence to the Board's satisfaction that the person has been licensed to practice midwifery in a sister state where such license was granted by examination with a grade average of 75 per cent or over.

#### 13:35-9.9 Sale of electric or electronically-controlled wheelchair

(a) No person shall sell or provide an electric or electronically-controlled wheelchair unless a proper training program has been given to the consumer on the use of the device.

(b) A proper training program shall consist of not less than six hours of training by a physician or his qualified designee in the use of such electric or electronically-controlled wheelchair.

(c) Prescription by a duly licensed physician shall be required as a prerequisite to the purchase of such device or equipment.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before November 30, 1972, to:

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

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Rules On Alcohol Countermeasures Pilot Project

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. 39:3-10 and 39:5-30, proposes to adopt new rules concerning the alcohol countermeasures pilot project.

Such rules, if adopted, will constitute a new Subchapter 31 in Chapter 20 of Title 13 of the New Jersey Administrative Code.

#### SUBCHAPTER 31.

#### ALCOHOL COUNTERMEASURES REGULATIONS

##### 13:20-31.1 Purpose

Purpose of this regulation is to improve the driving behavior of individuals who have been identified as having some alcohol involvement in connection with the operation of a motor vehicle.

##### 13:20-31.2 Definitions

The definitions of the words and phrases found in N.J. S.A. 39:1-1 are adopted and applicable within the context of this regulation.

"Alcohol countermeasures pilot project" means the activities and personnel involved in designing and implementing a statewide alcohol countermeasures program.

"Alcohol countermeasures clinic" means the personnel and facilities operated by the alcohol countermeasures pilot project to determine on the basis of written tests and personal interviews the extent, if any, of a person's drinking-driving and/or alcohol-related problem.

"Rehabilitation program" means any inpatient or outpatient treatment activity, approved by the alcohol countermeasures pilot project, for those determined by the alcohol countermeasures clinic to have serious alcohol-related problems.

"Alcohol safety institute" means the personnel and facilities operated by the alcohol countermeasures pilot project for the purpose of conducting seminars or other educational programs concerning the problem of alcohol and its relation to operating a motor vehicle safely.

##### 13:20-31.3 Action subsequent to convictions for N.J.S.A. 39:4-50

(a) The alcohol countermeasures pilot project will be notified of every conviction for violation of N.J.S.A. 39:4-50 (a & b) by the Magistrates Fines Bureau of the Division of Motor Vehicles.

(b) The alcohol countermeasures pilot project may schedule persons who have been convicted for violation of N.J.S.A. 39:4-50 for an interview and test at an appropriate alcohol countermeasures clinic.

(c) The Alcohol Countermeasures Clinic may take the following types of action:

1. Test and interview all persons referred to the clinic by the alcohol countermeasures pilot project.

2. On the basis of the test and interview, the clinic may refer a person to an appropriate rehabilitation program, or refer a person to the alcohol safety institute.

(d) Failure to appear at any alcohol countermeasures clinic appointment may result in an indefinite suspension of New Jersey driving privileges upon termination of a court-imposed suspension.

(e) Failure to comply with the course of action recommended by the alcohol countermeasures clinic on the part of the licensee may result in an indefinite suspension of New Jersey driving privileges upon termination of a court-imposed suspension.

#### 13:20-31.4 Other actions authorized

(a) The alcohol countermeasures pilot project is authorized to receive referrals from courts, law enforcement agencies, health agencies or social service agencies. If the nature of the information is deemed sufficient, the alcohol countermeasures pilot project may schedule an interview with the individual at an appropriate alcohol countermeasures clinic for investigation and appropriate action as authorized under Section 3(c) of this Subchapter. Failure to appear at a clinic appointment may result in an indefinite suspension of New Jersey driving privileges.

(b) The alcohol countermeasures pilot project is authorized to receive referrals from any Divisional hearing or investigation in which it is determined that alcohol may have been involved in the operation of a motor vehicle, independent of court findings reported to the Division as a result of court action under N.J.S.A. 39:4-50.

#### 13:20-31.5 License actions authorized

(a) The alcohol countermeasures pilot project may recommend to the Driver Improvement Bureau of the Division of Motor Vehicles the following types of license actions:

1. Indefinite suspension of New Jersey driving privileges upon termination of a court-imposed suspension;

2. Full restoration of New Jersey driving privileges upon termination of a court-imposed suspension;

3. Conditional restoration of New Jersey driving privileges upon termination of a court-imposed suspension;

4. Imposition of conditions in order to retain driving privileges;

5. Suspension of a driver's license independent of court action.

(b) When any activity against a motorist's license is recommended by the alcohol countermeasures pilot project, the Driver Improvement Bureau will afford the individual all the rights guaranteed to him under applicable State law and the Division's regulation on administrative hearings.

#### 13:20-31.6 Conditional restoration of licenses

(a) Upon recommendation of the alcohol countermeasures pilot project, a driver's license may be restored conditionally upon termination of a suspension.

(b) Upon recommendation of the alcohol countermeasures pilot project, conditions may be imposed in order for a licensee to retain a driver's license.

(c) The conditional restoration or the imposition of conditions on a licensee will be full authority to drive, with the distinct understanding that any failure on the part of the

licensee to meet the conditions agreed upon between the licensee and the alcohol countermeasures pilot project shall be grounds for suspension of the license.

(d) The terms of conditions will be limited to agreements between a licensee and the alcohol countermeasures pilot project to continue recommended rehabilitation programs prescribed by the alcohol countermeasures pilot project.

(e) In no event will conditions be authorized for more than one calendar year calculated from the effective date of issue.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 these rules substantially as proposed without further notice.

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Rule Concerning Mileage Reading On Certificate of Ownership

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 39:10-22, proposes to adopt a new rule concerning mileage readings on certificates of ownership.

Such a rule, if adopted, will constitute N.J.A.C. 13:21-5.8.

Full text of the proposed rule follows:

#### 13:21-5.8 Mileage reading on certificate of ownership

(a) Every person, as defined in N.J.S.A. 39:1-1, shall at the time he transfers ownership of a vehicle having a mileage recording instrument indicate on the certificate of ownership the date of transfer and the mileage reading at the time of transfer as indicated by the mileage reading at instrument and shall certify the truth thereof.

(b) Persons who violate this requirement shall be subject to the penalty provisions of N.J.S.A. 39:10-24.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 this rule substantially as proposed without further notice.

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Rule Prescribing Certain Vehicles as Nonconventional Motor Vehicles

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. 39:10-2, proposes to adopt a new rule prescribing certain vehicles as nonconventional type motor vehicles.

Such rule, if adopted, will constitute N.J.A.C. 13:21-2.4.

Full text of the proposed rule follows:

#### 13:21-2.4 Nonconventional type motor vehicles

All motorcycles, as defined in N.J.S.A. 39:1-1, having 90 cubic centimeters of engine displacement or less shall hereinafter be considered nonconventional motor vehicles within the meaning of N.J.S.A. 39:10-2.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 person, may thereafter adopt this rule substantially as proposed without further notice.

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

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Rules Concerning Counterpart Fees

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. 39:3-6, proposes to adopt new rules concerning the payment and collection of counterpart fees.

Such rules, if adopted, will constitute a new Subchapter 15 in Chapter 21 of Title 13 in the New Jersey Administrative Code.

Full text of the proposed rules follows:

#### SUBCHAPTER 15. COUNTERPART FEES

#### 13:21-15.1 Definition of fees

The fees due under N.J.S.A. 39:3-6 shall be referred to as "Counterpart Fees".

#### 13:21-15.2 Payment of fees

(a) The counterpart fees shall be payable by the same entity, hereinafter referred to as the "operator", registered with the Bureau of Motor Carriers in the Division of Motor Vehicles under the provisions of the "Motor Carriers Road Tax Act of 1963".

(b) If none of the vehicles operated in this State are subject to said act, the fees shall be payable by the entity which causes the vehicles to be operated.

#### 13:21-15.3 Applicability of fees

(a) Counterpart fees shall be applicable to motor-driven vehicles registered in those jurisdictions which apply fees or taxes—other than motor fuels, motor fuels use taxes, taxes based on income, sales taxes, and property taxes—against vehicles properly registered in New Jersey.

(b) In the case of vehicles registered apportionately among several jurisdictions, the base license plate shall govern applicability of counterpart fees.

(c) In the case of vehicles fully registered in more than one jurisdiction, the counterpart fees shall not apply if at least one of those jurisdictions does not apply such fees or taxes against vehicles properly registered in New Jersey.

(d) In no event shall counterpart fees be applied to vehicles registered in New Jersey.

#### 13:21-15.4 Declaration filing

(a) Each operator shall, before operating such vehicles in this State, file a declaration with the Division of the total number of vehicles subject to counterpart fees with subtotals by state of registration.

(b) The declaration shall be renewed annually on or before December 1 for the year beginning the following January 1.

(c) Supplemental declarations shall be filed for vehicles added to the fleet during the course of the year.

(d) The requirements of this Section shall be satisfied by applications filed under the provisions of the "Motor Carriers Road Tax Act of 1963".

#### 13:21-15.5 Evidence of compliance

(a) As evidence of compliance, or intention to comply, with the provisions of N.J.S.A. 39:3-6, the Division will provide the operator with a decal and cab card for each subject vehicle.

(b) The operator shall affix the decal on the outside of the driver's door in the upper half of the panel.

(c) The cab card shall be carried in the vehicle whenever it is operated in New Jersey.

(d) The requirements of this Section shall be satisfied by decals and cab cards issued under the provisions of the "Motor Carriers Road Tax Act of 1963".

(e) All decals and cab cards shall remain the property of the Division and shall be recalled for any violation of N.J.S.A. 39:3-6 or these rules, or for failure to pay counterpart fees in full when due.

(f) The decals and cab cards shall be returned to the operator when he has fully complied with the requirements of the law and these rules.

#### 13:21-15.6 Reports; quarterly payments

(a) Counterpart fees applicable to mileage taxes, fuel use surtaxes and flat per trip fees imposed by the non-reciprocating jurisdiction shall be payable quarterly on or before the 30th day following the end of the calendar quarter.

(b) The operator shall file, coincident with the payment of such counterpart fees due, a report of his operations in New Jersey during the preceding quarter. Said report shall contain such information as will enable the Division to determine the precise amount due.

(c) Such counterpart fees shall accrue interest at the rate of one per cent per month, or fraction thereof, from the date due until the date paid.

(d) Failure to file the report or to pay any fees due within 15 days after demand is made upon the operator for the filing of the report or payment of fees due shall be cause for the recall of decals and cab cards issued to the operator under the provisions of these rules.

(e) Any operator who purchases motor fuels in New Jersey—and pays the motor fuels tax thereon—for use in

(Continued on Page 21)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

The index is current, and it will be adjusted each month following the mailing to Code subscribers of update pages for Titles already distributed.

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
<b>AGRICULTURE — TITLE 2</b>			
2:2-4.34	Indemnity for swine destroyed by hog cholera	R.1972 d.191	4 N.J.R. 260(a)
2:2-4.36	Swine consigned to livestock markets	R.1972 d.131	4 N.J.R. 180(c)
2:2-4.35	Health certificate to indicate swine free from brucellosis	R.1972 d.133	4 N.J.R. 180(a)
2:3-2.5	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)
2:3-2.9	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)
2:5-1.7(c)	Release of swine embargo in New Jersey	R.1972 d.208	4 N.J.R. 260(e)
2:31-1.1 et seq.	Grades and standards of milk and cream	R.1972 d.194	4 N.J.R. 260(d)
2:48-5.4	Additional methods for determination of butterfat	R.1972 d.192	4 N.J.R. 260(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)
2:69-1.11	Commercial values	R.1972 d.193	4 N.J.R. 260(c)
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 reclassified 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 been mailed for these eight additional Titles:

5. COMMUNITY AFFAIRS
6. EDUCATION
8. HEALTH
9. HIGHER EDUCATION
13. LAW AND PUBLIC SAFETY

14. PUBLIC UTILITIES
15. STATE
17. TREASURY-GENERAL

Rules since adopted by the above Departments are not included in this index; they will be added following initial updating of the respective Titles.

(Continued from Page 19)

vehicles subject to counterpart mileage fees, may apply as a credit against such mileage fees any New Jersey motor fuels taxes paid on fuel used by the same vehicles without this State. Credit so used may not be used as credit against the motor carriers road tax or for refund purposes. Credit shall not be claimed nor allowed when an entity other than the operator has paid the New Jersey motor fuels tax.

(f) Counterpart mileage fees shall not apply to mileage traveled on toll roads.

#### 13:21-15.7 Flat fees; reports

(a) Counterpart fees applicable to annual per-vehicle flat fees imposed by the non-reciprocating jurisdiction shall be paid on or before February 1 of the year for which the fees are due. Such fees applicable to vehicles added to the fleet during the course of the year shall be paid coincident with the filing of an application for decals and cab cards for said vehicles.

(b) The operator shall file a report coincident with the payment of such fees showing such information as will enable the Division to determine the precise amount due.

(c) Failure to file the report or to pay the fees due within 15 days after demand is made for the filing of the report or the payment of fees due shall be cause for the recall of decals and cab cards issued to the operator under the provisions of these rules.

(d) Any annual flat fees applicable to the same vehicle paid to the State under any other law administered by the Division shall be credited against counterpart annual flat fees.

#### 13:21-15.8 Trip permits

(a) Where the non-reciprocating jurisdiction has provided for trip permits for occasional operators in lieu of payment in full of any fee or tax, the same privilege at the same fees will be extended to operators whose vehicles are registered in such jurisdiction.

(b) The privilege is limited to six round trips into or through this State in any 12-month period.

(c) The permits shall be valid for a period of 96 hours.

#### 13:21-15.9 Records of operation

(a) Every operator shall maintain records of the operations in this State of its vehicles subject to counterpart fees. Such records shall include:

1. A description of each such vehicle, including base license plate number, vehicle type, number of axles, and maximum gross weight;

2. The total number of miles traveled on the public highways and the total number of miles traveled on toll roads within this State. Receipts for toll road expenditures must be maintained if issued by the toll road authority.

(b) The records shall be maintained for a period of three years and shall be made available for examination by employees of the Division at any time during normal business hours.

(c) Any record not pertinent to the determination of the particular type of counterpart fee applicable to any vehicle need not be maintained.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 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 these rules substantially as proposed without further notice.

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

(a)

## LAW AND PUBLIC SAFETY

### VIOLENT CRIMES COMPENSATION BOARD

#### Proposed Rules On Practice And Procedure Before the Board

The New Jersey Violent Crimes Compensation Board in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:4B-9, proposes to adopt new rules concerning practice and procedure before the Board.

Such rules, if adopted, will be included in the new Subchapter K of Title 13 in the New Jersey Administrative Code and will constitute a new Chapter 73.

Such rules concern the scope of the rules, liberal construction of the provisions, practice where rules do not govern, definitions, filing of claims, eligibility of claimants, compensable damages, investigation of claims, request for hearings, conduct of hearings, attorneys, attorney's fees, subpoenas, manner of payments, Board decisions, judicial review, publication of claims, forms, availability of rules and validity of rules if any portion is declared invalid.

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

Violent Crimes Compensation Board  
Room 101, 1100 Raymond Boulevard  
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 30, 1972 to the Violent Crimes Compensation Board at the above address.

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

Giles K. Riley  
Board Member  
Violent Crimes Compensation Board  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Revisions Of Book Permits for Overdimensional Or Overweight Vehicles

On October 19, 1972, 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. 39:3-8, 39:3-84 and 39:4-26 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning book permits for overdimensional or overweight vehicles, as proposed in the Notice published September 7, 1972, at 4 N.J.R. 223(a).

These revisions will be included in N.J.A.C. 13:18-1.16(b) and (f).

An order adopting these revisions was filed and effective October 26, 1972, as R.1972 d.210.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(a)**

## **PUBLIC UTILITIES**

### **BOARD OF PUBLIC UTILITY COMMISSIONERS**

#### **Proposed Rules On Rate Increases And the Federal Price Commission**

William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-1 et seq., proposes to adopt rules concerning rate increases and their compliance with the regulations of the Federal Price Commission.

Full text of the proposed rules follows:

#### **TITLE 14. PUBLIC UTILITIES CHAPTER 1. RULES OF PRACTICE**

#### **SUBCHAPTER 17. COMPLIANCE WITH THE ECONOMIC STABILIZATION ACT OF 1970**

##### **14:1-17.1 Purpose**

The purpose of this rule is the adoption by the Board of Public Utility Commissioners of the State of New Jersey criteria for evaluating applications for rate increases by the utilities under its jurisdiction pursuant to the regulations of the Federal Price Commission (Reg. 300.304, 37 Fed. Reg. 18895).

##### **14:1-17.2 Exemptions**

(a) This rule shall not apply to:

1. Any rate increase for utilities under this Board's jurisdiction which is:

i. Intended to pass through certain specific allowable costs, namely, purchased gas expenses, raw material adjustments and fuel costs approved by this Commission;

ii. Intended to pass through specific allowable costs in addition to those noted in Paragraph 1, above, not in access of those allowable by applicable policies of the Federal Price Commission where;

(1) The revenue requirements of the utility have been the subject of a comprehensive proceeding; and

(2) There is no basis for believing that any of the criteria stated in III below will be contravened.

iii. Normally processed by this Board pursuant to N.J.S.A. 48:2-21.1 (Adjustment of rates during pendency of hearing).

iv. All other exemptions as may be promulgated by the Federal Price Commission.

##### **14:1-17.3 Criteria**

(a) The Board will not, on or after the effective date of this rule, approve or authorize any application for an increase in rates by a public utility under its jurisdiction to become effective unless the Board finds and determines that such rate increase meets all five criteria set forth below:

1. Is cost-justified and does not reflect future inflationary expectations.

i. The petitioner seeking rate relief must supply: (1) Cost data for a recently completed test year; and/or, (2) Cost

data for a test year including at least six months actual experience.

ii. Estimated data will be adjusted or verified during the course of the proceedings to appropriately reflect actual cost data as it becomes available. Cost data will be normalized to eliminate the effects of abnormal or unrepresentative conditions which exist in that test year.

iii. Cost data will be annualized to reflect known changes occurring during the test year but not reflected for the full test year. Adjustments may be made to reflect known changes in cost occurring subsequent to the test year but reasonably related to test year data. All known decreases in cost as well as increases will be reflected. Adjustments for changes in test year costs will not be made unless either the change is subject to definite computation or reasonable estimation, or in exceptional instances, a cost adjustment is dictated by overriding considerations of public policy and should be allowed despite difficulties in making accurate estimation. In the case of adjustments falling within the latter category—which might include an increased allocation for research and development or for a needed program to protect public health and safety—the Commission will require periodic reporting, or impose other protective conditions, to assure that the funds allowed are expended for the purpose intended. In no case will an adjustment be made on the basis of unjustified general predictions of future increased costs.

2. The increase in the minimum required to assure continued adequate and safe service or to provide for the necessary expansion to meet future requirements.

i. Cost associated with safety, expansion of service, environmental or ecological protection will be allowed only to the extent that such costs qualify as adjustments for the test year under paragraph 1 of this Section.

ii. The Board will continue to review all rates coincident with the filing of the utilities annual reports in order to determine if modification of such rates would be in the public interest.

3. The increase will achieve a minimum rate of return or comparable operating ratio, where applicable, pursuant to N.J.S.A. 48:2-21.2, required to attract capital at reasonable cost and maintain the credit of the public utility.

i. In determining the appropriate rate of return, the Board will consider the capital structure of the applicant at the end of the test year.

ii. Adjustments may be made in the capital structure, and in the costs of various types of capital, where:

(1) Required to reflect new financings which are known to be imminent;

(2) Required to permit the applicant to eliminate a discrepancy between the existing capital structure and an objective capital structure necessary to assure the financial soundness of the applicant (e.g., to permit the replacement of excessive amounts of debt with some form of equity financing when the financial soundness of the applicant otherwise would be impaired);

(3) Required to reflect the capital structure and requirements of associated companies;

(4) Required to correct for excessive capital costs resulting from improvident financing practices.

iii. In determining the appropriate operating ratio where applicable, the Board will require a detailed revenue and expense statement for an appropriate prior period adjusted for all factors that have occurred during said period to annualize both revenues and expenses and further to normalize revenues and expenses to eliminate the effects of unrepresentative conditions. The Board may further require supplementary schedules or documents to show explicit details on those adjustments used to develop the revenue and expense statements.

iv. The rate of return or operating ratio, where applicable, allowed by the Board will not reflect expectations of future inflation.

4. The increase does not reflect labor costs in excess of those allowed by policies of the Federal Price Commission.

i. A wage or salary payment in excess of labor costs allowed by the Federal Price Commission regulations and policies will not be given effect for rate purposes.

ii. An application for a rate increase which is based in whole or in part on increased wages or salaries in excess of those allowed by the Federal Price Commission regulations will be allowed only with respect to that portion of the wage settlement or salary increase which does not exceed Price Commission regulations or policies.

iii. In a situation where wages or salaries increase in excess of the current Price Commission guidelines, the Board will consider whether disallowance of that excess would create an undue hardship on the utility and make appropriate case by case determinations.

5. The increase takes into account expected and obtainable productivity gains.

i. Expected productivity gains will be taken into account to the extent such gains are susceptible to quantitative measurement in accordance with the comment under paragraph 1 above. In particular, all productivity gains associated with increases in costs for which adjustments are allowed must be considered with a view to achieving a consistent and balanced projection of future operating experience.

ii. Obtainable productivity gains will be taken into account by identifying, to the extent practicable in a rate case, any present or projected expenditures of the applicant which are found to be excessive or unnecessary. Expenditures for promotional advertising will receive particular attention. Where it is shown that an applicant can reduce the costs of its operations by eliminating or curtail activity in the above area, or unnecessary expenditures, such expenses will be disallowed in computing costs for ratemaking purposes.

#### 14:1-17.4 Applicability

On or after the effective date of this rule, any utility which has or will have a tariff filing for a rate increase pending before this Board, shall make a showing that the conditions enumerated in Section 3 of this Subchapter have been satisfied.

#### 14:1-17.5 Notice to the public

(a) The existing rules of the Board already require that notice of the filing of a proposed tariff be served on all municipal clerks in each of the municipalities in which there is rendered a service, as well as public notice to all classes of current customers who may be affected, as well as public notice by transportation companies on the vehicles serving the route affected by the changes and further that the utility is required to service notice of the time and place of hearing (N.J.A.C. 14:1-6.16(b)).

(b) Additionally, the Attorney General of the State of New Jersey must be served (N.J.A.C. 14:1-6.16(b)) and has statutory authority to designate rate counsel to represent the interest of all the public with rate counsel expenses paid by the utility (N.J.A.C. 48:2-31.1).

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to:

Board of Public Utility Commissioners  
101 Commerce Street  
Newark, New Jersey 07102

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

William E. Ozzard  
President, Board of Public Utility Commissioners  
Department of Public Utilities

(a)

## TREASURY

### STATE TREASURER

#### Proposed Amendments to Rules on Authorization of Bonds or Notes Issued For County College Capital Projects

Joseph M. McCrane Jr., State Treasurer, pursuant to authority of N.J.S.A. 8A:64A-1 et seq., proposes to amend N.J.A.C. 17:16-33.7 (Certification) concerning the authorization of bonds or notes issued for county college capital projects.

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

#### 17:16-33.7 Certification

(a) The County Treasurer, within ten days after the issuance of any bonds or notes issued under these regulations, shall certify to the State Treasurer the exact amounts payable for interest and principal on such bonds or notes and the dates on which such amounts are payable by the county and the name and address of the paying agent or paying agents therefor.

(b) No bonds or notes entitled to the benefits of this Act shall be issued unless there is designated therefor a paying agent or paying agents, at least one of which is a bank or trust company authorized to do business in this State. All amounts of State aid to be paid under the provisions of this Act for debt service (principal and interest) on bonds or notes entitled to the benefits of this Act shall, on or before the date for such payment of interest and principal, be paid on behalf of the county issuing such bonds or notes to the paying agent or paying agents for such bonds or notes in amount with respect to such date as reflects the amount of principal or interest, respectively, payable as to such date by reason of such State aid hereunder payable with respect to such county. Amounts so paid to such paying agent or paying agents shall be applied to the payment of debt service (principal and interest) on such bonds or notes and for no other purpose.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to:

Norman E. Hardy  
Deputy State Treasurer  
State House  
Trenton, New Jersey 08625

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

Joseph M. McCrane Jr.  
State Treasurer  
Department of the Treasury

(a)

## TREASURY

### STATE LOTTERY COMMISSION

#### Proposed Rules For the Daily Lottery

Ralph F. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 et seq., proposes to revise certain existing rules and adopt new rules concerning the daily lottery.

Such revisions and rules, if adopted, will be included in Subtitle F of Title 17 of the New Jersey Administrative Code.

Full text of the proposed revised and new rules follows:

#### 17:20-1.1 Scope

(a) The rules and regulations as established by the Lottery Commission outline the instruction for the operation of the New Jersey State Lottery and other matters pertinent to the administration of same, such as: 1. Frequency of drawing; 2. Price of tickets; 3. Selection of winners; 4. Structure of prizes; 5. Licensing of agents; 6. Role of participating banks, and 7. Payment of prizes.

(b) Any decision as to the construction or interpretation of these regulations shall be made by the Director of the Division of the State Lottery, and such interpretation or construction shall be considered final and binding.

#### 17:20-2.1 Definitions

For the purposes of these regulations, unless the context requires a different meaning or unless inconsistent with the manifest intentions of the Commission:

"Act" or "law" means L. 1970, c. 13 (N.J.S.A. 5:9-1 et seq.).

"Lottery" or "State Lottery" means the lottery established and operated pursuant to the act.

"Commission" means the State Lottery Commission established by the act.

"Director" means the Executive Director of the Division of the State Lottery.

"Division" means the Division of the State Lottery established by the act.

"Lottery bank" means a person who is licensed under this act to vend lottery tickets in bulk through a computer linked lottery machine. Such person shall also be known as a broker agent.

"Manual agent" means a person who has been licensed under this act to sell lottery tickets manually.

"Retail machine vending agent" means a person who has been licensed under this act to vend lottery tickets on a retail basis through a computer linked lottery machine.

"Claim center" means a person who has been licensed under this act to validate and redeem winning tickets at his location. Such person may also be a "Lottery bank".

"Bank" means and includes all banks, banking associations, and trust companies organized under the authority of this State or the United States whose principal place of business is within the State.

"Main bank" shall mean the principal office of a bank.

"Person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity whether appointed by a court or otherwise, and any other combination of individuals. "Person" shall also be construed to mean and include all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and

agencies and instrumentalities thereof.

"Ticket" shall mean lottery ticket issued by the State Lottery for sale to the general public.

#### 17:20-5.1 Application

Any person interested in being licensed as an agent of the Division of the State Lottery must file an "Application for Lottery Agent's License" with the Division of the State Lottery.

#### 17:20-5.2 Eligibility for a license

(a) No person shall be eligible to be a licensed agent of the Division of the State Lottery if such person intends to engage in business exclusively as an agent of the State Lottery.

(b) Before issuing such license the Director shall consider such factors as:

1. The financial responsibility and security of the person and his business or activity;
2. The accessibility of his place of business or activity to the public;
3. The sufficiency of existing licenses to serve the public convenience;
4. The volume of expected sale.

#### 17:20-5.3 Minors; ineligible

No person under the age of legal majority at the time of his application shall be licensed as an agent.

#### 17:20-5.4 Issuance of license

(a) The Director shall, in accordance with the provisions of the State Lottery Law and the rules and regulations of the State Lottery Commission, license as agents of the Division of the State Lottery such persons as in his opinion will best serve the public convenience and promote the interest of the State Lottery. He may also in his discretion suspend or revoke a license.

(b) An agent's license shall remain in full force and effect until such termination date as in indicated upon said license, unless the license is previously terminated by the Executive Director in accordance with the provisions as set forth herein.

#### 17:20-5.9 Hearings on denial or revocation of license

(a) The Director or his designee shall hold hearings required by law and any such person entitled to a hearing before the Director may request such a hearing.

(b) The request for a hearing shall:

1. Be in writing, signed by the petitioner or attorney in behalf of the petitioner and include the petitioner's mailing address;
2. Specify the ruling, action or matter on which the hearing is requested and indicate what relief is desired.

(c) A petition or request to the Director for a hearing or other relief, unless otherwise required by law or these rules or regulations, must be received by the Director within 20 days after the date of receipt of the notice by the petitioner of a denial or revocation of a "Lottery bank", "lottery agent", or "claim center" license, or safe-keeping facility appointment.

(d) The Director shall issue an order or directive fixing the date, time and place at which time hearing will be held, and shall give at least five business days notice to the petitioner and other parties thereto by serving copies of such order or directive upon them personally or by regular mail or give such other notice as may be agreed upon and requested by all the parties.

(e) When the cause is reached for argument at a hearing and the petitioner without sufficient reason fails to appear, such failure may be treated as a withdrawal of the petition or request and the Director may dismiss the petition. The Director in his discretion may adjourn the hearing to a

future date or take such action as may be just and proper under the circumstances above.

(f) When the Director designates a person other than himself as hearing officer, that person's recommended report and decision containing recommended findings of fact and conclusions of law shall be filed with the Director and mailed to the parties of record, and all parties of record shall have ten days in which to file exceptions, objections and replies thereto, after which the Director shall adopt, review or modify the recommended report and decision.

#### 17:20-5.10 Agent's compensation

(a) All licensed agents shall be entitled to a commission for the sale of lottery tickets in accordance with the following schedule:

	Per Cent
1. Compensation for tickets manually vended:	5.00
2. Compensation for tickets machine vended:	2.50
3. Compensation for lottery banks for all tickets bulk vended (an override):	1.00

(b) All licensed agents, whether they be vending machine agents or manual agents, shall be entitled to a bonus as follows:

1. Five hundred dollars (\$500) to an agent who sells a \$50,000 winning ticket, a weekly lottery first place prize;
2. One hundred dollars (\$100) to an agent who sells a \$4,000 winning ticket, the weekly lottery second prize; and
3. Fifty dollars (\$50) to an agent who sells a \$2,500 winning ticket, the daily lottery first-place prize.

#### 17:20-6.1 Deposit of lottery funds by agents

(a) All lottery sales agents are required to deposit to the credit of the State Lottery Fund in such bank or other location as shall be designated by the Director, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and less the amount disbursed in payment of prize moneys for properly validated winning tickets or shares.

(b) If the amount disbursed in payment of prize moneys exceeds the compensation due, appropriate recompense will be made to such agents as prescribed by the Director.

(c) Such agents shall file with the Director or his designated agent reports of their receipts and transactions in the sale and redemption of lottery tickets in such form and containing such information as he may require.

(d) In this connection, agents should refer to the instructions to authorized agents, made available to agents by the Director.

(e) The agent shall keep current records of all operations in conformity with the State Lottery Law and these rules and regulations, and such other instructions as may be promulgated by the Director.

(f) All agent lottery operations and records shall be subject, upon demand, to inspection and audit by representatives of the Division of the State Lottery.

(g) The agent shall account to the bank or such other location as shall be designated by the Director, to which he is assigned for the proceeds from his sales of all lottery tickets not later than one week and one day preceding the "date of drawing" indicated on the tickets sold in the case of weekly lotteries and within the time specified for the millionaire or other lotteries.

(h) The agent shall make available at all times during normal business hours current lottery tickets for sale to the public.

(i) All tickets accepted by an agent from the State Lottery or its authorized representatives are deemed to have been purchased by the agent (unless returned to the bank from which they were obtained within the time specified), and the purchase price shall be paid to the Division of the

State Lottery less the appropriate commission discount if any.

(j) The agent shall be responsible for lost or missing tickets.

#### 17:20-10.1 Consignment or sale of lottery tickets to agent

(a) Regarding the weekly and millionaire lottery, banks shall consign lottery tickets to agents and shall collect tickets which agents have not sold. In the case of weekly lotteries, a bank shall not distribute tickets to an agent who has failed to clear his account with respect to ticket deliveries of the preceding week.

(b) Regarding the daily lottery, "lottery bank" shall sell lottery tickets to manual agents on a deferred payment plan and on a no-return basis. The lottery bank will purchase tickets for resale from a computer-linked bulk sales machine. The lottery bank will purchase these tickets on a no-return basis.

#### 17:20-10.2 Assignment of agent to bank or other designated agency

(a) After an agent's application has been accepted and approved by the Director, the agent shall be assigned to a bank or other accounting agency.

(b) Such agency shall be notified of the agent's authorization at the same time the agent receives notice of his assignment.

#### 17:20-10.3 Authorization to request tickets

(a) The agent shall notify the bank or other designated accounting agency to which he is assigned of the names and addresses of one or several persons in his business who are authorized to request and receive delivery of tickets from said bank or designated accounting agency.

(b) The employee or such person must identify himself to the bank or other accounting agency by means of his agent's identification card before receiving tickets.

(c) The agent shall conduct his lottery business exclusively with the bank or lottery bank to which he is assigned.

#### 17:21-1.3 Daily lottery

In general, the provisions governing the weekly lottery shall be applicable to the New Jersey daily lottery plan, except as otherwise indicated therein and by separate regulation governing the daily lottery.

#### 17:21-4.1 Place of claiming

(a) All prizes shall be claimed from any duly authorized claim center.

(b) The Director shall designate claim centers for the lottery program and advertise their location.

(c) The Director may, in his discretion, designate certain location for cash redemption of such prizes as shall be specified by him.

#### 17:21-4.2 Claim form

(a) The claimant is required to fill out a claim form which is obtained from a claim center and present the completed form together with the "winning" ticket to any claim center; provided, however, that the Director may, in his discretion, authorize the cash redemption of certain prizes upon presentation and proper validation of a winning ticket at certain designated locations.

(b) The Director may require a verification on the claim form that the person claiming a prize is not an officer or employee of the Division of the State Lottery or a person otherwise prohibited from claiming a prize.

#### 17:21-4.4 Claim center verification

(a) Except in those situations where the Director has authorized cash redemption, the claim center will verify the claim, herein described, and if acceptable, deliver one copy of the claim form to the claimant.

(b) The claim center will forward the winning ticket and a copy of the claim form to the State Lottery for validation.

(c) Upon validation by the State Lottery a check will be forwarded to the claimant in payment of the amount due.

(d) In the event that the claim is not valid, the claim shall be denied and the claimant shall be promptly notified.

**SUBCHAPTER 6. DAILY LOTTERY**

**17:21-6.1 Price of ticket**

(a) Daily lottery tickets shall be sold to the public at a price of \$0.50 per ticket.

(b) The tickets shall be distinctly identified as daily lottery tickets.

**17:21-6.2 Time of sale of tickets**

(a) Daily lottery tickets will be sold every Sunday through Saturday during normal business hours.

(b) The sales period for any given lottery drawing will terminate at 3:55 P.M. the day of the drawing.

**17:21-6.3 Time of drawing**

The selection of winning numbers for the daily lottery will be held daily at 4:00 P.M., except Sunday when there will be no drawing.

**17:21-6.4 Place of drawing**

(a) Each drawing shall be conducted in the central office of the Commission or any other location as prescribed by the Director.

(b) All drawings shall be open to the public and to representatives of the news media.

**17:21-6.5 Manner of conducting drawings**

The winning five-digit number will be randomly generated by mechanical means with the ultimate winner to be determined as a result of a horse race.

**17:21-6.6 Number and amount of prizes**

(a) For each lottery pool of 100,000 daily lottery tickets sold, the following prizes shall be awarded to the owners of the winning tickets as determined in conformance with these rules and regulations:

THE DAILY LOTTERY			
Amt. of Prizes	No. of Digits	No. of Winners Per 100,000 Tickets Sold	Gross Prize \$
\$2,500	12345	1	\$2,500
225	54321	1	225
225	1234x	9	2,025
225	x2345	9	2,025
25	123xx	90	2,250
25	x234x	81	2,025
25	xx345	90	2,250
25	5-Digit Scramble*	0-115	2,875
2.50	12xxx	900	2,250
2.50	x23xx	810	2,025
2.50	xx34x	810	2,025
2.50	xxx45	900	2,250
		3,816	\$24,725

\*Any ticket bearing the identical digits as the winning number without regard to sequential arrangement. First and second place winners are excluded. Example, if 12345 is the winning number, then 21534 would be an eighth-place winner.

Note: The current N.J.A.C. 17:21-6.1 and 17:21-6.2 now becomes N.J.A.C. 17:21-7.1 and 17:21-7.2 with no change in text.

**17:21-7.3 Requirement of additional information**

In any case where additional information is required to show that a person claiming a prize is entitled to receive payment of said prize, the Director may require the claimant to supply such further evidence as may be appropriate under the circumstances of the case.

**17:21-7.4 Manner of payment of prizes**

Payment of prizes shall be made by check and payable to the owner of the ticket; provided, however, that the Director may, in his discretion, authorize cash redemption of certain prizes payable to the bearer of the "winning" ticket.

**17:21-7.5 Time of payment of prizes; weekly, daily and millionaire lotteries**

(a) Payment of prizes shall be awarded as soon as reasonably possible after the claimant has been identified to the satisfaction of the Director. The payment of prizes to the first, second and third prize winners of the Millionaire Lottery shall be made annually on the anniversary date of said lottery, except that the first payment shall be made in accordance with the preceding sentence.

**17:21-7.6 Place of payment**

Payment of prizes shall be made to the claimant(s) at one address that the claimant(s) makes available to the Lottery Commission on the claim form; provided that for those prizes which the Director has authorized cash redemption, the prize shall be paid to the bearer of a winning ticket at the validation center.

Note: The current N.J.A.C. 17:21-6.7, 17:21-6.8, 17:21-7.1 and 17:21-8.1 now becomes N.J.A.C. 17:21-7.6, 17:21-7.8, 17:21-8.1 and 17:21-9.1 with no change in text.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to:

Ralph F. Batch  
Executive Director  
State Lottery Commission  
State and Willow Streets  
Trenton, New Jersey 08625

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

Ralph F. Batch, Executive Director  
State Lottery Commission  
Department of the Treasury

(a)

**TREASURY**

**DIVISION OF PENSIONS**

**Proposed Revisions to State Health Benefits Program and Supplemental Annuity Collective Trusts**

The State Health Benefits Commission and the Supplemental Annuity Collective Trust Council in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 et seq., proposes to revise certain portions of Chapter 9 in Title 17 of the New Jersey Administrative Code concerning the State health benefits program and the supplemental annuity collective trusts.

Such revisions concern records, retirement options, enrollment charges, enrollment forms, coverage changes and exceptions, employee coverage requirements, effective

dates, definition of hospital, coverage for survivors, certification of dependency, additional dependents, major medical requirements, various definitions, multiple positions, waiting period, local employer payment of dependent charges, refunds retirees, and termination conversion rights.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to the Division of Pensions at the above address.

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

(b)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions Concerning Public Employees' Retirement System

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:15A-17, proposes to revise certain portions of Chapter 2 in Title 17 of the New Jersey Administrative Code concerning the Public Employees' Retirement System.

Such revisions concern board meetings, officers and committees, election of member-trustee, verified discrepancy in member's age, death before withdrawal, enrollment date, optional enrollment, compulsory and optional enrollment, computation of insurance benefits, contributory insurance premiums, leave of absence, maternity leave, leave for illness, survivor benefits, ten-month members, creditable salary, approved leave, other forms of leave, loan eligibility, termination, eligibilities, purchase terms, per diem credit, creditable service, applications, early retirement benefits, disability medical examinations, compulsory retirement, waiver and other related rules.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972 to the Division of Pensions at the above address.

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

(b)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions Concerning Police, Firemen's, State Police Pension Fund

William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7, 43:16A-13 and 53:5A-30, proposes to revise various rules within Chapters 4, 5, and 6 in Title 17 of the New Jersey Administrative Code concerning the Police and Firemen's Retirement System, the State Police Retirement System and the Consolidated Police and Firemen's Pension Fund.

Such revisions concern the rules regarding officers and committees, records, computation of benefits, suspension of pension checks, age requirements, deductions, military leave, terminations, credit adjustments, applications, effective dates, disability, notices, medical examinations, survivor benefits, appeals from decisions and determination of average salary within the Police and Firemen's Retirement System, State Police Retirement System and Consolidated Police and Firemen's Pension Fund.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 29, 1972, to the Division of Pensions at the above address.

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

(c)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Amendments to Definitions of Dependents, Children and Retired Employees

On October 2, 1972, William J. Joseph, Secretary of the State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the definitions of dependents, children and retired employees, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 168(b).

Such amendments may be cited as N.J.A.C. 17:9-3.1. An order adopting these amendments was filed and effective October 4, 1972, as R.1972 d.200.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF PURCHASE AND PROPERTY

#### Deletion of Rule On Distribution Of Written or Printed Materials

On October 13, 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 an emergency rule which deleted in its entirety the current text of N.J.A.C. 17:15A-1.8 concerning the distribution of written or printed material on State buildings and grounds.

The full text of the deleted rule follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

17:15A-1.8 [Distribution of written or printed material] **Reserved**

[Any person intending to distribute any written or printed material within State-regulated buildings and grounds shall first register his name and address, the intended time and place of distribution and a sample of all literature to be distributed in such building with the office of the State Governmental Security Bureau, Room 106, State House, West State Street, Trenton.]

An order deleting this rule was filed and effective October 13, 1972, as R.1972 d.205 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions In Parking Lot Charges At Kennedy International Airport

On September 7, 1972, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to its rules concerning parking lot charges and the retention of the long-term rate at Kennedy International Airport.

Full text of the revised rule follows:

Resolved, that the schedule of charges for use of public vehicular parking areas at Kennedy International Airport be and the same is hereby revised, effective October 1, 1972, to provide a basic rate of \$1.50 for each 24 hour period or part thereof in long-term parking facilities serving the airport.

These revisions were filed October 4, 1972, as R.1972 d.201 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

### Adopt Regulations Governing Purchasing

On October 20, 1972, the New Jersey Sports and Exposition Authority, pursuant to authority of N.J.S.A. 5:10-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedure rules concerning purchasing.

Such rules will be included in the new Subchapter G of Title 19 in the New Jersey Administrative Code and may be cited as N.J.A.C. 19:20-1.1 et seq.

Full text of these new rules follows:

#### TITLE 19. OTHER AGENCIES SUBTITLE G. NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

#### CHAPTER 20. PURCHASING

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 19:20-1.1 Purpose

(a) Purpose of these regulations is to establish and prescribe the standing rules and procedures which are the minimum standards to be observed by the New Jersey Sports and Exposition Authority in purchasing or hiring equipment, goods, materials, supplies or services in connection with construction projects.

(b) No such purchase or hire shall be made unless accomplished in accordance with these regulations.

##### 19:20-1.2 Purchases over \$2,500 (excluding professional services)

(a) All purchases or hires of such personal property or services, where the aggregate cost, contract price or amount involved is \$2,500 or over as anticipated by the Authority, shall be made only after public advertisement for competitive bids, unless the Authority specifically waives the requirement of public advertising as to a particular transaction.

(b) Public advertisements for competitive bids shall be placed in appropriate newspaper(s) or journal(s) having a large circulation in the State. Such advertisements shall be published not less than seven calendar days preceding the date upon which the proposals are to be received and opened. All advertisements must contain:

1. A brief description of the supplies, materials, equipment or services to be furnished or performed;
2. Notice of the place where bidding forms, specifications, terms and conditions may be obtained;
3. The place, date and time when the sealed bids shall be publicly opened.

(c) In addition to advertising, bids shall be solicited from all known interested parties by mail. Such solicitations shall provide prospective bidders with at least the same information as contained in the public advertisement.

(d) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given at least three days prior to the opening of the bids to all known prospective bidders. If such notice is given orally, it shall be timely confirmed in writing.

(e) Where the Authority has waived advertisement, the purchase shall be made in the manner directed by the Authority.

**19:20-1.3 Purchases under \$25,000 (excluding professional services)**

(a) In the case of purchases or hires where the aggregate cost, contract price or amount involved is equal to or exceeds \$200.00 but is less than \$2,500, written bids shall be solicited by mail from all known interested vendors.

(b) Where the acquisition involves less than \$200.00, bids may be solicited by telephone. Whenever feasible, at least three sources of supply shall be contacted. Additionally, to the extent possible, written confirmation of all such bids shall be obtained.

(c) In the event that amendment of any pertinent information supplied prospective bidders becomes necessary, notice of the change(s) shall be given at least three days prior to the opening of the bids to all known prospective bidders. If such notice is given orally, it shall be timely confirmed in writing.

**19:20-1.4 Repeat purchases**

In the case of materials, supplies and services which are procured repeatedly, awards may be made at various times to the successful bidder (whose bid was secured in accordance with these regulations) for a period of six months from the date of the bid opening or until \$2,500 of such materials, supplies and services shall be acquired from such bidder, whichever event shall first occur.

**19:20-1.5 Emergency purchases**

(a) Whenever an exigency or emergency exists of a nature requiring the immediate acquisition of such personal property or services, the rules and procedures otherwise applicable, which are inconsistent with those contained in this Section, shall not apply.

(b) In such cases the Authority shall, by such solicitation as it considers advisable, obtain whatever is necessary to meet the exigency or emergency on the most advantageous terms possible in the circumstances.

**19:20-1.6 Receipt and opening of bids**

(a) All bids must be submitted in sealed envelopes on the appropriately signed proposal forms before the time and date fixed for public opening.

(b) Any bids received after the bidding has been closed shall be returned unopened.

(c) Telephone or telegram bids are not acceptable.

(d) The name of the bidder, item description and applicable purchase request or contract number, if any, shall be designated on the face of each sealed envelope submitted.

(e) On the appropriate date and at the appropriate time and place, the bids shall be opened and publicly read.

(f) For reasons deemed by the Authority to be in its interests, the Authority may at any time prior to the scheduled public opening postpone the receipt and opening of bids for a reasonable period. Appropriate notice of such postponement shall be given to all known prospective bidders.

**19:20-1.7 Terms and conditions; submission of bids**

(a) All bids must be properly signed in ink and executed by an authorized official.

(b) Any correction of an entry made on the quotation form should be initialed by the party signing the bid. If a bidder discovers he has made an error in submitting his bid, he may correct the bid by letter or telegram, provided that all corrections are in and complete before the time of the bid opening. No alterations or corrections will be allowed after the bids are

(c) Bidders may withdraw, or withdraw and resubmit bids at any time prior to the public opening, but not thereafter. Bids may be withdrawn only on written

request received prior to the public opening and signed by a duly authorized representative of the bidding firm. Bids so withdrawn shall be returned to the bidders unopened.

(d) In the case of inconsistencies or errors in unit prices, extensions or totals, the Authority shall have sole discretion to make determinations with regard to same.

(e) Unless contrary to the nature of the procurement, or unless otherwise instructed, bidders shall be permitted to submit partial bids. The Authority reserves the right to accept any item or group of items of any bid.

**19:20-1.8 Bid guarantees**

(a) All bids submitted relative to acquisitions involving expenditures of \$2,500 or more shall be accompanied by security amounting to not less than either ten percent of the total bid price or any other amount which may be established.

(b) At the discretion of the Authority, deposits may be required for bids amounting to less than \$2,500.

(c) The guarantee shall be submitted in the form of a certified check payable to the Authority, cashier check, money order or surety corporation bid bond.

(d) Failure to submit a bid deposit shall result in rejection of the bid.

(e) In the event any bidder fails to accept an award in accordance with his bid, the security submitted shall be immediately forfeited.

(f) All bid guarantees shall be returned to unsuccessful bidders as soon as possible after the award is made. The guarantees furnished by successful bidders shall be returned after the delivery of the property, the performance of the services, or the furnishing of a performance bond.

**19:20-1.9 Rejection of bids**

(a) When in the best interests of the Authority, the Authority may reject any or all bids relative to an acquisition, or it may award in whole or in part.

(b) When in the best interests of the Authority, minor irregularities in bids or in the required formalities may be waived.

(c) The Authority shall have the right to rebid.

An order adopting these rules was filed and effective October 26, 1972, as R.1972 d.212 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## CAR LIABILITY INSURANCE MANDATORY AS OF NEXT MONTH

State Motor Vehicles Director Ray J. Marini announced that automobile liability insurance will be compulsory for vehicle registration renewals beginning next month.

He said that after Dec. 1 no car or truck owners will be given the opportunity to pay a \$50 fee to the State's Unsatisfied Claim and Judgment Fund if their vehicles are not insured.

Marini noted that compulsory insurance takes effect Jan. 1 as part of the State's no-fault insurance plan.

The fund, established in 1955, was set up to provide a

cash pool to pay liability and property judgments incurred by uninsured motorists. In case of an accident, the uninsured motorist is compelled to repay the fund for all costs of satisfying claims against him.

"Although motorists who renew their registrations in November may still pay the uninsured fee," Marini said, "we are advising them it is more advantageous to obtain liability insurance immediately."

## STATE RESCINDS \$800,000 IN RATE HIKES FOR HOSPITAL MALPRACTICE INSURANCE

Insurance Commissioner Richard C. McDonough on Oct. 11 announced a roll-back in premiums on hospital professional liability coverage that could save 100 hospitals and 400 nursing homes in the State approximately \$800,000 a year in insurance costs.

Terming the roll-back "unprecedented", the Commissioner directed the Insurance Services Office, the industry-owned rating organization that filed the rates, "to rescind the increase that took effect on May 24, 1972, and to roll back rates".

The rates are those for insurance that hospitals and nursing homes carry to cover any malpractice claims against them.

The Department estimates that hospitals and nursing homes will now pay approximately \$1.7 million a year for such hospital professional liability insurance, which are part of the hospital's operating costs and therefore reflected in patients' bills. The rate hikes, now eliminated, would have raised this cost to \$12.5 million, or by about 47 per cent.

McDonough declared that the roll-back was agreed to by the rate-making organization after the Department had checked statistics of the rating organization and found them to be "inconsistent, inaccurate and highly exaggerated".

Said the Commissioner: "This is another example of how much this Department's continued vigilance is needed to protect the public from unjustified premium charges—in this case for the hospitals and nursing homes which serve the people of New Jersey."

The rating organization had obtained approval a year ago to increase the rates 50 per cent, but the increase was based on figures of 1966 and 1967 and became inoperative because of Federal wage-price control freezes.

When the Federal Price Commission authorized insurance companies to introduce previously-approved rate filings, ISO introduced its revised rates on May 24, 1972 reflecting a 50 per cent rate increase as of that date.

McDonough said the Department then directed ISO to present more up-to-date experience. ISO submitted new data in June, but after examination the data appeared to be so wrong it was decided that the Department would launch an unprecedented investigation of the newly-submitted information.

With the cooperation of the New Jersey Hospital Association and the New Jersey Nursing Home Association, the Department checked the insurance bills of hospitals and nursing homes against premiums the companies had reported to the rating organization on professional liability insurance policies written during 1969—the latest figures available.

The Commissioner said that when entries of ISO, the companies and those of the hospitals were matched, "we found little or no similarity between them".

He reported numerous errors. For example, ISO reported it had received \$931 in premiums from one hospital, but the insurance company bill for that hospital showed a payment of \$8,871 in premiums. In another instance, the ISO

reported the premium as substantially higher than the actual premium paid.

The Commissioner said, "Gross inconsistencies were also found in the count of number of beds"—one of the basic criteria used in determining the premium a hospital pays for professional liability insurance coverage. As one example, ISO reported that a particular hospital had 4,816 beds, whereas that hospital actually had only 399 beds, he said.

## 10% PENN CENTRAL FARE INCREASE DENIED BY ICC

The Interstate Commerce Commission last month denied a request of the Penn Central Railroad for a ten per cent commuted fare increase on routes between New York City and Trenton and other stops along the New Jersey coast.

The ICC added, however, that it would approve a 5.5 per cent increase if the railroad submitted a request for that amount. The increased fares would affect all trains providing suburban service, but not those operated by Amtrak, according to a Penn Central spokesman.

If the 5.5 per cent increase is granted, it would apply to one-time fares as well as commuter tickets, he said.

In rejecting the ten per cent increase, the ICC said Penn Central had not offered sufficient proof to justify the increase.

Penn Central filed for the increase in September 1971, saying the money was needed to offset "substantial deficits" caused in part by wage increases.

## STATE GETS \$1 MILLION TO FIGHT DRUGS UNDER NEW FEDERAL GRANT PROGRAM

A \$1 million grant enabling New Jersey to expand its drug abuse and rehabilitation programs to include up to 600 more addicts was recently presented to Gov. William T. Cahill.

The block grant was presented to Cahill and State Health Commissioner Dr. James Cowan by Dr. Jerome Jaffe, director of the White House Special Action Office for Drug Abuse Prevention, during ceremonies Oct. 25 in the State House in Trenton.

The Federal grant will be distributed among 11 local out-patient drug clinics, at a rate of about \$1,500 per patient, and to seven county residential treatment centers at a rate of \$4,000 per patient.

Bulk of the funds will go to treating 500 new patients at the out-patient clinics, according to Dr. Jaffe. The clinics primarily use methadone maintenance in the treatment of addicts.

"The new addicts at the out-patient centers," Jaffe said, "will be able to choose any sort of treatment they want, be it methadone, or withdrawal aid, or general rehabilitative counseling."

"And if a patient goes on methadone and then switches to general rehabilitation, the funds will continue for his care. We are not giving money only for another form of addiction."

Cahill commented that "too frequently, people assume that drug abuse afflicts only our huge central cities. The fact is that drug abuse occurs and treatment services are needed in our suburbs and in the smaller cities and towns throughout the state—and indeed, the nation."

The out-patient clinics, which currently treat 2,400 addicts, are located in Camden, Newark, Trenton, North Brunswick, Paterson, Passaic, Jersey City, Plainfield, Red Bank, Somerville and Elizabeth.

# STATE NEWS OF PUBLIC INTEREST

The residential drug centers are in Camden, Newark, Pemberton and Berkeley Heights.

Cahill said that the no-strings-attached contract "puts responsibility for New Jersey programs where it belongs—in New Jersey. We are ready to meet the challenge and look forward to similar cooperative efforts in the future."

Wade H. Coleman, special assistant to the U.S. Secretary of Health, Education and Welfare for Drug Abuse Prevention, noted that the program "is carefully designed so that the State coordinates targeting and delivery of treatment services—not some one in Washington. We intend this contract to be the first in a series of treatment expansion efforts which will place decision-making authority in the States—closer to the points of need."

## JERSEY SPORTS CENTER RECEIVES CLEARANCE, WORK TO START SOON

Groundbreaking for the mammoth New Jersey sports complex in the Hackensack Meadowlands is due this month, following approval of steps to avoid any adverse environmental effects.

The approval which scheduled the start of work on the 750-acre complex came jointly last month from the State Department of Environmental Protection and Hackensack Meadowlands Development Commission.

The site, which is on Route 3, East Rutherford, in northern Bergen County, will have a 77,000-seat stadium to be ready for use by the now-New York Giants football team in the 1975 season, according to David A. "Sonny" Werblin, chairman of the New Jersey Sports and Exposition Authority.

This agency will construct and administer the sports complex, which will also include a year-round race track and other yet-to-be-announced athletic, recreation and business facilities on the tract adjoining the New Jersey Turnpike.

Werblin said that the purchase and condemnation of land has been going forward and "we have the interim financing arranged". He set the ground-breaking for Nov. 15.

Funds for construction will come from the sale of bonds by the sports authority, with income from the race track backing up bond payments, he said.

The recommendations of hearing officers representing the two State agencies included major steps for building new mass transit facilities, as part of their 84-page report.

In addition to using the planned 25,000-space parking area as an off-hour facility for commuters taking buses to New York, they include rebuilding a railroad line in the area and the possibility of a connecting rail terminal in nearby Secaucus.

Necessary new access roads and widening of present highways will also benefit area commuters.

The Sports Authority agreed to maintain 130 acres as a public education center, with emphasis on environmental protection.

The decision last month followed five weeks of public environmental hearings ordered by the State Supreme Court in their decision last May declaring the Sports Authority to be constitutional.

The two hearing officer attorneys were Gary S. Rosen-

sweig of the Hackensack Meadowlands Commission and Robert L. Solan of the Department of Environmental Protection.

Their 49 recommendations for improving and protecting environmental conditions were accepted Oct. 16 by Environmental Protection Commissioner Richard J. Sullivan and Community Affairs Commissioner Lawrence F. Kramer, who also serves as chairman of the Meadowlands Commission.

## ONE BANK MERGER, TWO NEW BRANCH OFFICES APPROVED

Richard F. Schaub, acting State Banking Commissioner, last month approved two requests for branch bank offices, and also the merger of the South Ward Savings and Loan Association and the Argonne Building and Loan Association of Camden into the South Ward Savings and Loan Association.

Schaub granted approval to the Crestmont Savings and Loan Association of Morristown to open a branch office at Madison Avenue and Convent Road, in Morris Township.

Also, an application of the Newton Savings and Loan Association of Newton to open a branch at Route 206 and Limecrest Road in Andover in Sussex County was approved.

## OUR POPULATION STILL MOST CONCENTRATED OF ALL STATES, WITH MORE MOVING TO SUBURBS

New Jersey's population increased by 131,888 between July 1, 1970, when the United States Census was taken, and July 1, 1971, according to a report from the State Labor Department's Office of Business Economics.

The report, which confirms a heavy shift of population and industry from the central city to the outlying suburbs, projects a population of more than ten million by the year 2000.

"The distribution of increased population will be uneven throughout the State, with a continued shift away from the major urban core centers and toward the suburbs and outer fringes," said Dr. Henry A. Watson, director of the Office of Business Economics.

The report, issued Oct. 10, notes that the 1970 U.S. Census counted 7,168,164 persons in New Jersey. But when the figures were adjusted by the State, the population count was 7,171,112, said Dr. Watson.

He added that by mid-1971, the estimated population had risen to 7,303,000.

"The 1970 census tabulations confirmed that New Jersey, with 957.2 persons per square mile, is the most densely populated of all the states."

Also, he said, while New Jersey is the fourth smallest in area of all the states in the nation, it is the eighth largest in population.

Ocean County, the fastest growing of New Jersey's 21 counties in the 1960s, continues to set the pace in population growth.

East Windsor, which grew faster than any municipality in the 1960s, also remains among the pace setters. However, Burlington Township's population is growing more rapidly.

Trenton, which lost more than 9,000 persons between the 1960 and the 1970 census, now is estimated to be gaining population.

The density in municipalities ranges from West New York in Hudson County, where more than 45,000 live on

each square mile, to Pahaquarry Township in Warren County, with fewer than four persons per square mile.

What of the division of the sexes?

"New Jersey's men are losing ground," Dr. Watson said in the report. "In 1960, there were 99.1 men for every 100 women, but in 1970 the ratio had slipped to 93.7 men for every 100 women."

## KUGLER RULES 18 AGE OF MAJORITY LAW WILL COVER ABOUT EVERYTHING

New Jersey's 18-year-olds will have the right, among others, to be appointed municipal police and firemen when the new age of majority law goes into effect Jan. 1, according to State Attorney General George F. Kugler Jr.

Some municipalities are giving serious thought to hiring 18-year-olds as police and firemen. Kugler said under the new law all persons 18 and over will be entitled to "the basic civil and contractual rights of persons 21 and over".

This includes the right to apply for and be appointed to public employment, including municipal policemen and firemen, he said.

That's only one of the sweeping changes involved in the new age of majority law.

Under the bill sponsored by Sen. James Turner (R-Salem), the 18-year-old also gets the legal right to drink alcoholic beverages at the stroke of midnight on New Year's Eve.

And, under the new law the 18-year-old could even be entitled to be licensed as a physician.

But the Attorney General said other requirements pertaining to education and training would probably mitigate against a candidate applying at 18 for a license to practice medicine.

In an opinion sent last month to the heads of State Departments, Kugler said:

"Beginning Jan. 1, 1973, the effective date of this new law, any individual who is or attains the age of 18 years will be treated as an adult in all respects, notwithstanding that a particular statute may continue to refer to age 21."

The Attorney General also emphasized that the existing law permitting persons 17 and older to be eligible for driver's licenses will continue.

The new age of majority law did not make any changes concerning the 17-year-old driver, he said.

The age of majority law also gives the 18-year-old the right to:

- Contract, sue, be sued and defend civil actions.
- Apply for and be granted a license to engage in business or professions subject to State regulations, including notary public, real estate salesmen, real estate broker and certified shorthand reporter.
- Marry, adopt children and serve as guardians.
- Attend and participate in horse races and parimutuel betting and other legalized games.
- Serve on juries, act as incorporators and consent to medical and surgical treatment.
- Execute a will and inherit, purchase, mortgage or otherwise buy and sell real and personal property.

## \$4.3 MILLION "WINDFALL" TAXES ARE DISTRIBUTED TO MUNICIPALITIES

The State Government has distributed \$4.3 million to municipal governments as a result of an "unexpected windfall" from the repeal of the local business property tax.

State Treasurer Joseph M. McCrane said the checks were mailed to the municipalities Nov. 1.

The largest amounts went to Newark—more than \$400,000

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—and Jersey City—nearly \$200,000—but virtually every community shared in the unexpected bonus.

The revenue represents excess funds collected from the series of State taxes designed to reimburse municipalities for money lost as a result of repeal of the local business personal property tax.

Under the 1966 law, the State guaranteed that municipalities would suffer no loss of revenues from the repeal.

For the first time since 1966, Gov. William T. Cahill said, the replacement taxes collected by the State in the past year have exceeded the amount needed to reimburse the local governments under the "save-harmless" provisions.

He said the additional \$4.3 million going to local governments is in addition to the \$106.8 million the State is returning in reimbursements.

## HOUSING AGENCY APPROVES \$20 MILLION IN LOANS FOR 872 UNITS

The New Jersey Housing Finance Agency recently authorized \$20,336,802 more in mortgage loans to finance construction of 872 housing units, according to Community Affairs Commissioner Lawrence F. Kramer.

The loans are for development of senior citizens housing in Plainfield and Middletown Township (Monmouth County), senior citizens and moderate-income housing in Trenton, and moderate-income housing in New Brunswick and Victory Gardens (Morris County).

With these authorizations, the agency has now approved financing for 13,507 dwelling units in the State. It has 60 projects either under development, occupied or approved for financing. Included are 19 developments with 3,429 dwelling units for senior citizens.

All of the latest projects will use Federal interest subsidies, enabling the sponsors to charge rents below the market rate for qualified tenants.

The agency authorized these amounts for the following projects:

- A \$6,740,902 mortgage loan to Trent Center West Inc. of Trenton for construction of a 245-unit development for senior citizens and moderate-income families at Greenwood Avenue and Hudson Street in Trenton.
- A \$1,977,419 mortgage loan to Middletown Senior Citizens Housing Corp. of Middletown for construction of a 96 one-bedroom unit development for senior citizens at Route 36 and Main Street in the Port Monmouth area of Middletown.
- A \$4,456,534 mortgage loan to New Brunswick Associates of New Brunswick for construction of a 206-unit development for moderate-income families on an urban renewal site, encompassed by Oliver Street, Memorial Parkway, Commercial Avenue and Nelson Street in New Brunswick.
- A \$3,495,123 mortgage loan to David A. Zarin Associates of Elizabeth for construction of a 141-unit development for senior citizens at 1264-1272 Park Avenue in the Third Ward of Plainfield.
- A \$3,666,824 mortgage to U.S. Home Communities Corp. in Pleasantville to build a 184-unit development for moderate-income families at Washington Avenue in Victory Gardens in Morris County.

## THE 259 STATE-AID PROGRAMS AVAILABLE LOCALLY ARE LISTED IN NEW BOOKLET

A catalogue describing the 259 State assistance programs available to local governments is newly available.

Prepared by the Department of Community Affairs, it covers programs of all Departments in the New Jersey government. It was requested specifically by Gov. William T. Cahill, and has been mailed gratis to mayors, county freeholders, municipal clerks and municipal attorneys throughout New Jersey.

In his covering letter to local government officials, the Governor said that the catalogue "was compiled for the sole purpose of making it easier to secure the services of your State Government".

The 170-page booklet, titled "Catalogue of State Programs of Assistance to New Jersey Local Governments"; lists the 259 programs currently administered by the 18 State Departments.

Each listing includes purpose of the program, type of assistance it offers, who may apply for assistance and whom to contact for additional information.

Community Affairs Commissioner Lawrence F. Kramer said he knew from former experience as mayor of Paterson that the catalogue would be a valuable tool for local officials.

He added that it would be continually updated with new phone numbers and addresses.

Copies may be obtained at \$1 each. Ask for: "State Aid Catalogue", Division of Local Government Services, P.O. Box 2768, Trenton, N.J. 08625. Phone: (609) 292-6055.

## CANNON MAY AGAIN BRISTLE FROM PALISADES PARK HILLS

The Palisades Interstate Park Commission plans to spend \$2.8 million for a visitors center and to reconstruct gun batteries at the old Fort Lee battlements.

The center would include an auditorium, historical exhibits, library and office space, plus reconstruction of the powder magazines and rows of cannons which once guarded that section of the Hudson River.

Nash Castro, Commission general manager, appearing last month at a budget hearing in Trenton, said New Jersey's share of developing Fort Lee Historic Park would be about \$700,000 after contributions from the Federal government and the Commission.

Castro said that the American Revolution Bicentennial Commission had told him they would use the park as a jumping-off point for a historic tour of New Jersey if it is ready by 1976.

Originally part of a system of forts developed by General George Washington to guard the river, Fort Lee was evacuated when the British sailed up the Hudson.

The park property, which was acquired in 1971 at a cost of \$1.12 million, consists of woodlands and some dirt mounds where the gun emplacements once were. Castro said an archeologist had probed the area but found nothing.

In 1972 the Commission's New Jersey budget was \$1,078,265. For 1973, the proposed budget is \$1,250,330 an increase of \$192,065. Commission officials said the hike was due to purchases of trucks, police cars and mowers as well as salary increments and other increased costs.

## GOVERNOR ASKS THAT \$40 MILLION MORE GO TO LOCAL SCHOOL DISTRICTS

Gov. William T. Cahill announced last month that he will recommend that the State provide an additional \$40 million in aid to local school districts to ease the burden on local property taxpayers and tenants.

He said he will ask the Legislature, when it returns on Monday, to implement the third 20 per cent step of the basic Bateman school-aid formula in the next fiscal year at a cost of approximately \$40 million.

Cahill said he is recommending that the \$40 million in additional school-aid be funded out of the State Government's share of the Federal revenue-sharing program recently passed by Congress. He said the money would be included in his 1973-74 budget message.

"I can think of no better way for the State to use a substantial portion of its share than to aid taxpayers in local school districts", the Governor declared.

"Although we have placed fiscal restraints, wherever possible, on new and expanded major State spending programs", he added, "the needs of homeowners and tenants suffering under the highest property taxes in the nation cannot be ignored."

Under revenue sharing, the State Government will receive \$54.5 million a year. An additional \$109.1 million a year will go directly to local governments in New Jersey.

Cahill said the additional \$40 million would maintain the steady record over the last three years of increasing State help to local school districts. He reported that the total of all forms of State school-aid has grown from \$459 million in 1970-71 to \$548 million in the current State budget, an increase of nearly \$90 million. This does not include the \$19.5 million in the current budget for aid to parochial and private schools.

The Governor asserted that the ever-increasing cost of public elementary and secondary education is the predominant reason for skyrocketing local real estate taxes, which hurt not only the homeowner and businessman but also are passed along to tenants in higher rents.

Cahill expressed regret that the Legislature failed to enact tax reform, under which the State would have assumed most of the cost of public education. He also noted that the State Supreme Court had postponed its decision on whether New Jersey must adopt an entirely new method of financing public schools.

"We believe that the tax reform program would have provided a dramatic shift in the burden of school costs away from the local property taxpayer," he said. "However, until a permanent solution to the problem is found or forced by the courts, the State should do all it can within its own limited financial resources to aid the local school districts."

## PUC DENIES RATE RISE ASKED BY TRANSPORT OF NEW JERSEY

The New Jersey Board of Public Utility Commissioners last month denied the request of Transport of New Jersey to increase by ten per cent all adult one-way fare rates of 60 cents or more and to raise student fares from 66⅔ per cent to 75 per cent of the adult one-way fare.

In denying the request, the PUC noted that "this additional petition for emergency relief is requested in spite of the petitioner's failure to submit a completed study of fare and route structures (as) ordered by the Board in its decision of December 23, 1970, Docket No. 703-143 . . ."

"We are equally troubled over the frequency with which

this regulatory body has been faced with increases in fares for bus transportation over the past decade. It raises serious questions as to whether or not fare increases have been the answer or cause of the problems plaguing the transportation industry."

The PUC concluded that the "petition for additional emergent relief is not considered propitious at this time and is hereby denied. The Board remands this matter to the hearing examiner for further hearings commencing November 16, 1972, 10:00 A.M."

## **ELIZABETHTOWN WATER COMPANY GRANTED EMERGENCY RELIEF**

The New Jersey Board of Public Utility Commissioners determined last month that Elizabethtown Water Company's financial position had deteriorated to the point where it could not refinance existing debt and that its ability to render safe, adequate and proper service would therefore be impaired.

The Board announced that it will therefore "permit Elizabethtown to increase rates by eight per cent, solely on a temporary basis effective for service rendered after November 1, 1972".

A PUC spokesman said the increase amounts to approximately 35 cents a month for a residential customer in the Plainfield-Elizabeth area served by the company.

The water utility is required by its legal indenture to demonstrate that its earnings are at least two times the amount of interest it owes on its debt, the PUC explained. Failure to have such interest coverage prevents new or refinancing. The interest coverage must be met for 12 consecutive months out of 15.

The PUC found that Elizabethtown's earnings for July and August of 1972 were respectively at 1.91 and 1.94 times interest. Continuation of this pattern would prevent refinancing of \$17 million of short-term debt falling due in March 1973.

The Board indicated that "based upon our review of company projections, these additional revenues would still fall somewhat short of allowing proper coverage . . ."

It refused to grant additional revenues, however, because (1) the PUC expects Elizabethtown to hold expenses down, (2) revenue figures in the coming months may be higher than company projections and (3) by December of 1972, the PUC should be able to finally "determine a level of permanent rates which we feel are fair and reasonable".

## **PUC BROADENS JURISDICTION OVER REFUSE COLLECTING**

In a precedent-setting decision, William E. Ozzard, President of the Board of Public Utility Commissioners, asserted that agency's jurisdiction over both a solid waste collector and a municipality who have entered "into a joint enterprise for the purpose of forming a solid waste collection utility".

The assertion of authority came in a decision Oct. 13, 1972 by the PUC that the contract between the Borough of Upper Saddle River and Joseph P. Clancy appears reasonable, but that the two parties must comply with PUC regulations with respect to their association and the maintenance of their books and records in accordance with the uniform system of accounts.

The case came before the PUC in April of 1972 when it was discovered that Joseph P. Clancy had not filed for certification with the PUC. Clancy had entered into a con-

tract with the Borough of Upper Saddle River wherein he was obligated to provide labor, material, insurance and maintenance services.

The borough is obligated to provide the trucks and fuel and pays all fees for dumping. The Board issued an "order to show cause" why Mr. Clancy should not file for certification and why the contract should not be submitted to the Board for approval.

The Board indicated that while it approved the contract, it believed such operations should remain under its jurisdiction.

The opinion states:

"An examination of the legislative history and the declaration of policy of the Legislature, N.J.S.A. 48:13A-2, indicates that the Board's jurisdiction over the solid waste industry was not to be circumscribed where a municipality and a solid waste collector enter into a joint enterprise for the purpose of forming a solid waste collection utility."

Ozzard commented: "While it appears from our investigation that this particular contract is beneficial to the citizens of Upper Saddle River, we must be careful to guarantee against any blanket approval of such joint enterprises, especially where they might be entered into in order to circumvent State regulation and control.

"It is our purpose and desire to insure that the citizens of each municipality receive the best possible service at the lowest possible cost. We therefore cannot be dogmatic in our insistence on any particular method of providing those benefits and must recognize and reward any new ideas on methods.

"But, in so doing we must also be ever mindful of our responsibility to the individual citizen to guarantee that the method employed is justified by the benefits to him. Therefore, the Board has approved this contract but, at the same time, guaranteed continued surveillance."

## **PUC APPROVES NEW SYNTHETIC PLANT TO INCREASE NATURAL GAS SUPPLIES**

The State Board of Public Utility Commissioners last month announced action "to alleviate the drastic gas shortage which has plagued northern New Jersey to the point where industrial and commercial growth has been virtually brought to a halt and supplies for residential purposes have been threatened".

The PUC approved construction and operation of a synthetic natural gas (SNG) plant adjacent to the site of Public Service Electric and Gas Company's Linden electric generating plant. In a highly industrialized area, the new plant will be nearly one mile from the nearest residence.

Ninety per cent of the output of the plant will go to customers of Public Service while the remaining ten per cent will be purchased by Elizabethtown Gas Company.

The nationwide gas shortage has been particularly acute in New Jersey, the PUC said, and the two major suppliers of Public Service Electric and Gas have had to curtail deliveries of gas below that amount to which the company is contractually entitled.

Texas Eastern Transmission Corp. curtailed gas delivery by seven per cent during the 1971-72 heating season and has indicated that the curtailment might be as high as 15 per cent to 20 per cent in the 1972-73 season. Transcontinental Gas Pipelines Corp., the major supplier of Elizabethtown Gas Company, curtailed its deliveries by 12 per cent in the 1971-72 heating season. For Public Service alone, the curtailments for 1971-72 amounted to 63 million cubic feet of gas per day.

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This caused Public Service in December of 1970 to stop accepting additional customers at interruptible and off-peak rates. In June of 1971, business was further curtailed by the refusal of new industrial and commercial customers.

At hearings on the problem, witnesses for Public Service testified that new residential heating loads would have to be restricted if the proposed SNG plant cannot be built. Elizabethtown Gas and New Jersey Natural Gas have already ceased accepting new residential heating business. Beyond its effect on new customers, projections of peak-day demand starting with the winter of '73-'74 indicate that Public Service will not be able to meet the demands of current customers without the proposed plant.

The synthetic natural gas plant will create a gas compatible with natural gas by using naphtha and other light petroleum distillates. The plant will be capable of producing 125 million cubic feet of gas per day. It will be located on a 41-acre site adjacent to the Linden generating system, and the naphtha feed stock will be delivered by pipeline, thus reducing the amount of storage required.

The PUC Board found that: (1) The petitioner's own experience with gas-producing plants and the expertise of the engineering firms associated with the project will serve to insure that the proposed SNG plant and its associated facilities will be designed, constructed, operated and maintained in accordance with all applicable environmental and safety codes and standards, and (2) that the plant will create no adverse ecological effects.

The plant is expected to be in service for the winter of 1973-74.

## URGES CHECK OF HOME FIRE EXTINGUISHERS FOR DANGERS

Dr. James R. Cowan, State Commissioner of Health, recently endorsed the suggestion of the Federal Food and Drug Administration that families check their home fire extinguishers for the presence of carbon tetrachloride or mixtures containing it.

Carbon tetrachloride when released on a hot surface forms phosgene gas which can cause permanent damage to the liver, kidneys, heart or lungs, and may result in death, Dr. Cowan explained.

The U.S. Food and Drug Administration way back in August 1970 issued a regulation prohibiting carbon tetrachloride from sale for any use in the home, including fire extinguishers. Safer and more effective chemical extinguishers were available, it noted.

The newest FDA warning reported that fumes from a broken extinguisher containing carbon tetrachloride had caused the death of an Oregon woman last July.

The FDA said there may be many such existing extinguishers which were sold prior to its 1970 prohibition. It urged families having extinguishers with carbon tetrachloride or with unlabelled products to consult their local fire department for suggestions regarding disposal.

## STATE AIDS MINORITY ENTERPRISES WITH NEW \$2.5 MILLION PROGRAM

The State's experimental \$2.5 million Special Impact Program was launched recently with the award of planning grants and venture capital to five community corporations to expand or establish minority enterprises.

Commissioner of Community Affairs Lawrence F. Kramer made the presentations personally in Trenton, Newark, Jersey City and Camden, for a total of \$1.7 million.

"The program will test the possibility of breaking the poverty cycle through community-planned, -owned and -operated businesses, with its basic thrust being to create an internal neighborhood economy," Kramer said.

The new program—first in the nation—is administered by the State Development Corporation, of which Kramer is chairman. The \$2.5 million of first-year money comes from the Federal Office of Economic Opportunity.

Planning grants of \$75,000 plus \$225,000 in venture capital were made to three groups:

- Trenton Community Economic Development Corporation, to expand its community enterprise program from the central-city Model Cities area.
- FOCUS Equal Business Opportunity and Economic Development Corporation, Newark, to help establish businesses to meet the needs of the Spanish-speaking community in the northern section.
- Bergen-Greenville Development Corporation, Jersey City, to help establish businesses in the depressed Jackson Avenue shopping district area.

Also, MEDIC Enterprises Inc., Newark, received \$130,000 for planning and \$270,000 venture capital to develop that city's central ward, and the Black People's Unity Movement Special Impact Corporation, Camden, got \$113,000 for planning and venture capital of \$287,000 to expand its operation, which presently includes a paper box manufacturing facility, a housing management firm and a day care center.

Among new businesses being surveyed by the local groups are a bank, fast food franchises, health care center, mini shopping center and a small housing project.

William R. Garner, executive director of the State Development Corporation, said the administrative grants, payable over a 12-month period, will enable the local groups to employ staff and solicit the required \$5 membership shares from one per cent of the population in their target areas. The capital venture money will be used as equity in borrowing money from the private sector to establish the businesses, he said.

## JOB PROSPECTS OF WELFARE RECIPIENTS IMPROVED BY "WIN" EDUCATION PROGRAM

A five-year-old educational program for welfare recipients succeeded in the past year in helping a record number of them receive high school equivalency certificates.

In the fiscal year which ended June 30, there were 281 recipients of Aid to Families with Dependent Children (AFDC) who earned their equivalency certificates under the Work Incentive (WIN) program.

This was reported by Robert H. Arents, director of the education program in the State Department of Education. The best previous year was 1970-71 when 168 passed the test, he said.

Federally funded, the program provides educational opportunities at ten centers, with the aim of improving employment prospects of welfare recipients. The centers are supervised by the Bureau of Adult and Continuing Education of the Department's Division of Field Services, with local boards of education operating the programs at the centers.

AFDC recipients are referred to the program by the State Department of Labor and Industry through county welfare caseworkers who refer clients to the State Employment Service for evaluation. If deemed appropriate for the program, the client is assisted in the development of an employability plan.

Arents said that since WIN began in 1968, 2,081 persons have been referred to the learning centers. Of this group, 787 have taken the general education test and 683 have passed to obtain a State high school equivalency certificate.

In addition, 171 persons involved have not taken the tests but have been placed directly in jobs. Another 122 have been placed in skill training leading to job placements.

Of the persons who have not been able to continue the program, many have been forced out by personal health problems or the lack of available child-care arrangements, he stated.

Arents points with particular pride to the rate of success of those who have been able to stay with the program.

"In the past two fiscal years, 449 persons out of the 483 who took the general education development tests were successful in obtaining certificates. That's an impressive 93 per cent."

### NEW JERSEY'S SECOND PUBLIC TV STATION ON AIR

New Jersey's second public television station went on the air Oct. 30, serving central Jersey. Located near Camden, WNJS-TV, Channel 23, is the second of four such stations of the New Jersey Public Broadcasting Authority.

It joins the present Channel 52 serving central Jersey, with Channel 50 in Montclair and Channel 58 in New Brunswick due to begin telecasting next year.

Dr. Lawrence T. Frymire, executive director of the Broadcasting Authority, said "this is just the beginning of Jerseyvision in South Jersey," and promised "to continue starring South Jersey residents in their own stories to come."

### NEWARK TEACHER STRIKES ARE ANALYZED IN REPORT

The State Department of Education has available a research report on recent Newark teachers' strikes—part of a series of issue papers dealing with subjects of current interest in education.

The publication is the fourth in the "Perspective" series being published by the Department's Division of Research, Planning and Evaluation.

Stanley J. Salett, Assistant Commissioner in charge of research, planning and evaluation, noted that the report includes a documentary, month-by-month outline of events associated with the several Newark teacher strikes and an analysis of the implications of those events for the future of education in Newark and elsewhere.

Titled "Social Conflict: Teachers' Strikes in Newark, 1964-1971", the report was prepared by Dr. William M. Phillips Jr., and Dr. Joseph M. Conforti, both of Rutgers University. It was done under a research grant from the Department plus partial help from a National Institute of Mental Health grant.

# Let's protect our earth



The above symbol is familiar to drivers in the Trenton area because of its appearance on many rear car windows.

It was adopted by the Department of Environmental Protection soon after this newest office of the State Government began operation 2½ years ago.

The design combines those primary elements of nature which support life and must be protected and preserved—namely, land, sea and air. The background is light blue, the dove and wave in white and the heavy black circle depicts the earth as a globe.

Window decals (at no more than two per request) have now been made available free of charge. Order from: Public Information Office, Department of Environmental Protection, Box 1390, Trenton, N.J. 08625.

"The content will be familiar to those who observed or participated in the situation at the time," says Salett. "They may, however, be surprised at the patterns that emerge from the chronology when seen from a few years' distance."

"The report shows how the separate elements and forces within the city coalesced until positions taken by the different groups became rigid and the groups immovable. I believe we can all learn something from this retrospective view of a confusing, tumultuous and highly dramatic period for Newark."

The first "Perspective" report dealing with the problems of Spanish-speaking students in New Jersey was released in February. There have since been two others, on merit pay and neurological impairment.

Single copies of the earlier reports, or copies of the unusual 88-page study on the Newark teacher strikes, are available from: Stanley J. Salett, Assistant Commissioner, Research Division, 225 West State Street, Trenton, N.J. 08625.

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### PROBLEMS OF RAIL, BUS TRANSIT DESCRIBED IN NEW PAMPHLET

The Department of Transportation has issued a new pamphlet in response to questions asked by the general public about the State's assistance programs for passenger railroads and bus services.

"The Many Problems In Improving Transit" briefly discusses underlying financial, operating and legal problems and the State's efforts to find solutions. It describes activities under way, but does not include projects which could be carried out under the proposed 1972 Transportation Bond Issue.

Free copies may be obtained from: Office of Information Services, Department of Transportation, 1035 Parkway Avenue, Trenton, N.J. 08625.

### UPDATED GOLF DIRECTORY LISTS 231 COURSES IN STATE

In response to public demand, a directory of New Jersey's 231 golf courses has been updated and reprinted by the Department of Community Affairs, Bureau of Local Management Services.

The publication lists golf courses throughout the State according to county, including name, address, phone number, number of holes and whether public or private.

According to the directory, New Jersey's golf courses average 18 holes but range from as few as 6 to as many as 36 holes.

Copies of the free directory may be obtained by writing: New Jersey Golf Courses, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Directories will be distributed on a "first-come, first-served" basis.

### NEW STATE GRANT TO AID IN DEVELOPING PLANNED COMMUNITIES

The State Department of Community Affairs has received a \$120,000 Federal grant to set up a program to help municipalities and counties develop "new communities" and "planned unit developments".

Community Affairs Commissioner Lawrence F. Kramer said the new program will be administered by his Division of State and Regional Planning. The funding came from the Department of Housing and Urban Development.

The "new communities" and "planned unit development" concept is an import from Europe, Kramer said, and is a comprehensive approach to land use planning.

Instead of developing homes, industries or stores separately, the new concept establishes a balanced community of homes, stores, commerce, industry and recreation.

Under the new program, Kramer said, the State will serve in an advisory and technical capacity, giving counties and municipalities "all the facts, pitfalls as well as benefits".

Kramer said the \$120,000 grant is sufficient for present needs, but if additional funding is required, the State will ask HUD for it.

### CAHILL PLACES DAY CARE CENTERS UNDER A SINGLE STATE AGENCY

The operation of State-run day care centers has been consolidated under one roof by Gov. William T. Cahill.

He signed a directive last month transferring 22 "Day Care 100" centers from the Department of Community Affairs to the newly-created Division of Youth and Family Services in the Department of Institutions and Agencies.

The shift of the 22 centers makes the new agency responsible for a total of 850 day care centers.

Cahill said he took the "major step" to concentrate all day care centers into a single agency to improve the quality of service.

The move carried out a pledge the Governor made in his second annual message to the Legislature last January.

"Our goal is to establish New Jersey as a national leader in providing quality day care to all segments of our population," Cahill said.

Day care centers in the State have increased by more than 12 per cent during the past year, a spokesman for the new Youth and Family Division said.

"We expect the centers to reach 1,000 before fiscal 1973 is up," he added.

The new Division expects to begin day-to-day operations by the beginning of 1973. It was created by Institutions and Agencies Commissioner Robert L. Clifford to implement Cahill's recommendation.

Frederick A. Schenck is Director of the Division, whose primary goal is to strengthen the family by improving the quality, scope and delivery of social services to children and parents in need of assistance.

Day care had formerly been scattered in three State Departments: Community Affairs, Education, and Institutions and Agencies.

The State's \$990,000 appropriation for the program during the 1972-73 fiscal year was transferred to Institutions and Agencies. The State funds generate nearly \$3 million in Federal money for the program.

### AGRICULTURAL STATISTICS PUBLICATION NOW AVAILABLE

The newest "New Jersey Agricultural Statistics" is available for distribution, according to Secretary of Agriculture Phillip Alampi.

The annual publication contains data on the State's agricultural production, prices paid and received by farmers, and crop and livestock inventories.

Prepared by the New Jersey Crop Reporting Service, it has Statewide statistics for 1965 through 1971 and county data for the past two years. The 56-page book is divided into six main categories: Weather and field crops, vegetables, fruits and berries, livestock and dairy, poultry, and farm income and prices.

Single copies may be obtained gratis by writing: Division of Information, Department of Agriculture, P.O. Box 1888, Trenton, N.J. 08625.

### URBAN LOAN AUTHORITY PASSES \$1 MILLION MARK IN BACKING

The New Jersey Urban Loan Authority has crossed the \$1 million mark in making and guaranteeing loans to help small businesses in economically depressed areas, State Community Affairs Commissioner Lawrence F. Kramer announced.

Kramer, chairman of the three-member authority, said the \$1 million level was reached with a \$50,000 loan to a

Roselle-based trucking company, which brought the amount of loans granted to \$1.04 million.

According to Kramer, the loans have helped establish businesses which now employ 450 persons who are earning a total of some \$4 million a year.

Kramer said the significance of the urban loan program can be measured in the new businesses that have been helped and the number of employees "who are able to stand on their own two feet and are not the wards of somebody".

In addition to the direct loans, Kramer said the program has also helped generate another \$1.9 million in funds from other government agencies and private sources for the new enterprises.

He said the program in the past 12 months has "leap-frogged" from one loan guarantee of \$20,000 to 24 loans representing 20 times the initial loan amount.

## ST. PETER'S HEAD NOMINATED AS PORT AUTHORITY COMMISSIONER

Rev. Victor R. Yanitelli, SJ, president of St. Peter's College, Jersey City, has been nominated by Gov. William T. Cahill to be a Commissioner of the Port Authority of New York and New Jersey.

At the same time, the Governor announced the appointment of George M. Wallhauser Sr. of Maplewood as chairman of the New Jersey Highway Authority, operators of the Garden State Parkway.

In naming Father Yanitelli, Cahill said he was convinced the Port Authority "appointment should come from Hudson County" and that the Jesuit would be a man of "vision" in the development of a new concept of mass transportation.

"I didn't want to name a banker or a businessman," the Governor told a news conference in Trenton last month.

He said that Father Yanitelli, who is 57, had a "deep interest" in Jersey City and Hudson County.

Father Yanitelli's name will be submitted for Senate confirmation when the State Legislature returns Monday. He was named to a full six-year term in the nonsalaried post.

He succeeds William A. Sternkopf of Jersey City who resigned from the bi-state agency following his conviction for conspiracy and extortion charges by a Federal jury in July, 1971. He was sentenced to ten years in jail.

Father Yanitelli has been president of St. Peter's College since 1964 and is active in civic affairs. He is a member of the New Jersey Scholarship Commission, director of the Governor's Council on Upward Bound and chairman of the Jersey City Chapter of the American Red Cross.

Father Yanitelli, who is a reviewer of books, is the recipient of the Columbia Alliance Award for service to education; a member of the National Association of Student Personnel Administrators, of which he is a past president; the Association for Higher Education; the American Personnel and Guidance Association; the Dante Society of Cambridge; and the Italian Historical Society.

Wallhauser, 72, is a former U.S. Congressman, 1958 to 1964. He replaces John P. Gallagher as chairman of the Highway Authority. Gallagher resigned as a Commissioner to become Executive Director of the agency.

## CAHILL NAMES TWO KEY STAFFERS TO IMPROVE RELATIONS WITH COUNTIES

Steps to develop a closer liaison between the State Government and county governments throughout New Jersey have been taken by Gov. William T. Cahill.

On the occasion of his proclamation declaring October

16 to 23 as "County Government Week", the Governor said he had designated two senior members of his staff as his personal representatives with the Boards of Freeholders in all 21 counties.

The Trenton representatives are Ira Grayson, his administrative assistant, and David Norcross, his special assistant.

In letters to all county freeholder directors, the Governor said he hoped the step "will develop a continuing relationship so that our specific responsibilities to the citizens of the State can continue to be carried out with efficiency and dispatch and so that there will be a 100 per cent working relationship between County and State Government in New Jersey".

Grayson and Norcross will work directly with them "to eliminate any delay in the inter-relationship between County and State Government", he said.

"While it will be expected that you will consult with Department heads of State Government in the areas of their direct responsibility, the Governor's office will be ready to intervene in any matter where you do not receive the prompt attention you deserve from any Department.

"These liaison officers will, therefore, be able to expedite the decision-making process in State Government so that there will be no unnecessary delays. In the event that emergency appointments are required with various Cabinet officers or Bureau chiefs, the Governor's office will be ready to expedite these appointments."

The Governor told the freeholder directors that whenever a problem develops that they believe requires his personal attention, he stands ready and willing to work with them.

He also noted that he has already established another liaison with municipal officials through the executive committee of the New Jersey Conference of Mayors. He said he will seek their advice on whether they believe any further steps can and should be taken to improve such liaison.

## FOUR TRUSTEES NAMED FOR VARIOUS STATE INSTITUTIONS

With the approval of Gov. William T. Cahill, the Board of Institutional Trustees for the Department of Institutions and Agencies has announced four appointments to boards of trustees of as many institutions—the New Jersey Hospital for Chest Diseases, the Diagnostic Center at Menlo Park, the Trenton Psychiatric Hospital and Woodbine State School.

Dr. Raymond A. Taylor, a retired surgeon of Toms River, who was appointed to the board of the Hospital for Chest Diseases, is a Fellow of both the American and the International Colleges of Surgeons. He is past chairman of the department of surgery at Paul Kimball Hospital in Lakewood and of the Community Memorial Hospital, Toms River.

The Hospital for Chest Diseases in Glen Gardner is the only State-owned and operated hospital for chest diseases in the State. Originally opened as an institution for the treatment of pulmonary tuberculosis, it now serves any person afflicted with pulmonary disease requiring prolonged hospitalization.

Appointed to the board of the Diagnostic Center at Menlo Park was Mrs. Irwin Roseff of Lakewood, wife of Dr. Irwin Roseff, physician. Mrs. Roseff has participated in charity fund drives, PTA, League of Women Voters, American Field Service, local Boards of Education activities and B'Nai Brith, and is a hospital volunteer at Paul Kimball Hospital.

## STATE NEWS OF PUBLIC INTEREST

One of the seven residential facilities under the Department's Division of Mental Health and Hospitals, the Diagnostic Center provides complete psychiatric evaluation of socially-disordered individuals, especially those referred by the courts for study.

It provides consultation services to courts, schools and welfare agencies throughout the State, and has residential facilities reserved for boys and girls between the ages of 8 and 18 for a maximum stay, fixed by statute, of 90 days. It also has a program for the treatment of sex offenders committed by the courts to the treatment unit at the Rahway State Prison.

Mrs. Webster B. Todd of Oldwick, who will serve on the board of Trenton Psychiatric Hospital, has been a volunteer in a number of charitable and community organizations and art circles, is active in the New Jersey Federation of Republican Women, of which she was president from 1946 to 1952, and was formerly a member of the Republican National Committee. In 1959 she was Secretary of the Citizens Association for Corrections for New Jersey.

Trenton Psychiatric Hospital, a state residential mental health facility, serves Hunterdon, Hudson, Mercer and Warren Counties and the City of Newark.

Frank A. Kruk of Seaville has been appointed to the board of the Woodbine State School. He operates the contracting firm of Kruk Bros., is a past commander of the Veterans of Foreign Wars, member of the American Legion, and has served in Seaville on the school board, as township committeeman and member of both the planning board and board of adjustment.

Woodbine State School, a residential facility for the retarded, receives mentally-retarded males over five years of age whose degree of retardation is classified as either profound or severe. Woodbine is one of the seven state schools under the administration of the Division of Mental Retardation in the Department.

### FEINBERG BACK IN STATE SERVICE AS HOUSING DIVISION DIRECTOR

Joseph G. Feinberg of Lawrence Township (Mercer County) has been named Director of the Department's Division of Housing and Urban Renewal by Community Affairs Commissioner Lawrence F. Kramer.

Feinberg, 44, assumed his new post Oct. 16 at a salary of \$23,714, succeeding Raymond Heinrich who has returned to private practice in his New Brunswick planning and architectural firm. Heinrich will also lecture at Rutgers University and is an urban design consultant.

"Ray Heinrich has been an invaluable asset to our Department," Kramer stated. "His grasp of New Jersey's housing problems led to new innovations and unique approaches. His leadership and creative input will be sorely missed."

Feinberg was most recently coordinator of the New York State Urban Development Corporation in Niagara Falls, and previously executive director of the Jersey City Redevelopment Agency for five years. A graduate of Lake Forest College, Illinois, Feinberg also served as chief of Community Renewal Assistance in the Department's Division of State and Regional Planning from 1961 to 1966.

Kramer said Feinberg "brings a unique combination of planning, leadership and expertise to the Department".

Feinberg as Director is responsible for assisting local government and community groups in developing housing construction and renovation projects, for enforcing the State's housing construction and maintenance standards for hotels, motels, and multiple dwellings, and for providing technical and financial aid to help communities carry out urban renewal and relocation problems.

He lives with his wife and four children at 11 Luman Road, Lawrence Township.

### DR. KAPLAN NAMED TO NEW DEPUTY POST IN STATE EDUCATION DIVISION

Appointment of Dr. Bernard A. Kaplan as deputy assistant commissioner of the State Department of Education's Division of Research, Planning and Evaluation has been announced by State Education Commissioner Carl L. Marburger.

Dr. Kaplan, 46, had served for the last four years as director of the Office of Planning in the RP&E Division. His new post is in the \$20,731-\$27,990 salary range.

Stanley J. Salett, Assistant State Education Commissioner in charge of the Division, said that the naming of Dr. Kaplan as its first deputy assistant commissioner would enable the Division to handle its expanding functions more effectively.

"The work has increased dramatically since the Division was established four years ago," Salett said. "What were pilot projects in evaluation, assessment and program development have grown into major dimensions, reaching into school districts throughout the State."

Dr. Kaplan has been an educator 22 years. He has been with the Education Department since 1966, serving as associate director for ancillary services in the Division of Vocational Education before becoming director of the Office of Planning.

He came to Trenton from the New York State Education Department where he had served 12 years as a guidance supervisor and as coordinator of various projects concerned with the education of disadvantaged youth.

A native of Hancock, N.Y., Dr. Kaplan holds bachelor, master and Ph.D. degrees from Cornell University. He is a member of a number of professional education organizations and is currently president of the International Society of Educational Planners. Married and with one daughter and one son, the family lives in Lawrenceville.

### GERRY ZICH, AGRICULTURAL AIDE, RETIRES AFTER 31-YEAR CAREER

Gerald E. Zich of Lawrenceville, executive assistant to State Secretary of Agriculture Phillip Alampi, retired Nov. 1 after 31 years with that Department.

Commented Alampi: "Gerald Zich's productive perception, fruitful achievements and devotion to the cause of agriculture and open space have contributed immensely over the years to the welfare of farmers and all citizens of the Garden State."

Zich had served as assistant director of marketing and assistant director of information. He is the author of "Fertile Furrow—50 Years Long", a history of the Department published on its golden anniversary in 1966.

Among numerous activities over the years, he initiated the first mandatory tax program to support farm products promotion councils. In 1947, he planned and conducted the first organized agricultural industry tour of food editors and radio broadcasters, today an annual feature of the Department's marketing program.

