

# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

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

**VOLUME 4 • NUMBER 8**  
Aug. 10, 1972 • Indexed 4 N.J.R. 177-208  
Published monthly • Trenton, New Jersey  
DEPARTMENT OF TRANSPORTATION LIBRARY  
N. J. DEPT. OF TRANSPORTATION LIBRARIAN  
TRENTON, NEW JERSEY DEPT OF TRANSPORTATION  
1035 PARKWAY AVE  
TRENTON N J 08625

## IN THIS ISSUE

### AGRICULTURE

- Proposed Change in Hog Cholera Pay ... 4 N.J.R. 178(a)
- Proposed Change in Percentage of Milk ... 4 N.J.R. 179(a)
- Proposed Cancellation of Milk Grades ... 4 N.J.R. 179(b)
- Proposed Changes in Nutrient Values ... 4 N.J.R. 179(c)
- Adopt Change in Livestock Importations ... 4 N.J.R. 180(a)
- Adopt Change in Horse Importations ... 4 N.J.R. 180(b)
- Adopt Change in Swine Markets ... 4 N.J.R. 180(c)
- Adopt Feeder Stock Revisions ... 4 N.J.R. 180(d)
- Hog Cholera Quarantine Set ... 4 N.J.R. 180(e)
- Terminate Hog Cholera Quarantine ... 4 N.J.R. 181(a)
- Revise Milk Supply Sources ... 4 N.J.R. 181(b)
- Adopt Revised Form H-2A ... 4 N.J.R. 181(c)
- Adopt Shell Egg Standards ... 4 N.J.R. 181(d)

### COMMUNITY AFFAIRS

- Amend Part E of Building Code ... 4 N.J.R. 182(a)

### EDUCATION

- Proposed Secular Education Changes ... 4 N.J.R. 182(b)
- Proposed School Bus Changes ... 4 N.J.R. 183(a)
- Proposed State-Wide Student Assessment ... 4 N.J.R. 183(b)

### ENVIRONMENTAL PROTECTION

- Proposed Changes in Air Standards ... 4 N.J.R. 184(a)
- Proposed Air Pollution Permit Changes ... 4 N.J.R. 184(b)
- Proposed 1973 Fish Code ... 4 N.J.R. 186(a)

### HEALTH

- Adopt Rule on Birth Certificates ... 4 N.J.R. 186(b)

### INSTITUTIONS AND AGENCIES

- Proposed Food Stamp Manual Changes ... 4 N.J.R. 187(a)
- Proposed State Plan Service Changes ... 4 N.J.R. 187(b)
- Proposed Service to Aged Changes ... 4 N.J.R. 187(c)
- Proposed Assistance Manual Changes ... 4 N.J.R. 187(d)
- Proposed Educational Leave Changes ... 4 N.J.R. 189(a)
- Adopt Families Service Program Rules ... 4 N.J.R. 189(b)
- Adopt Service to Aged Program ... 4 N.J.R. 189(c)

### INSURANCE

- Adopt Real Estate Commission Rules ... 4 N.J.R. 189(d)
- Adopt Changes in Commission Rules ... 4 N.J.R. 190(a)

### LAW AND PUBLIC SAFETY

- Quarterly Listing of Legislative Agents ... 4 N.J.R. 190(a)
- Proposed Practical Nurses Waiver ... 4 N.J.R. 191(a)
- Proposed Prescription Department Rule ... 4 N.J.R. 191(b)
- Proposed Prescription Rule Changes ... 4 N.J.R. 192(a)
- Proposed Auto Dealer Licensing Rules ... 4 N.J.R. 192(b)
- Adopt Interrogatory Default Rule ... 4 N.J.R. 194(a)
- Adopt Practice Rules Changes ... 4 N.J.R. 195(a)
- Revise Dentist Examination Rules ... 4 N.J.R. 195(b)
- Adopt Architect Certification Changes ... 4 N.J.R. 196(a)
- Adopt Vehicle Inspection Rules ... 4 N.J.R. 196(b)
- Adopt Race Track Amendments ... 4 N.J.R. 196(c)
- Adopt Changes for Private Detectives ... 4 N.J.R. 196(d)

### PUBLIC UTILITIES

- Proposed Emergency Phone Rules ... 4 N.J.R. 196(e)
- Adopt Design Consultants Rule ... 4 N.J.R. 197(a)

### TREASURY

- Proposed Revaluation Rules Changes ... 4 N.J.R. 197(b)
- Proposed Sales Tax Collection Rules ... 4 N.J.R. 197(c)
- Adopt Sales Tax Collection Rules ... 4 N.J.R. 197(d)
- Adopt Fund Classification Changes ... 4 N.J.R. 199(a)

### DELAWARE RIVER PORT AUTHORITY

- Amend Tolls for Light Trucks ... 4 N.J.R. 199(b)

### NEW JERSEY TURNPIKE AUTHORITY

- Adopt Speed Limit Revisions ... 4 N.J.R. 199(c)
- Adopt Rules To Limit Use ... 4 N.J.R. 200(a)
- Adopt Rules Covering Explosives ... 4 N.J.R. 200(b)

### PORT OF NEW YORK AUTHORITY

- Adopt Changes in Charges at Kennedy ... 4 N.J.R. 200(c)

### WATERFRONT COMMISSION OF NEW YORK HARBOR

- Adopt License Replacement Changes ... 4 N.J.R. 200(d)
- Adopt Rules on Petitions ... 4 N.J.R. 201(a)

PUBLIC INTEREST News Items - Pages 25-32

NEWS DEADLINE Next Issue - August 24

# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Proposed Revisions To Rule On Hog Cholera Indemnity Payments

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, proposes to adopt at its meeting on July 25, 1972, certain revisions to N.J.A.C. 2:2-4.34 concerning hog cholera indemnity payments. Such revisions will provide for a more equitable method of appraising the value of animals to be indemnified based on present marketing conditions.

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

2:2-4.34 Indemnity for swine destroyed by hog cholera

(a) Once official confirmation has been had of hog cholera in a herd of swine, the following measures shall apply as long as funds are available:

[(a)] 1. All infected and exposed swine on the premises alive at the time initial notification of the disease was made to the official cooperating agencies shall be appraised under the following rules:

[1.] i. The schedule as set forth below shall apply in respect to appraisal of swine for meat, feeding or breeding, but in no instance shall the appraisal exceed the actual value of the animal. [The top market price shall be that price per 100 pounds which prevails on the Interior Illinois Market, Peoria, Illinois, on the day appraisals are conducted. In the case of appraisal for breeding value, if the animals are grades, only females shall be eligible and no such appraisal shall exceed three times the animal's meat or feeding value. Swine presented for appraisal as purbred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades:] The basis for appraisal will be established by averaging the quotations from three of the major quality feeder swine markets in the United States for their top quality 80 pound feeder pigs with a fifteen cents per pound differential to applied plus or minus from the eighty pound price in establishing the individual appraised price for each head of swine. Swine over 160 pounds shall be appraised at market value. Swine may be appraised in groups provided they are of the same type or of the same value per pound. Swine shall be appraised at their

actual value for meat, feeding, or breeding purposes except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animal's meat or feeding value. Swine presented for appraisal as purbreds shall be accompanied by their certificate of pure breeding.

[40 pound pig and under =  
2 times the price of top market hogs  
40-50 pound pig =  
1.75 times the price of top market hogs  
50-60 pound pig =  
1.65 times the price of top market hogs  
60-70 pound pig =  
1.55 times the price of top market hogs  
70-80 pound pig =  
1.45 times the price of top market hogs  
80-90 pound pig =  
1.45 times the price of top market hogs  
90-100 pound pig =  
1.35 times the price of top market hogs  
100-125 pound pig =  
1.15 times the price of top market hogs  
Over-125 pound pig =  
Market price per pound corresponding to the grade on the Peoria Market.]

[2.] ii. Expenses for the care and feeding of swine held for destruction and the expense of destruction, burial, incineration and/or transportation and other expenses incidental to their slaughter will be the responsibility of the owner of the swine.

[3.] iii. Any indemnity claim for swine destroyed shall contain owner certification that the swine were, or were not, covered by a mortgage. If the owner states that there is a mortgage, forms furnished by the cooperating agencies shall be signed by the owner and by each person holding a mortgage on the swine consenting to the payment of any indemnity allowed to the person specified thereon.

[4.] iv. [The United States Department of Agriculture, Animal Health Division, agrees to pay the owner of swine destroyed for hog cholera not to exceed 50 per cent of the difference between the appraised value of each swine so destroyed and the net salvage received by the owner thereof.] The New Jersey Department of Agriculture agrees to pay the owner of swine destroyed for hog cholera not to exceed 50 per cent of the difference between the appraised value of each swine so destroyed and the net salvage received by the owner thereof.

## 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.

Material published in the New Jersey Register is the property of the State of New Jersey. It may be copied, reprinted, reproduced or republished by any person for any purpose whatsoever without the permission of the Director of Administrative Procedure. However, no such copy, reprint, reproduction or republication shall bear the legend "New Jersey Register" or "Official" without the written permission of the Director of Administrative Procedure.

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.

[5.] v. State indemnity shall not exceed \$100 per head for purebred, inbred, or hybrid swine and for breeding swine, or \$50 for all other swine and in no case shall State indemnity exceed 50 per cent of the difference between the appraised value of each swine so destroyed and the net salvage, if any, received by the owner.

[6.] vi. No indemnity will be paid until the premises and associated vehicles are cleaned and disinfected in a manner approved by the cooperating agencies.

[7.] vii. Following disclosure of hog cholera infection on a premises, prompt depopulation of all swine, indemnity payments by the cooperating agencies and premises, disinfection, restocking of such premises with swine will be permitted provided owners and/or operators of such a swine farm follow recommendations of the cooperating agencies for prevention of hog cholera. Failure to follow such recommendations of the cooperating agencies shall render such owners and/or operators ineligible for indemnity should hog cholera reinfection occur on such premises.

[8.] viii. Any swine owner who has willfully violated any regulations of the Department that would result in the introduction of hog cholera in the herd will be ineligible for indemnity.

ix. Feeder swine moving intrastate must be ear tagged by the owner with tags supplied by the Department and recorded in triplicate on an owner's certificate, one copy of which must accompany the swine to destination, one copy to be forwarded to the Division of Animal Health and one copy to be retained by the owner.

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

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

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Proposed Rule Establishing Procedures For Determining Percentage of Milk or Cream

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, proposes to adopt a new rule establishing procedures for determining the percentage of milk or cream.

Full text of the proposed new rule follows:  
2:48-5.4 Additional methods for the determination of butterfat of milk or cream

The Secretary approves the use of the automated light scattering method as set forth in "Official Methods of Analysis of the Association of Official Analytical Chemist," 11th Edition, 1970, page 252.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before August 31, 1972, to:

Director  
Division of Dairy Industry  
Department of Agriculture  
Post Office Box 1999  
Trenton, New Jersey  
Telephone: (609) 292-5646

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(b)

## AGRICULTURE

### DIVISION OF MARKETS

#### Proposed Cancellation of Regulations On Grade And Standards for Milk and Cream

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, proposes to rescind in its entirety Subchapter 3 (Milk and Cream, Official Grade) of Chapter 31 in Title 2 of the New Jersey Administrative Code. These rules include N.J.A.C. 2:31-1.1 through 2:31-1.12 and are proposed to be rescinded since they are no longer applicable to the dairy industry.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before August 31, 1972, to:

Director  
Division of Markets  
Department of Agriculture  
Post Office Box 1888  
Trenton, New Jersey 08625  
Telephone: (609) 292-5536

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

Phillip Alampi  
Secretary of Agriculture  
Secretary, State Board of Agriculture

(c)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Proposed Revisions in Commercial Values

The State Board of Agriculture, pursuant to authority of N.J.S.A. 4:9-15.33, proposes to revise N.J.A.C. 2:69-1.11 (Commercial values) which establishes commercial values for certain plant nutrients.

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

2:69-1.11 Commercial values

Pursuant to Section 26, the commercial values for the period July 1, [1971] 1972, through June 30, [1972] 1973, are:  
Total nitrogen ..... [17 cents] 14 cents per pound  
Water insoluble nitrogen.. [37 cents] 42 cents per pound  
Available phosphoric acid ..... 8 cents per pound  
Soluble potash ..... 7 cents per pound

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action, on or before August 31, 1972, to:

Director  
Division of Regulatory Services  
Department of Agriculture  
Post Office Box 1888  
Trenton, New Jersey 08625  
Telephone: (609) 292-5733

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

(a)

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Revisions to Rules on Livestock And Poultry Importations**

On June 28, 1972, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-54 to 4:5-75 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:2-4.35 and 2:2-4.36 concerning livestock and poultry importations, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 114(a).

An order adopting these revisions was filed June 29, 1972, as R.1972 d.131 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Revisions to Rule on Importation Of Horses, Mules and Asses**

On June 28, 1972, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 45:5-54 through 45:5-75 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:3-2.5 relating to the importation of horses, mules and asses, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 115(a).

An order adopting these revisions was filed June 29, 1972, as R.1972 d.132 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Revisions on Swine Consigned To Livestock Markets**

On June 28, 1972, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-1 et seq. and 4:5-106.1 to 4:5-106.20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, revised N.J.A.C. 2:3-2.8, 2:3-2.9 and 2:3-2.11 concerning swine consigned to livestock markets, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 114(b).

An order adopting these revisions was filed June 29, 1972, as R.1972 d.133 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Revisions in Rules On Feeder Stock**

On June 28, 1972, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-54 to 4:5-75 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:3-3.4 and 2:3-3.6 concerning feeder stock, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 115(b).

An order adopting these revisions was filed June 29, 1972, as R.1972 d.134 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

**AGRICULTURE**

**DIVISION OF ANIMAL HEALTH**

**Hog Cholera Quarantine in Burlington And Ocean Counties**

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

Full text of this rule follows:

2:5-1.6 Hog cholera quarantine; Burlington and Ocean Counties

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 of the agricultural laws of New Jersey and in order to control the spread of hog cholera, an infectious and contagious disease of swine, portions of Burlington and Ocean Counties are hereby quarantined.

(b) The quarantine area starts at intersection of U.S. Highway 206 and State Highway 70; north on 206 to Route 530; east on Route 530 to Route 539; southeast on Route 539

to State Highway 72; northwest on Highway 72 to Route 532; west on 532 to U.S. Highway 206; north on U.S. 206 to intersection with State Highway 70.

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

(d) This quarantine is effective July 7, 1972, and until further notice.

An order adopting this rule was filed and effective July 7, 1972, as R.1972 d.141 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Termination of Hog Cholera Quarantine In Evesham, Medford and Voorhees Townships

On July 20, 1972, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, terminated the hog cholera quarantine in Evesham, Medford and Voorhees Townships, previously issued on May 24, 1972.

This termination will be included in subsections (d) and (e) of N.J.A.C. 2:5-1.5.

Full text of these rules follows:

2:5-1.5(d) The townships of Evesham and Medford in Burlington County and Voorhees Township in Camden County are hereby released from the hog cholera quarantine issued May 24, 1972.

2:5-1.5(e) This release from quarantine is effective July 25, 1972.

An order adopting this termination was filed and effective July 25, 1972, as R.1972 d.144 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Revisions on Notice of Intent To Change Sources of Milk Supply

On June 28, 1972, 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. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 2:53-1.4 concerning the notice of intent to change sources

of milk supply, as proposed in the Notice published May 4, 1972, at 4 N.J.R. 89(a).

An order adopting these revisions was filed and effective June 29, 1972, as R.1972 d.130.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Filing of Revised Form H-2A

Take notice, that the Division of Dairy Industry in the Department of Agriculture has adopted a revised Form H-2A to be used when a store owner is changing suppliers of milk and milk products and notifies the Division of Dairy Industry about such a change.

The information requested on the form includes the name and address of the present supplier, the proposed new supplier, and the store owner as well as the store license number, telephone and the signature of the store owner.

The form also requires a Notary Public of New Jersey to certify the document.

New Form H-2A was filed with the Division of Administrative Procedure on July 5, 1972, to become effective on July 20, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## AGRICULTURE

### DIVISION OF REGULATORY SERVICES

#### Adoption by Reference of Federal Rules On Standards, Grades, Weight for Shell Eggs

On June 27, 1972, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.12 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted by reference all of the rules and regulations of the United States Department of Agriculture, Agricultural Marketing Service, as published in the Federal Register (Volume 20, No. 22, February 1, 1955, Part 56, Subpart C), known as the Code of Federal Regulations Governing the Grading of Shell Eggs and United States Standards, Grades and Weight Classes for Shell Eggs (7 CFR Part 56, Subpart C, effective July 1, 1971), wherever applicable to the State of New Jersey.

These rules and regulations, having been properly promulgated, are deemed to be those rules and regulations of the New Jersey State Board of Agriculture and shall have the full force and effect of law. Any further changes in these Federal rules and regulations, after proper promulgation, shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture. These rules

and regulations cited above are adopted in lieu of and supersede N.J.A.C. 2:71-1.1 through 2:71-1.30.

An order adopting this rule was filed and effective June 28, 1972, as R.1972 d.125 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## COMMUNITY AFFAIRS

### DIVISION OF HOUSING AND URBAN RENEWAL

#### Amendments to Part E, Standard Building Code

On July 27, 1972, Lawrence F. Kramer, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 13:1B-7, 52:27C-54 and 52:27D-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the Plumbing Code (Part E of the Standard Building Code), substantially as proposed in the Notice published July 6, 1972, at 4 N.J.R. 154(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Community Affairs.

The amendments have been approved by the Department of Health pursuant to N.J.S.A. 26:3-69.1 for adoption by reference by local boards of health.

Substance of the changes between the proposed and adopted amendments are as follows:

#### Amendments to Section E-900 Soil and Waste Pipe:

1. Add a new material to Section 9.1.1 to be used, Copper Alloy 194 Water Tube.

2. Add a new material to Section 9.1.2 to be used, Copper Alloy 194 Water Tube.

The Standard Building Code of New Jersey is adopted by reference in Chapter 16 of Title 5 of the New Jersey Administrative Code.

An order adopting these amendments was filed and effective July 27, 1972, as R.1972 d.149.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions to Rules On Nonpublic School Secular Education

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., proposes to revise a portion of the rules in Chapter 8 of Title 6 concerning nonpublic school secular education.

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

6:8-1.2 (f) Auxiliary services as defined herein shall be limited to those which are currently provided [or which have been provided] to the students of the public school district in which the nonpublic school is located [within

five years preceding the year in which authorization to acquire auxiliary services is requested]. Such services are to be provided [only] on the basis of mutually satisfactory arrangements between the nonpublic school and the local board of education [which agrees to provide such service]. It is expected that both the nonpublic school and the local board of education will make good faith efforts to reach these mutually satisfactory arrangements. Except for reasons beyond its control, the local public school board of education should provide eligible auxiliary services as defined herein if requested by the nonpublic school. Such eligible auxiliary services provided to the nonpublic school should 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 should give the reasons. [in the event that the agreement to provide auxiliary services involves the placement of personnel on nonpublic school facilities or grounds, such] Personnel providing such services must:

1. Be employees of, or employed by, the board of education;
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.

#### 6:8-1.3 Definitions

"Auxiliary services" means 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 consist of services, usually described as, or similar to, the following:

**Remedial, corrective, supplemental, and enrichment instruction in academic subjects.**

**Remedial reading instruction.**

**Corrective instruction in speech.**

**Adaptive or corrective instruction in physical education.**

**Guidance counselling and testing services.**

**Psychological counselling and testing services.**

**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 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:

**Projectors—film, filmstrip, slide, and the like.**

**Projectors—overhead, opaque.**

**Viewers—filmstrip, slide.**

**Television receivers.**

**Record players—disc, tape.**

**Tape recorders—audio and video.**

**Radio receivers.**

**Portable listening stations.**

**Portable projection screens.**

**Cameras—movie, still, video.**

**Micro-reader and/or printer.**

**Copying and/or duplicating machines.**

**Typewriters.**

**Transcribing-recording apparatus.**

**Microscopes.**

**Reading accelerators.**

**Tachistoscopes.**

**Various apparatus and equipment used for instruction in science and math, physical education, art, music, indus-**

trial 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 [such items as] textbooks (as defined in paragraph j) [or chemicals and other supplies which are consumed in use].

"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, [and the like.] 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.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to:

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

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

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

**(a)**

**EDUCATION**

**STATE BOARD OF EDUCATION**

**Proposed Rules On Identification and Driver Seat Belts on School Buses**

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to adopt new rules concerning the identification of school buses and the use of seat belts by drivers of school buses.

Full text of the proposed rules follows:

6:21-6.20(f) School buses manufactured after January 1, 1973, shall be identified with the words "School Bus", printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front

and rear, and have no other lettering on the front or rear of the vehicle. Exception: Emergency door and emergency window (see N.J.A.C. 6:21-6.13).

6:21-11.5 Seat belts; driver

Drivers of school vehicles equipped with lap belts shall be required to wear them whenever the vehicle is in motion.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to:

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

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

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

**(b)**

**EDUCATION**

**STATE BOARD OF EDUCATION**

**Proposed Rules On Statewide Assessment of Students**

The State Board of Education, pursuant to authority of N.J.S.A. 18A:4-24, proposes to adopt new rules concerning the statewide assessment of student achievement in the public school system of New Jersey.

Such rules will be included in Subchapter 1 of Chapter 39 in Title 6 of the New Jersey Administrative Code.

Full text of the proposed rules follows:

**TITLE 6 — EDUCATION**

**SUBTITLE G. — RESEARCH, PLANNING AND EVALUATION**

**CHAPTER 39 — EVALUATION**

**SUBCHAPTER 1 — STATEWIDE ASSESSMENT**

6:39-1.1 Authority of the Commissioner

(a) The Commissioner of Education, with the approval of the State Board of Education, shall conduct an assessment of student achievement in the public school system of the State and of any grades therein by such means, tests and examinations as to him seem proper, and he shall report to the State Board the results of such inquiries and such other information with regard thereto as the State Board may require or as he shall deem proper.

(b) All such means, tests and examinations to be administered pursuant to this rule shall be conducted by and in all operating school districts in New Jersey.

(c) Said school districts shall conduct such means, tests and examinations in the manner and at the times prescribed by the Commissioner.

6:39-1.2 Dissemination of information

(a) Individual student data shall be released only in accordance with existing State Board Policy pursuant to N.J.A.C. 6:3-1.3 and applicable law, and by the local school districts.

(b) The State Department of Education shall produce and distribute to chief school administrators as uninterpreted reports: 1. A classroom report for the teacher; 2. A school report for the school principal; 3. A district report for the district superintendent or chief school administrator; and 4. A county report for the county superintendent.

(c) The State Department of Education shall provide an interpreted geographic regions report and an interpreted State report to the State Board and the Commissioner of Education.

(d) Each of these reports shall consist, where appropriate, of average scores and standard deviations, and shall be accompanied by appropriate explanatory materials.

(e) Reports shall be distributed to local boards, as indicated in subsections (b), (c) and (d) above, in such a manner as to provide a 60-day period for analysis of data and for the development of additional essential interpretive material by the local board pursuant to N.J.A.C. 6:39-1.3. During this period such material shall not be available for public distribution.

(f) Following a 60-day analysis period, reports indicated in subsections (b), (c) and (d) above shall be made available to the public; provided, however, that no reports shall be released unless they are accompanied by interpretation.

(g) The Commissioner, with the approval of the State Board of Education, may make exceptions to the above regulations with respect to special reports requested by local school districts.

6:39-1.3 Interpretation of data

(a) Local District Boards of Education shall interpret the results of all data within 60 days of receipt by the district superintendent or chief school administrator.

(b) The State Department of Education will provide technical assistance in the development of essential explanatory material by local districts.

(c) The State Department of Education may provide such interpretation as is appropriate for local, regional and State use.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to:

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

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

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

(a)

**ENVIRONMENTAL PROTECTION**

**DIVISION OF ENVIRONMENTAL QUALITY**

**Proposed Revisions of Air Pollution  
Rules on Ambient Air Quality Standards**

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8, proposes to revise Subchapter 13 of Chapter 27 in Title 7 of the Administrative

Code, which concerns air pollution rules for ambient air quality standards.

The proposed revisions would adopt national primary and secondary ambient air quality standards as set forth in C.F.R. Title 40, Part 50 for the State of New Jersey.

Copies of the proposed revisions may be obtained from:  
Department of Environmental Protection  
Bureau of Air Pollution Control  
Post Office Box 1390  
Trenton, New Jersey 08625

A public hearing on the proposed action will be held on September 13, 1972, from 10:00 A.M. to 6:00 P.M. at:

Labor Education Center  
Rutgers—The State University  
New Brunswick, New Jersey

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

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all comments presented in writing to the Department of Environmental Protection at the above address on or before October 13, 1972, will be considered.

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

Grant F. Walton, Director  
Division of Environmental Quality  
Department of Environmental Protection

(b)

**ENVIRONMENTAL PROTECTION**

**DIVISION OF ENVIRONMENTAL QUALITY**

**Proposed Revisions to Air Pollution  
Rules On Permits and Certificates**

The Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8, proposes to revise Subchapter 8 of Chapter 27 in Title 7 of the New Jersey Administrative Code concerning permits and certificates.

Text of the current Subchapter 8 is proposed to be repealed and proposed new rules adopted in place thereof. This repeal shall not affect actions, proceedings or Departmental orders pending or outstanding on the effective date of these new rules. Said actions, proceedings or Departmental orders may be prosecuted, defended and continued in the same manner and to the same effect as if the new rules had not been adopted.

Full text of the proposed, revised rules follows:

**SUBCHAPTER 8. PERMITS AND CERTIFICATES**

**7:27-8.1 Definitions**

“Control apparatus” means any device which prevents or controls the emission of any air contaminant.

“Air contaminant” means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

“Particles” mean any material, except uncombined water, which exists in finely divided form as liquid particles or solid particles at standard conditions.

“Solid particles” means particles of rigid shape and definite volume.

“Liquid particles” means particles which have volume but are not of rigid shape and which upon collection tend

to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Standard conditions" means 70 degrees Fah and one atmosphere pressure (14.7 psia or 160 mm Hg).

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

"Stack or chimney" means a flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

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

"Source operation" means any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

"Commercial fuel" means a solid, liquid or gaseous fuel normally produced, manufactured, used or sold for the purpose of creating useful heat.

"Solid fuel" means a fuel which is fired as a solid, such as anthracite or semianthracite coal, bituminous or sub-bituminous coal, lignite, coke breeze, wood or any solid by-product of a manufacturing process that may be substituted for any of the above specifically mentioned fuels.

"Non-commercial fuel" means a solid, liquid or gaseous fuel not normally produced, manufactured, used or sold for the purpose of creating useful heat.

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

"Department" means the Department of Environmental Protection.

"Person" means and includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals, and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

#### 7:27-8.2 Permits and certificates required

(a) A permit to construct and a certificate to operate are required for the following:

1. All control apparatus;
2. Equipment used in a manufacturing process involving surface coating, including but not limited to spray and dip painting, roller coating, electrostatic depositing or spray cleaning, which emits air contaminants into the open air and in which the quantity of material used in any source operation is in excess of ten pounds in any one hour.
3. Equipment used in a manufacturing process involving surface cleaning or preparation, including but not limited to degreasing, etching, pickling, or plating, which emits air contaminants into the open air from a tank or vessel, the capacity of which is in excess of 100 gallons.
4. Equipment used in a manufacturing process, other than as set forth in paragraphs 2 and 3, which emits air contaminants into the open air either directly or indirectly and in which the combined weight of all materials, exclud-

ing air and water, introduced into any one source operation is in excess of 50 pounds in any one hour.

5. Tanks, reservoirs, containers and bins used for the storage of:

- i. Liquids except water, including, but not limited to, acids, solvents, diluents or thinners, inks, colorants, lacquers, enamels, varnishes, liquid resins, gasolines, crude oils, petrochemicals, commercial fuels, non-commercial fuels and petroleum derivatives; and having a capacity in excess of 10,000 gallons.

- ii. Solid particles in finely divided or powdered form including, but not limited to, binders, fillers, foodstuffs, detergents, fluxes, catalysts, mineral wools, resins, plastics, pigments, construction materials and solid fuels; and having a capacity in excess of 2,000 cubic feet.

6. Stationary material handling equipment using pneumatic, bucket or belt conveying systems which emit air contaminants into the open air either directly or indirectly.

7. Commercial fuel burning equipment having a heat input rate of 1,000,000 BTU per hour or greater.

8. Any equipment used for the burning of non-commercial fuel, crude oil or process by-products in any form.

9. Any incinerator, except incinerators constructed, installed or used in one or two-family dwellings or in multi-occupied dwellings containing (6) six or less family units, one of which is owner occupied.

(b) No person shall construct, install or alter any equipment or control apparatus without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department. Such permits may be cancelled if construction, installation or alteration is not begun within one year from the date of issuance.

(c) No person shall use or cause to be used any new or altered equipment or control apparatus without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department. Such certificates shall be valid for a period of five years unless sooner revoked by the Department, and such certificates may be renewed only after application to the Department not less than 90 days prior to their expiration date.

(d) Upon receipt of an application for the issuance of a "Certificate to Operate" or any renewal thereof, the Department may issue a temporary certificate valid for a period not to exceed 90 days.

(e) Any person in possession of a "Certificate to Operate" shall maintain said certificate readily available on the operating premises.

(f) No person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment and/or control apparatus are functioning properly and are in use in accordance with the "Permit to Construct, Install or Alter" and "Certificate to Operate."

(g) A "Certificate to Operate" shall not be transferable, either from one location to another, or from one piece of equipment to another, or from one person to another.

(h) The possession of a "Certificate to Operate" does not relieve any person from the obligation to comply with all other provisions of the Air Pollution Control Code.

(i) Permits to construct and certificates to operate issued under this Chapter are based on emissions of air contaminants only and do not in any way void the applicant's obligation to obtain necessary permits from other governmental agencies.

(j) The provisions of subsections (b) and (c) shall not apply to structural changes, repairs or maintenance, if such changes or repairs or maintenance will not change the quality, nature or quantity of the air contaminant emitted.

### 7:27-8.3 Applications for permits and certificates

(a) Applications for a "Permit to Construct" or a "Certificate to Operate" shall be made to the Department on forms provided by the Department.

(b) The Department may require such details regarding the equipment or control apparatus as it considers necessary to determine that the equipment or control apparatus is designed to operate without causing a violation of any provisions of the New Jersey Air Pollution Control Act or any provisions of codes, rules or regulations promulgated thereunder and that the equipment or control apparatus incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment.

(c) Such information may include description of processes, raw materials used, operating procedures, physical and chemical nature of air contaminants, volume of gas discharged and such other information as the Department considers necessary.

(d) Before a "Certificate to Operate" or any renewal thereof is issued, the Department may require the applicant to conduct such tests as are necessary in the opinion of the Department to determine the kind and/or amount of air contaminants emitted from the equipment or control apparatus. Such tests shall be conducted in a manner approved by the Department and shall be made at the expense of the applicant, who shall give the Department no less than 48 hours advance notice of the time of the start of the test. The test results shall be reviewed and certified by a New Jersey licensed professional engineer, or by an industrial hygienist who has been certified by the American Academy of Industrial Hygiene.

(e) Any person applying for a "Certificate to Operate" or a renewal thereof, or to whom such certificate has been issued, shall, when requested by the Department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the kind and/or amount of air contaminants emitted from the equipment or control apparatus. During such testing by the Department, the equipment and/or control apparatus shall be operated under such conditions within their capacities as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

A public hearing on the proposed rules will be held September 13, 1972, from 10:00 a.m. to 6:00 p.m. at:

Labor Education Center  
Rutgers—The State University  
New Brunswick, New Jersey

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

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to October 13, 1972, will be considered.

Copies of the proposed amended regulation may be obtained from:

Department of Environmental Protection  
Bureau of Air Pollution Control  
P.O. 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 revised Chapter 9 of the Air Pollution Control Code substantially as proposed without further notice.

Grant F. Walton, Director  
Division of Environmental Quality  
Department of Environmental Protection

(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

##### Proposed 1973 Fish Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt the 1973 Fish Code, which will be included in Subchapter 6 of Chapter 25 in Title 7 of the New Jersey Administrative Code.

The proposed Code states when, under what circumstances, in what localities, by what means and in what amounts and numbers fresh water fish may be pursued, taken or had in possession.

Copies of the full text of the proposed 1973 Fish Code may be obtained from:

Division of Fish, Game and Shellfisheries  
Post Office Box 1809  
Trenton, New Jersey 08625

Interested persons may present statements orally or in writing relevant to the proposed action at a public hearing in the office of the Division, Room 702, State Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey, on Tuesday evening, September 12, 1972, at 8:00 P.M.

Written comments concerning the proposed action may be presented on or before September 12, 1972, to the Fish and Game Council of the Division of Fish, Game and Shellfisheries at the above address.

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

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

(b)

## HEALTH

### DIVISION OF ADMINISTRATION

#### BUREAU OF VITAL STATISTICS

##### Administrative Policy On Birth Certificates

On June 29, 1972, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:1A-15 and 26:8-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the administrative policy regarding birth certificates, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 122(b).

This rule may be cited as N.J.A.C. 8:3-1.1.

An order adopting this rule was filed June 30, 1972, as R.1972 d.135 to become effective August 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Proposed Revised Food Stamp Manual**

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4B-2, proposes to revise in its entirety the New Jersey Food Stamp Manual. The revised manual will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

The manual covers a description of the program, eligibility standards both financial and nonfinancial, specific program procedures and special provisions.

Copies of the proposed New Jersey Food Stamp Manual may be available from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to the Division of Public Welfare at the above address.

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(b)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Proposed Revisions to Rules Of State Plan For Service Programs for Families and Children**

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 the rules concerning the State Plan for service programs for families and children. Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

The proposed revisions concern provision of services in relation to and use of other agencies, staff development, child care services, foster care services, protective services and cooperation with courts, services related to health needs, range of optional services and coverage of optional groups for service.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to the Division of Public Welfare at the above address.

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(c)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Proposed Revisions to State Plan for Service Programs For Aged, Blind or Disabled Persons**

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 adopt revisions to the State Plan for Service Programs for Aged, Blind or Disabled Persons. Such revisions will be included in Subtitle L of Title 10 of the New Jersey Administrative Code.

The proposed revisions concern provision of services to current applicants and recipients, relationships and use of other agencies, and services to be provided to optional groups, by groups covered.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to the Division of Public Welfare at the above address.

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(d)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Proposed Revisions to Financial Assistance Manual**

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 certain portions of the Financial Assistance Manual concerning members of eligible Aid to Dependent Children (ADC) units, exempt resources, initial grants, companion cases, administrative ceilings, emergency assistance and expenses incident to training.

The revisions will be included in Subtitle L 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]):

122.-d. A member of an eligible ADC unit who is temporarily in an institution, but for whom the family is still responsible, shall continue to be regarded as a member of the unit. In situations where such residential institutional care continues for a period of 30 days or more (disregarding any interruptions for "visits home" by the day or weekend) an adjustment to accommodate to this absence must be made in the computation of the family's assistance grant. For this purpose, the amount of \$25.00 per month shall be entered as "other income" on the PA-3A form.

1) when a child is committed involuntarily to an institution and it is determined that his treatment as verified by the institution involves visits to his home on a regular and frequent basis, such child shall be included under the provisions of this Subsection.

311. The exempt resources are:

311.9 [In OAA, DA, and AB, for those persons who were, as of January 1, 1970, concurrent recipients of public assistance and Social Security or Railroad Retirement benefits, up to \$4.00 per month of the increase in such benefits effective as of that date but not after December 31, 1971.]

In OAA, DA, and AB programs, for those persons who are concurrent recipients of public assistance and Social Security or Railroad Retirement benefits, the first \$4.00 per month of such benefits.

#### Deletions and Changes Relative to the Administrative Ceiling

201. Form PA-3A

e. The Monthly Grant (Part II—page 2)

1) In OAA, DA, and AB programs, the adjusted allowance is the amount of the monthly grant.

2) In the ADC and AFWP programs, the adjusted allowance is the amount of the monthly grant, except: [shall be determined in accordance with Section 240., the Administrative Ceiling. The grant shall be the amount of the adjusted allowance or the maximum payment allowable under the Ceiling, whichever is less.]

202. Initial Grant (Part II—page 5)

202.2 In determining the amount of the initial grant, the appropriate disregards shall be applied to earned income. (See Section 330.)

[202.3 In the ADC and AFWP programs, the Administrative Ceiling is applicable in accordance with Section 240. The amount of the Ceiling shall be as stated in Schedule III for the appropriate size of eligible unit, regardless of the number of days covered by the initial grant.]

203. Companion cases

b. ADC Program (Part II, page 6)

[2) The monthly grant for those members who are in fact eligible for ADC shall be subject to the limitations of the Administrative Ceiling (Section 240.). The amount of the Ceiling shall be determined for such persons only, and only their gross income shall be considered in computing the maximum allowable payment.

(a) Example: If an eligible unit consists of an ADC mother, a DA father, and 3 children, use the Administrative Ceiling amount for a unit of 4 only (father not included). Consider only the earned and unearned income of these four persons.]

c. AFWP Companion Case (Part II—page 7)

[6] The amount of the eligible unit's total monthly grant shall be limited in accordance with Section 240., the Administrative Ceiling.]

6) [7)] The monthly grant entered on one PA-3A form shall be the per capita share of those persons eligible for ADC; the monthly grant on the other PA-3A form shall be the per capita share of those eligible for AFWP.

[240. ADMINISTRATIVE CEILING IN ADC AND AFWP]

Delete entire Section 240. (Part II—pages 14 and 15)

251. Overpayments—Underpayments

b. 2) Underpayment (Part II—page 16)

(b) When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the six months immediately preceding the discovery of the underpayment, in which the administrative error first occurred.

Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

252. Change in need while assistance is being received (Part II—page 17)

b. Under certain situations which, in the judgment of the County Welfare Board, would otherwise result in undue hardship to the eligible unit, an additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the following reasons only. [Any such additional money payment(s) shall, in combination with the last regular payment for the current payment period, be subject to the Administrative Ceiling (Section 240.), if applicable.]

430. EMERGENCY ASSISTANCE (Part IV—page 8)

430.2 The following special conditions must be observed with respect to all expenditures by the County Welfare Board for which federal/State matching is claimed under the classification of emergency assistance:

[a. Authorizations for payments of emergency assistance shall not be subject to the Administrative Ceiling and shall be made in accordance with Section 240.6.]

#### 420. EXPENSES INCIDENT TO TRAINING

420.1 An allowance for expenses incident to training shall be recognized, except when Section 420.2 is applicable, for each member of the eligible unit participating in one of the following:

a. a job or work experience training program designated and/or approved by the County Welfare Board;

[b. in ADC, enrollment in the WIN Program, Priority II;]  
b. [c.] enrollment in a full-time (as defined by the institution client is attending) educational experience other than the normal four-year high school curriculum, regardless of the type of program, provided such educational program is designed to attain a vocational objective which, in the judgment of the County Welfare Board, is both feasible and reasonable.

420.2 An allowance for expenses incident to training shall not be recognized in any of the following situations:

a. in all programs, the individual is receiving allowances or payments of any kind from an MDTA program (see Sections 311.7-e. and 335.1);

b. in ADC, client is participating in the WIN Program, [Priority I or Priority III;]

c. in all programs, the individual is employed and allowance for expenses of employment is being deducted from earnings or otherwise recognized.

420.3 a. The monthly allowance for expenses incident to training is \$50.

b. This allowance is deemed to be the total allowance and thus inclusive of all expenses incident or attributable to training except for child care and medical care costs. No additional allowances of any kind for training are authorized.

c. Payment of the allowance for expenses incident to training shall be made directly to the trainee. Such payment shall be an administrative/service expense.

d. When the individual is participating in any training program recognized in Section 420.1 [(except the WIN Program, Priority II)] which itself provides payments or allowances for expenses incident or attributable to training, the amount of such payments or allowances . . .

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

#### Proposed Revisions to Ruling 11, Part III F2

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 a portion of Ruling 11, Part III F2, which concerns the obligations of employees on educational leave.

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

#### RULING 11, PART III F2.

##### OBLIGATION OF THE EMPLOYEE

[Acceptance of any grant-in-aid from the agency during full-time educational leave obligates the employee to return to the agency and active duty for a period of at least 12 months for each completed academic year, or a ratio of 5 months service for each 4 months of educational leave under any other special program of circumstances.]

Acceptance of any grant-in-aid (stipend- obligates the employee to return to active duty with the agency for a period of one and one-half months service for every month of educational leave.

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

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### State Plan for Service Programs for Families

On June 28, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the State Plan for service programs for families, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 125(c).

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

An order adopting these rules was filed and effective June 29, 1972, as R.1972 d.128.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### State Plan for Service Programs For Aged, Blind or Disabled Persons

On June 28, 1972, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the State Plan for service programs for the aged, blind or disabled persons, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 126(a).

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

An order adopting these rules was filed and effective June 29, 1972, as R.1972 d.129.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## INSURANCE

### NEW JERSEY REAL ESTATE COMMISSION

#### Rules of Real Estate Commission

On June 23, 1972, the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and 45:15-17 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning block-busting solicitations, educational requirements for salesmen and brokers in making application for licensure examinations, approval

schools requirements, sponsoring of applications or transfers of licenses, and expediting of licensure procedures, as proposed in the Notice published April 6, 1972, at 4 N.J.R. 71(a).

Such rules will be included in Subchapter 1 of Chapter 4 of Title 11 of the New Jersey Administrative Code.

An order adopting these rules was filed and effective June 28, 1972, as R.1972 d.127.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSURANCE

### NEW JERSEY REAL ESTATE COMMISSION

#### Amendments to Commission's Rules

On July 26, 1972, Thelma D. Sparrow, Assistant Secretary-Director of the New Jersey Real Estate Commission in the Department of Insurance, pursuant to authority of N.J.S.A. 45:15-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules in Chapter 4 of Title 11 in the New Jersey Administrative Code, as proposed in the Notice published July 6, 1972, at 4 N.J.R. 160(d).

An order adopting these amendments was filed and effective July 27, 1972, as R.1972 d.150.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### OFFICE OF THE ATTORNEY GENERAL

#### Quarterly Listing of Legislative Agents

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h), has released the required quarterly report of newly-registered legislative agents, for the first quarter of 1972.

All notices of the agents' representations and reports are on file with the Attorney General and are available for public inspection during regular business hours (9:00 A.M. to 5:00 P.M.) in Room 316, State House Annex, Trenton, New Jersey.

Listing of the first 68 registered legislative agents was in the Notice published December 9, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents in the Notice of April 6, 1972, at 4 N.J.R. 72(c).

Following are the 29 legislative agents who have registered subsequently, with registration number, name and New Jersey address, whom they are representing, and designation or title, if any:

#### CURRENT LISTING

No. 117. George Christy Powers, 57 Green Street, Newark, N.J. 07102; Joint Conference of Public Safety Officers; Patrolman.

No. 118. Frank Armenante, James J. Kimmerly, Bert Moje, James Magner, Charles Broderick, Dan Zimmerman, J. Donald Garvey, John J. Daly, Thomas Huntzinger, Frank Penna, Frank A. Carroll, Joseph Germanio, Charles Dannenhauer, George McLaughlin, Salvatore Simone,

James LaSala, Pat Tully; all of 186 Brookside Avenue, Irvington, N.J. 07111; Amalgamated Transit Union.

No. 119. Louis L. Fusco, 56 Marshall Avenue, Trenton, N.J. 08610; Fraternal Order of Police; Police Officer.

No. 120. John Proto, 120 Halsted Street, East Orange, N.J. 07018; Industrial Union Council, AFL-CIO; Secretary Treasurer.

No. 121. Herbert W. McDavit, 34 Scotch Road, Trenton, N.J. 08628; Association of Elementary School Principals, Association of School Administrators; Executive Secretary.

No. 122. Frederick A. Toth, P.O. Box 666, Metuchen, N.J. 08840; School Bus Owners Association; Executive.

No. 123. Alan B. Taplow, Room 112, One Cherry Hill, Cherry Hill, N.J. 08034; Association of Private Employment Agencies; President.

No. 124. LeRoy B. Saunders, 37 Roosevelt Avenue, Clifton, N.J.; Clifton Firemen's Mutual Benevolent Association; Public Safety Officer.

No. 125. Harold E. Kutner, 100 Warren Street, Clifton, N.J.; Clifton Firemen's Mutual Benevolent Association; Public Safety Officer.

No. 126. Bernard Alicks, P.O. Box 122M, 10 Park Place, Morristown, N.J. 07960; Morris County Chamber of Commerce; Executive Director.

No. 127. Frank B. Walsh, 407 Passaic Street, Hackensack, N.J.; George Haderer, 228 Eastern Parkway, Newark, N.J. 07106; State Retired Policemen and Firemen's Association; President and First Vice President.

No. 128. Bernard H. Eiting, 1217 Slate Hill Road, Camp Hill, Pa.; 3M Company; Eastern Area Manager.

No. 129. Thomas A. Burns, 139 South Street, Jersey City, N.J.; Local #1066 International Association of Fire Fighters; Fire Fighter.

No. 130. Mrs. Gayle Pearson, 60 South Fullerton Avenue, Montclair, N.J. 07042; State Nurses' Association; Legislative Chairman.

No. 131. Carl Marggraff, 180 Boyden Avenue, Maplewood, N.J. 07040; Transport of New Jersey; Auditing Assistant.

No. 132. James Wilson Allen, 102 East Front Street, Plainfield, N.J. 07061; Savings Bank of Central Jersey; President.

No. 133. Mrs. Helen T. Schneider, 110 Halsted Street, East Orange, N.J. 07018; Society of Architects; Manager.

No. 134. Geoffrey L. Powell, 570 Broad Street, Suite 1003, Newark, N.J.; Data Franchisors, Inc.; Legislative Agent.

No. 135. Kenneth G. Stanley, 495 West State Street, Trenton, N.J. 08618; Society of Professional Engineers; Executive Director.

No. 136. Brach, Eichler, Rosenberg & Silver, Leon S. Wilson, 60 Park Place, Newark, N.J. 07102; Psychological Association; Attorneys.

No. 137. Bernard M. Shanley, 570 Broad Street, Newark, N.J. 07102; Chubb & Son, Wine Institute, Frank H. Taylor & Son; Lawyer.

No. 138. John H. Keiderling, P.O. Box 298, Hightstown, N.J. 08520; Credit Union League, Director.

No. 139. Jerry M. Ferrara, 66 Morris Avenue, Springfield, N.J.; Gasoline Retailers Association; Executive Director.

No. 140. James M. Neilland, 2100 East State Street, Trenton, N.J. 08619; Food Council; Executive Director.

No. 141. Theodore Nalikowski, 604 Paterson Plank Road, Union City, N.J. 07087; Teamsters D.R.I.V.E.; Union Business Representative.

No. 142. Richard Thomas Sigmund, Number One South Jersey Plaza, Route 54, Folsom, N.J. 08037; South Jersey Gas Company, Vice President.

No. 143. John L. Kraft, Gateway I, Newark, N.J. 07102; Eastman Dillon Union Securities & Co.; Attorney.

No. 144. Richard W. Garbett, Suite 1200, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20006; Minnesota Mining and Manufacturing Company (3M); Government Relations Consultant.

No. 145. Maurice H. Pressler, 11 Hill Road, Newark, N.J.; Association of Collection Agencies; Attorney.

Note: Legislative agents numbered 138 through 145 registered on or after March 31, 1972.

The above quarterly listing of legislative agents was filed June 30, 1972, as R.1972 d.138.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF NURSING

##### Proposed Rules Permitting Licensing By Examination of Practical Nurses

Marianna Bacigalupo, R.N., Acting Executive Secretary of the State Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-24(d), proposes to adopt a new rule relating to the licensing by examination of nurses previously licensed by waiver.

Full text of the proposed rule follows:

13:37-9.6 Waiver; practical nurse; license by examination

(a) A practical nurse licensed in this State by waiver pursuant to N.J.S.A. 45:11-27(b)(3) shall be permitted to apply for a license to practice practical nursing by examination and shall be granted said license provided that the applicant:

1. Can fulfill the requirements demanded in N.J.S.A. 45:11-27(a)(1) and (2);
2. Has satisfactory experience in practical nursing for a period of not less than five years within the past ten years;
3. Successfully completes a review course in practical nursing approved by the Board;
4. Successfully completes the State Board test pool examination for practical nurses.

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

Marianna Bacigalupo  
Acting Executive Secretary  
State Board of Nursing  
1100 Raymond Boulevard  
Newark, N.J. 07102  
Telephone: (201) 648-2490

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

Marianna Bacigalupo  
Acting Executive Secretary  
State Board of Nursing  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF PHARMACY

##### Proposed Rule on Regulation Of Prescription Departments

Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-36 and 45:14-36.1, proposes to adopt a new rule concerning the regulation of a prescription department, to be cited as N.J.A.C. 13:39-8.17.

Full text of the proposed rule follows:

13:39-8.17 Permit; prescription department; pharmacy department

(a) If the area for which the pharmacy permit is sought is less than the total store area of the enterprise, the area subject to permit shall be known as the "Prescription Department" or "Pharmacy Department", or other words of similar import, (e.g. section, area, etc.).

(b) An applicant for a permit to operate a prescription department, the holder of a permit to operate a prescription department and the registered pharmacist in charge of said department shall be subject to the following additional requirements:

1. The prescription department shall be constructed so as to enable the closing off and securing of the department from the remainder of the store area. The department shall be separated from the store area by a permanent barrier or partition extending from floor to ceiling and attached thereto. Said barrier or partition shall contain a door or doors capable of being locked and wired to an alarm sounding device, said lock or locks and device to be installed prior to the granting of a permit and maintained in good working order during the period for which the permit is effective.

2. Only the registered pharmacist(s) shall maintain possession of the keys to the department. The registered pharmacist on duty shall be responsible for keeping the prescription department secured and locked and the alarm system turned on at all times that he does not have full vision or control of the prescription department or when he is not present within the department.

3. No person shall be permitted in the prescription department while a registered pharmacist is not within that department.

4. No prescription may be accepted or medication delivered to anyone during the periods that a registered pharmacist is not present within the pharmacy department.

5. All prescription medication, dispensed or otherwise, must remain within the confines of the prescription department barrier when the pharmacist is not within said department.

6. The hours that the prescription department is open for the dispensing of medication must be posted in plain view within or at the entrance to the prescription department, at the public entrances to the enterprise containing the prescription department and at the entrance of the prescription department when said department is closed.

7. Where the enterprise in which the prescription department is located maintains different store hours than the prescription department, all advertising, announcements, signs or statements indicating store hours shall reflect that exception and shall clearly and distinctly indicate

the hours that the prescription department is open for the receipt of prescriptions and dispensing of medication.

8. Any advertising announcements, signs or statements relating to the business enterprise and containing the words "Pharmacy", "Prescription", "Drug", or other like terms shall include the word department, or other word(s) of similar import (e.g. section, area) and shall in no way indicate that the entire business enterprise is a drug store, pharmacy, apothecary or the like.

Interested persons may present statements or arguments in writing, orally in person, or by telephone relevant to the proposed action on or before September 8, 1972, to:

Paul A. Pumpian  
Secretary,  
State Board of Pharmacy  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
Telephone (201) 648-2433

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

Paul A. Pumpian, Secretary  
State Board of Pharmacy  
Department of Law and Public Safety

**(a)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**STATE BOARD OF PHARMACY**

**Proposed Revisions to Rules  
On Prescriptions and Pharmacies**

Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-17, 45:14-36 and 45:14-36.1, proposes to revise rules concerning prescriptions and pharmacies.

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

**13:39-6.3 Lack of directions on original prescriptions**

(a) If the prescriber fails to include directions to patient for use of the medication on the original prescription, the registered pharmacist [should] shall indicate on the label the words "use as directed" or "as ordered by the physician" or similar words to the same effect.

(b) When, in the judgment of the pharmacist, directions to the patient and/or cautionary messages are necessary, either for clarification or to insure proper administration of the medication, the pharmacist may add such directions or cautionary messages to those indicated by the prescriber on the original prescription.

**13:39-6.5 Authorization for renewal of prescriptions**

[No prescription written for a drug which may be sold, dispensed or furnished only on a prescription may be renewed without the specific authorization of the prescriber.]

(a) A prescription written for medication which pursuant to State or Federal law may be sold, dispensed or furnished only upon prescription shall not be renewed without specific authorization of the prescriber.

(b) Prescriptions marked "prn" or with letters or words

of similar import may not be renewed after one year of the date of the original prescription.

**13:39-8.16 Notice of intention to conduct pharmacy**

(a) [Notice of intention to conduct a pharmacy shall be limited to the exact intended location and plan or physical arrangement of the proposed pharmacy or with any premises contiguous to but not necessarily a part thereof.]

The notice of intention to conduct a pharmacy shall indicate the exact intended location and plan or physical arrangement of the proposed pharmacy or pharmacy department and shall indicate any premises contiguous to but not necessarily a part thereof.

(b) [The application shall further bear the exact trade name, if any, or the corporate name, if any, the owners and operators if a sole proprietorship or partnership, and the names and addresses of the principal stockholders.]

The application for a permit for the location shall bear the exact trade name, if any, the corporate name, if any, the names and addresses of the owners and operators if a sole proprietorship or partnership, the names and addresses of the officers and principal stockholders if a corporation.

Interested persons may present statements or arguments in writing, orally in person, or by telephone relevant to the proposed action on or before September 8, 1972, to:

Paul A. Pumpian  
Secretary, State Board of Pharmacy  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
Telephone (201) 648-2433

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

Paul A. Pumpian, Secretary  
State Board of Pharmacy  
Department of Law and Public Safety

**(b)**

**LAW AND PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

**Proposed Rules On Licensing Automobile Dealers**

Raphael J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and 39:10-19, proposes to adopt new rules concerning the licensing of New Jersey automobile dealers, to be included in Subchapter 15 of Chapter 21 in Title 13 of the New Jersey Administrative Code.

Full text of the proposed rules follows:

**SUBCHAPTER 15. NEW JERSEY LICENSED  
AUTOMOBILE DEALERS**

**13:21-15.1 General provisions**

(a) Applicants for motor vehicle dealer's licenses shall submit an application in such form as prescribed by the Director.

(b) Applicants shall be at least 18 years of age.

(c) Fingerprinting will be required.

(d) Examinations may be conducted to determine knowledge of appropriate motor vehicle laws of the State of New Jersey.

(e) If applicant is a corporation, the license will be issued only in the true corporate name as reflected in the certificate of incorporation, and all business transactions shall be executed in that name.

(f) The requirements of this regulation shall apply to all individual applicants and all officers, directors, stockholders, partners, employees or any other person directly or indirectly interested in an applicant corporation or other business entity.

(g) All individual applicants and all officers, directors, stockholders, partners, employees or any other person directly or indirectly interested in an applicant corporation or other business entity shall be required to notify the Director of any arrest or conviction of a crime or disorderly persons offense.

#### 13:21-15.2 Proper person

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

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

2. Comply with the following insurance requirements:

i. All New Jersey licensed automobile dealers must submit, prior to October 15, 1972, proof of liability insurance covering all vehicles owned or operated by the dealer, at his request or with his consent. This insurance must be of a type determined by the Director of the Division of Motor Vehicles to be sufficient to protect the public from injury or loss due to the operation of these vehicles.

ii. No applications for New Jersey automobile dealer licenses submitted after October 15, 1972 will be granted until evidence is submitted of liability insurance of a type determined by the Director of the Division of Motor Vehicles to be sufficient to protect the public from injury or loss due to the operation of a vehicle owned or operated by the dealer, at his request or with his consent.

iii. An existing licensed New Jersey automobile dealer who fails to comply with this paragraph shall be subject to suspension or revocation of his dealer license and/or dealer registration plates.

3. Comply with applicable local ordinances governing motor vehicle dealer and dealerships; and

4. Have an established place of business. Such place of business shall be sufficiently large to properly display vehicles offered for sale and shall have there at a building to be used as an office facility.

i. The place of business must be accessible and open to the public;

ii. At the place of business the dealer shall keep and maintain the books, records and files necessary to conduct business, including all documents required by N.J.S.A. 39:10-6;

iii. The established place of business shall display an exterior sign permanently affixed to the land or building with letters easily readable from the major avenue of traffic. Such sign must reflect the trade name to agree with the name under which the dealer shall be licensed;

iv. If the proposed business location adjoins another licensed dealership, even though that other dealership may be owned by the same interest, there must be erected a physical barrier between the two to prevent the intermingling of activity;

v. A proposed place of business will not be considered suitable for approval if it is the same location of a currently licensed dealer, or a location of an allied business not under the same ownership;

vi. Any licensed dealer who changes his business location or opens a branch operation must immediately notify the

Dealer License Section, Bureau of Agencies of the Division of Motor Vehicles, of such change or such opening;

vii. There shall be submitted, together with the application for Dealer License, photograph(s) which clearly depict the complete premises from which the dealership will be operated.

#### 13:21-15.3 Grounds for rejection of initial application

(a) An applicant shall not be considered a proper person if:

1. He has been convicted of any crime or disorderly persons offense;

2. He has made a misstatement of fact or withheld material information on an application; or

3. He seeks or has obtained a motor vehicle dealer's license for the benefit of one who is not a proper person within the meaning of this regulation, or if he seeks to employ any person who is not a proper person within the meaning of this regulation or who has been previously licensed as a motor vehicle dealer and has been subject to revocation of that license.

(b) The Director may in his discretion and upon presentation of proof of satisfactory rehabilitation by the applicant, waive any of the provisions of subsection (a) of this Section except where he is prohibited by statute from so doing.

#### 13:21-15.4 Grounds for suspension or revocation of license

(a) In addition to those grounds set forth by law, the Director may consider any one or more of the following as grounds for the suspension or revocation of an existing license:

1. Any of the grounds for denial of an initial application set forth in Section 3 of this regulation;

2. Failure to notify the Director of any arrest or conviction for any crime or disorderly persons offense within fourteen (14) days of such arrest or conviction, or

3. Failure to obey any order from the Director pertaining to motor vehicle dealership operation, or

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

5. Failure to maintain adequate insurance as required by N.J.A.C. 13:21-15.2(a)2.

#### 13:21-15.5 Hearing

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

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

Raphael 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.

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION ON CIVIL RIGHTS

#### Rule On Interrogatory Default Procedure

On June 23, 1972, James H. Blair, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-8(g) and 10:5-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning the interrogatory default procedure.

This rule may be cited as N.J.A.C. 13:4-8.3.

Full text of the adopted rule follows:

#### 13:4-8.3 Interrogatory default procedure

(a) If a respondent has been served with a verified complaint which in the judgment of the Director must be resolved expeditiously and the Director has issued interrogatories pursuant to N.J.S.A. 10:5-8(i), and notice of the consequences of the failure to answer interrogatories has been given to respondent, and respondent fails either to answer the interrogatories or to file a motion to strike interrogatories within the time specified therein, the Director shall:

1. Enter an order requiring the answering of said interrogatories and extending for an additional ten days the time within which answers to interrogatories are required and serve this order on respondent; and

2. Serve the following notice and order:

"NOTICE is hereby given that a complaint has been served upon you charging you with a violation of the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.). Pursuant to this Division's authority under N.J.S.A. 10:5-8(i), interrogatories have been served upon you. Said interrogatories have not been answered and filed to fully answer and file the answers to interrogatories within ten (10) days, a default shall be entered in this case. Said default shall constitute:

(a) An admission that the interrogatories, if answered, would have established facts in accordance with the claim of the complainant;

(b) A waiver of your right to have this Division conduct further investigation, find whether or not there is probable cause, make conciliation efforts or hold a public hearing. (N.J.S.A. 10:5-14, 10:5-15; N.J.A.C. 13:4-21, 13:4-6.1, 13:4-11.1, 13:4-12.1);

(c) A waiver of your right to present any and all defenses.

THEREFORE it is on this     day of     ,     ,  
ORDERED:

1. Respondent(s) shall fully answer and file answers to interrogatories previously served.

2. Respondent(s) shall file said answers on or within the tenth (10th) day following the date of this order."

(b) In the event the respondent files a motion to strike interrogatories within the time set to answer interrogatories, said motion shall be supported by affidavit and/or brief and shall be ruled upon by the Director on the motion papers without oral argument; if said motion is granted the interrogatories shall be stricken and if said motion is denied, the Director shall then follow the pro-

cedure set forth in subsection (a) above or enter any other appropriate order.

(c) If after the expiration date of the Director's order extending time to answer interrogatories, the respondent has failed to fully answer and file the interrogatory with the Director:

1. Said failure shall result in the matters regarding which questions were asked being taken as established for the purposes of the case in accordance with the claim of the complainant, and

2. Said failure shall constitute a waiver of the respondent's right to an investigation, finding of probable cause, conciliation efforts or public hearing. N.J.S.A. 10:5-14, 10:5-15; N.J.A.C. 13:4-2.1, 13:4-6.1, 13:4-11.1, 13:4-12.1, and

3. Said failure shall result in the suppression of any and all defenses of the respondent, and

4. The Director shall order the entry of a default on the docket of the Division.

(d) Any order for entry of default must be supported by an affidavit of a field representative or other Division employee authorized by the Director. The affidavit shall recite:

1. The date of service of the verified complaint and interrogatories on respondent and the date of the service of any order requiring answers to interrogatories and extending the time in which to answer them;

2. The date of service of the verified complaint and interrogatories as appears from the return of process;

3. That the respondent has failed to reply to the interrogatories within the time required by the Director's order as it may have been extended, or respondent has made a motion to strike interrogatories and following denial thereafter by the Director has failed to answer within the time required by the Director's order;

4. That the respondent has been given notice of the consequences of failure to respond to interrogatories;

5. That the complainant had filed his allegation of discriminatory discharge within the time prescribed by law.

(e) After the entry of default the Director shall assign the case to a hearing examiner for the purpose of hearing the complainant's proofs of the allegation of discrimination on a default basis.

(f) At any time after entry of default and before the default hearing the respondent may petition the Director, who may vacate the entry of default and reopen the case for good cause shown. The respondent's assertion of good cause shall be in affidavit form and shall include the full and complete answers to all interrogatories.

(g) A notice of entry of default and supporting affidavit and a notice of the time, date and place of the default hearing shall be served on respondent at least ten days prior to the date scheduled for default hearing. If the Director vacates the entry of default at any time prior to the date of the default hearing, then said default hearing shall be cancelled by the Director, and the complaint shall instead proceed to any investigation, finding as to probable cause, conciliation or public hearing as provided by these rules.

(h) At a default hearing the hearing examiner shall receive the order of entry of default, the supporting affidavit and any other evidence proffered by the complainant and shall determine if the facts established by the complainant and admitted by respondent constitute an act of discrimination, and if so, the amount of damages or other recommended relief. No evidence proffered by the respondent shall be admitted at a default hearing.

(i) After the recommendation of the hearing examiner, the Director shall enter a final order pursuant to N.J.S.A. 10:5-17.

(j) If discrimination is found by the Director, his final order shall require the respondent to take any affirmative action which in the judgment of the Director is necessary to both eliminate any discrimination and make the complainant whole.

(k) This order shall be the only final order provided for by this rule; all other orders provided by this rule shall be interlocutory in nature.

An order adopting this rule was filed and effective June 26, 1972, as R.1972 d.121 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION ON CIVIL RIGHTS

#### Revisions to Rules of Practice and Procedures

On June 23, 1972, James H. Blair, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-8(g) and 10:5-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of practice and procedures concerning hearings.

Such revisions will be included in Chapter 4 of Title 13 of the New Jersey Administrative Code.

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

#### 13:4-2.1 Director's investigations

(d) In connection with an investigation of any employer as defined by N.J.S.A. 10:5-5(e), the Director may require the submission of information concerning the race, color, national origin, ancestry, age, marital status, sex or military status of employees, the employment records of employees, the procedures for advertising or notifying the public of the availability of jobs, the procedures for hiring or selecting employees, the testing, seniority, promotion and discharge procedures, and such other information as may be reasonably necessary to carry out the provisions of the Law Against Discrimination.

(e) An investigation by the Division may be conducted either prior to or subsequent to the filing of a complaint.

#### 13:4-3.5 Contents of complaint

(a) [4. A statement setting forth the facts deemed to corroborate the alleged discrimination.]

4. A brief statement setting forth the facts deemed to constitute the alleged discrimination.

#### 13:4-5.1 Pleadings

(a) Pleadings before the Division on Civil Rights shall be complaints, answers, amendments to complaints and answers, motions and orders of the Director.

(b) Respondents shall serve an answer upon the Division within 20 days after service of the verified complaint upon them, which answer shall state in short and plain terms the respondent's defenses to each claim asserted and shall admit or deny the allegations of the complaint.

(c) Respondents may not generally deny all the allega-

tions, but shall make their denials as specific denials which meet the substance of designated allegations or paragraphs of the complaint.

(d) Allegations in any answer setting forth an affirmative defense shall be taken as denied.

#### 13:4-9.3 Enforcement of depositions, interrogatories, subpoenas, and other investigatory orders

(a) If any person shall fail to appear at the time designated in a subpoena, or shall fail to comply with an order of the Director for the taking of depositions and interrogatories, or shall fail to provide information as requested pursuant to a lawful investigation, he shall be subject to the appropriate enforcement provisions of N.J.S.A. 10:5-8i, 10:5-19, and 10:5-26[.] as well as the provisions of N.J.A.C. 13:4-8.3.

#### 13:4-11.1 Conciliation conference; notice; failure to attend

(a) [Within ten days after] After a finding of probable cause, the Director or his representative shall conduct a conciliation conference in accordance with N.J.S.A. 10:5-14.

(c) This notice shall contain a provision advising the respondent that in the event conciliation is unsuccessful, a public hearing will be held. [within 20 days.]

#### 13:4-12.2 Notice of order for hearing; scheduling

(c) Subject to the provisions of Section 12.7 ("Time and Place of Hearing") of this Chapter, hearings shall be scheduled [no later than 20 days] at a time designated by the Director after the date of the conciliation conference.

#### 13:4-12.6 Hearing examiners; powers and limitations

(e) The hearing examiner to whom a hearing is assigned may in his discretion prior to the public hearing hold an informal pre-hearing conference with the respective attorneys to discuss any procedural matters or other matters relating to the public hearing.

An order adopting these revisions was filed and effective June 26, 1972, as R.1972 d.122 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF DENTISTRY

#### Revisions to Rules On Examinations

On June 28, 1972, Joseph L. Konzelman, Secretary of the State Board of Dentistry in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the revisions to the rules concerning examinations, as proposed in the Notice published October 7, 1972, at 3 N.J.R. 206(d).

Such revisions will be included in N.J.A.C. 13:30-1.10.

An order adopting these revisions was filed and effective July 7, 1972, as R.1972 d.140.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF ARCHITECTS

##### Amendments on Certification of Persons Holding Certificates from Other States

On July 13, 1972, Herman C. Litwack, Secretary-Director of the State Board of Architects in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:3-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 13:27-3.4 concerning certification of persons holding certificates from other states, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 129(a).

An order adopting these amendments was filed and effective July 27, 1972, as R.1972 d.151.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Rules Governing Vehicles With Expired Inspection Certificates

On June 30, 1972, Raphael J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:8-2 and 39:8-10 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules governing vehicles with expired inspection certificates, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 130(b).

These rules may be cited as N.J.A.C. 13:20-7.13.

An order adopting these rules was filed June 30, 1972, as R.1972 d.136 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Amendments to Rules On Motor Vehicle Race Tracks

On June 30, 1972, Raphael J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:7-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules on motor vehicle race tracks, substantially as proposed in the Notice published June 8, 1972, at 4 N.J.R. 132(a), with only one inconsequential language change.

This change involved the addition of a phrase at the end of N.J.A.C. 13:22-9.2(b), as indicated below in boldface thus:

13:22-9.2(b) It shall further be the responsibility of the licensee to insure that the operation of vehicles covered by this Section by persons between the ages of 14 and 18 shall be restricted to the confines of an approved race or exhibition area and adjoining pit area only in connection with an event for which the participant is scheduled.

An order adopting these amendments was filed June 30, 1972, as R.1972 d.137 to become effective July 1, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## LAW AND PUBLIC SAFETY

### DIVISION OF STATE POLICE

#### Revised Rules for Private Detectives

On July 14, 1972, Colonel David B. Kelly, Superintendent of the New Jersey State Police, pursuant to authority of N.J.S.A. 45:19-8 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revised rules concerning private detectives, as proposed in the Notice published June 8, 1972, at 4 N.J.R. 131(a).

Such rules may be cited as N.J.A.C. 13:55-1.1 et seq.

An order adopting these revised rules was filed and effective July 26, 1972, as R.1972 d.145.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rule On Emergency Telephone Numbers

William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 and 48:2-25, proposes to adopt a new rule concerning emergency telephone numbers.

Full text of the proposed rule follows:

14:3-5.3 Emergency telephone numbers

(a) Each public utility shall establish and prominently display on all customer bills after present supplies are exhausted, a current telephone number which may be used by customers and others to report emergencies to the public utility.

(b) In addition, each public utility shall maintain a listed emergency number in appropriate telephone directories, and file same with police departments, fire departments, municipal clerks and other appropriate governmental agencies.

(c) These numbers shall be tended in order that calls can be answered on a 24-hour basis with assurance that, within a reasonable period of time, a company official will be contacted.

Interested persons may present statements in writing

relevant to the proposed action on or before August 30, 1972, to:

Board of Public Utility Commissioners  
Room 208  
101 Commerce Street  
Newark, New Jersey

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

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

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Rule on Design Consultants

On May 25, 1972, William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-29, 48:12-49, 48:12-54, 48:12-55 and 48:12-49.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the rule on design consultants, as proposed in the Notice published March 9, 1972, at 4 N.J.R. 52(c).

This rule may be cited as N.J.A.C. 14:11-8.34.

An order adopting this rule was filed and effective June 27, 1972, as R.1972 d.124.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rules Governing Regulations Of Real Property by Appraisal Firms

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-35.35 et seq., proposes to adopt new rules concerning standards to be used in the valuation and revaluation of real property to be used for assessment purposes.

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

The proposed rules concern proof of qualifications, qualifications of employees, conflict of interest, municipal undertakings, requirements of contract, director's approval of contracts, scope of valuation or revaluation project, standards for valuation and revaluation, property record cards, availability of appraisal firm for defense, appeals from director's disapproval of contract and specifications for revaluation project.

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

J. Henry Ditmars  
Division of Taxation  
Local Property and Public Utility Branch  
West State and Willow Streets  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 31, 1972, to the Division of Taxation at the above address.

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

Sidney Glaser, Director  
Division of Taxation  
Department of the Treasury

(c)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Permanent Adoption of Rules On Accounting Procedures For Sales Tax

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to permanently adopt those rules which were temporarily adopted on an emergency basis for the period between July 1, 1972 and September 30, 1972, and which concern the implementation of accounting procedures to the collection of the sales tax on alcoholic beverages.

These rules will be included in Subchapter 20 of Chapter 24 in Title 18 of the New Jersey Administrative Code.

Full text of the proposed rules appears in the preceding Notice of Adoption regarding R.1972 d.126 in this August, 1972 issue of the New Jersey Register.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before August 30, 1972, to:

John K. Rafferty  
Legal Section  
Division of Taxation  
West State and Willow Streets  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(d)

## TREASURY

### DIVISION OF TAXATION

#### Rules on Accounting Procedures Relating to Collection of Sales Tax

On June 28, 1972, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules relating to the implementation of accounting procedures relating to the collection of the sales tax on alcoholic beverages.

Such rules will be effective between July 1, 1972 through

September 30, 1972. During that period, the Division of Taxation proposes to adopt these rules on a permanent basis and the public will be afforded an opportunity to present statements or arguments concerning such action.

The rules will be included in a new Subchapter 20 in Chapter 24 of Title 18 of the New Jersey Administrative Code.

Full text of the rules follows:

CHAPTER 24. SALES AND USE TAX ACT

SUBCHAPTER 20. ACCOUNTING PROCEDURES

RELATING TO SALES OF ALCOHOLIC BEVERAGES

18:24-20.1 Scope and purposes

(a) This rule, promulgated by the Director of the Division of Taxation pursuant to authority vested in him under N.J.S.A. 54:32B-24 et seq., is intended to set forth procedures and records to be used by vendors required to collect sales taxes pursuant to the provisions of N.J.S.A. 54:32B-2(e)(2)(B), as amended.

(b) N.J.S.A. 54:32B-2(e)(2)(B) requires that the sale of alcoholic beverages, as defined in the Alcoholic Beverage Tax Law, to a retail licensee is deemed to be a retail sale and the taxpayer is required to collect the sales tax on the transactions based on the minimum resale price filed with the Director of the Division of Alcoholic Beverage Control by the appropriate persons.

(c) There are many different accounting procedures used by taxpayers as defined in this rule. Uniform procedures are essential and accordingly, these regulations affecting the accounting procedures of such taxpayers are promulgated.

(d) The reporting rules applicable to other taxpayers subject to tax under the Sales Tax Act are equally applicable here: namely, that the remittance of sales tax is due and payable to the Division of Taxation on the 28th day of the month following the month in which the sale was made. This is true regardless of the date of payment by the retail licensee. In this connection, reference is made to N.J.S.A. 54:32B-2(d).

18:24-20.2 Definitions

"Minimum consumer resale price" means the minimum consumer resale price filed with the New Jersey Division of Alcoholic Beverage Control pursuant to N.J.A.C. 13:2-286 et seq., as amended, exclusive of the sales tax applicable herein, so that there shall be no sales tax on a sales tax. For the purpose of calculating the sales tax applicable to multi-unit containers, it is required that the sales tax be charged based on the unit most commonly sold by retail licensees. With respect to beer, this unit will be the case and with respect to all other alcoholic beverages, it is to be the individual container.

"Taxpayer" as used in N.J.S.A. 54:32B-2(e)(2)(B) means a person chargeable with the payment of a tax pursuant to the provisions of the Alcoholic Beverage Tax Law, N.J.S.A. 54:41-1 et seq., as amended and supplemented.

"Retail licensee" means any person holding a valid and unrevoked plenary retail consumption, seasonal retail consumption, plenary retail distribution, limited retail distribution, or club license issued by a municipality or by the Director of the Division of Alcoholic Beverage Control, or the holder of a special permit to sell at retail.

"Draught beer sold by the barrel", means beer, lager beer, ale, stout, porter, and all similar fermented malt beverages having an alcoholic content of one-half per cent or more by volume, which are sold in containers of two gallons or more.

18:24-20.3 General accounting provisions

(a) Regardless of the accounting procedures used by a

taxpayer, the functional criteria for evaluating the adequacy of any accounting system are as follows:

1. The amount of tax collected in each transaction must be calculable from the taxpayer's records;

2. The taxpayer's records must show how the tax remitted in connection with his monthly tax remittance and quarterly sales tax return was computed. This contemplates some type of schedule or accounting record which will articulate with the amount shown on the aforesaid return; and

3. The system must permit Division of Taxation personnel to test the accounting records of the taxpayer, either in whole or in part, so as to verify the accuracy of the reporting of the taxpayer.

(b) Any accounting system which meets the aforesaid criteria is acceptable.

(c) The several techniques herein set forth are suggestions and are not intended to limit the taxpayer.

(d) The New Jersey Sales Tax in the examples are computed on the minimum consumer resale price:

1. The amount of sales tax applicable to the transaction, whether it be set forth in one or more than one invoice, can be shown at the end of the invoice as follows:

|   |          |
|---|----------|
|   | X X X    |
|   | X X X    |
| Total of items  | \$700.00 |
| New Jersey Sales Tax (based on minimum consumer resale price) | 45.40    |
| Total amount due  | 745.40   |

2. The sales tax can be set forth separately after each line item in a technique similar to the one used in connection with the Federal surtax applicable to imported alcoholic beverages that was applicable during the last part of 1971:

|  |         |
|--|---------|
|  | X X X   |
| John's Bourbon   | \$15.00 |
| New Jersey Sales Tax applicable (based on minimum consumer resale price) | .98     |
|  | X X X   |

3. The amount of the line item printed on the invoice can include the sum of the wholesale price plus the amount of applicable sales tax. This method presupposes that the taxpayer has the ability, whether it be by a manual accounting system or an electronic-mechanical system, to set up a schedule at the end of each month to show the sales from his establishment by item sold as shown in the following illustration:

i. Using the figures from example 2. above, the invoice line item would be shown as follows:

John's Bourbon            \$15.98

ii. The schedule would have the following form:

|              | No. of    | Sales Tax | Total              |
|--------------|-----------|-----------|--------------------|
| Type of Item | Unit Used | Units     | Per Unit Sales Tax |

4. The taxpayer may wish to set up a new form of invoice which will show in one column the amount of sales tax applicable to the transaction and in the next column the amount of the wholesale charge, using the figures from example 2. above, the sum of the two columns would be the total amount of the invoice as shown in the following illustration:

|                | Wholesale Price | Sales Tax | Total Price |
|----------------|-----------------|-----------|-------------|
| John's Bourbon | \$15.00         | \$.98     | \$15.98     |

18:24-20.4 Special provisions

(a) Where the taxpayer uses some form of automated procedure to calculate the sales tax applicable to a unit

price, there must be a "round-up" on all amounts of five mills or more.

(b) Where an individual brings "non-tax-paid" alcoholic beverages into the State of New Jersey on a personal importation basis, the individual shall be deemed to be the taxpayer and he shall be responsible for payment of the Use Tax in the same manner as any other taxpayer, under the provisions of the Sales Tax Act.

(c) Where it is permissible for taxpayers to give to retail licensees or other persons alcoholic beverages without charge, either as inducements to purchase or for other reasons, there is a use tax due and owing by such taxpayers on such "free goods", based on the minimum consumer resale price of the goods.

An order adopting these rules was filed June 28, 1972, as R.1972 d.126 (Exempt, Emergency Rule) to be effective between July 1, 1972, and September 30, 1972.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revised Rules For Classification of Funds

On July 17, 1972, the State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to its rules concerning the classification of funds.

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

#### 17:16-5.3 Static group

(a) The static group shall include:

##### 1. College of Medicine and Dentistry of New Jersey — Grant Fund;

- [1.] 2. Eighteen Thirty-Seven Surplus Revenue Fund;
- [2.] 3. Trustees for the Support of Public Schools.

#### 17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

##### [1. College of Medicine and Dentistry of New Jersey—Grant Fund;]

- [2.] 1. General Investment Fund;
- [3.] 2. General Trust Funds;
- [4.] 3. Higher Education Buildings Construction Fund (Act of 1971);
- [5.] 4. Housing Assistance Fund;
- [6.] 5. Local Emergency Aid Fund;
- [7.] 6. Motor Vehicle Security Responsibility Fund;
- [8.] 7. New Jersey Educational Facilities Authority;
- [9.] 8. New Jersey Housing Finance Agency;
- [10.] 9. 1964 Higher Education Construction Fund;
- [11.] 10. Outstanding Checks Account;
- [12.] 11. Pension Increase Fund;
- [13.] 12. Public Buildings Construction Fund;
- [14.] 13. Revolving Housing Development and Demonstration Grant Fund;
- [15.] 14. School Building Aid—Capital Reserve Fund;
- [16.] 15. State Health Benefits Fund;
- [17.] 16. State Lottery Fund—Investment;
- [18.] 17. State of New Jersey—Alternate Benefit Program;

- [19.] 18. State 1960 Institution Construction Fund;
- [20.] 19. State 1964 Institution Construction Fund;
- [21.] 20. State Recreation and Conservation Land Acquisition Fund;
- [22.] 21. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [23.] 22. State Transportation Fund;
- [24.] 23. State Water Development Fund;
- [25.] 24. Transportation Benefit Fund;
- [26.] 25. Unclaimed Personal Property Trust Fund;
- [27.] 26. Unemployment Compensation Auxiliary Fund;
- [28.] 27. Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
- [29.] 28. Water Conservation Fund.

An order adopting these revisions was filed and effective July 19, 1972, as R.1972 d.143 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## DELAWARE RIVER PORT AUTHORITY

### Amendments to Rules On Bridge Tolls For Light Trucks

The Board of Commissioners of the Delaware River Port Authority, at its regular monthly meeting of June 21, 1972, amended the toll regulations for passage of light trucks having a gross weight of less than 7,000 pounds over bridges owned and operated by the Delaware River Port Authority. These bridges are the Benjamin Franklin Bridge and the Walt Whitman Bridge, which bridges are presently in operation.

The new toll regulations also apply to the Philadelphia-Pennsauken Bridge, presently under construction, and the Chester-Bridgeport Bridge, likewise under construction.

Full text of the amended rule follows:

Light trucks having a gross weight of less than 7,000 pounds shall be subject to a toll of 30 cents per axle per crossing and this type of vehicle shall also be granted the commutation rate.

An order adopting this amendment was filed June 26, 1972, as R.1972 d.120 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## NEW JERSEY TURNPIKE AUTHORITY

### Adopt Speed Limit Revisions

On July 27, 1972, Lillian M. Schwartz, Secretary of the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:9-1.2(b) concerning speed limits, as proposed in the Notice published May 4, 1972, at 4 N.J.R. 109(c).

An order adopting these revisions was filed and effective July 27, 1972, as R.1972 d.146.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## NEW JERSEY TURNPIKE AUTHORITY

### Revisions on Limitation In Use of the Turnpike

On July 27, 1972, Lillian M. Schwartz, Secretary of the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:9-1.9(a)12 concerning the limitation in use of the turnpike, as proposed in the Notice published April 6, 1972, at 4 N.J.R. 80(a).

An order adopting these revisions was filed and effective July 27, 1972, as R.1972 d.147.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## NEW JERSEY TURNPIKE AUTHORITY

### Revised Rules on Transportation of Explosives and Other Dangerous Articles

On July 26, 1972, Lillian M. Schwartz, Secretary of the New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-29 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:9-1.15 concerning transportation of explosives and other dangerous articles, as proposed in the Notice published April 6, 1972, at 4 N.J.R. 80(b).

An order adopting these revisions was filed and effective July 27, 1972, as R.1972 d.148.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## PORT OF NEW YORK AUTHORITY

### Revisions to Schedule of Charges At Kennedy International Airport

On June 8, 1972, the Committee on Operations of the Port of New York Authority adopted revisions to the schedule of charges for Kennedy International Airport.

Full text of the resolution adopting these revisions follows:

Resolved, that the schedule of charges for use of the public landing area, public-passenger ramp and apron area, public aircraft parking and storage areas, and related services at Kennedy International Airport, adopted by the committee by resolution of January 5, 1950, (appearing at page 20 et seq. of the committee minutes of that date), as amended, be and the same is hereby amended, effective July 1, 1972 as follows:

By increasing the general terminal services charge in Section IX thereof, to \$37.50.

By increasing the charge for each passenger arriving at the international arrivals building to \$1.75.

By increasing the incineration service charge in Section V thereof, to \$1.75.

By increasing the inspection space charges in Section VII thereof, to \$2.50.

By decreasing the porter service charges in Section VI thereof for each passenger embarking or disembarking from an aircraft at the international arrivals and airline wing buildings to \$0.50.

An order adopting these revisions was filed June 27, 1972, as R.1972 d.123 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## WATERFRONT COMMISSION OF NEW YORK HARBOR

### Revisions to Rules On Replacement Of Lost License or Registration

On June 30, 1972, the Waterfront Commission of New York Harbor, pursuant to authority of N.J.S.A. 32:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the replacement of lost license or registration.

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

1.12 Replacement of lost license, permit or registration card. A licensee, registrant or permittee who has lost his license, registration card or permit, after identifying himself to the satisfaction of the division of licensing or manager of an employment information center, shall be issued a temporary license, registration card or permit, valid for a period of not more than 30 days. He shall also submit a sworn application for replacement of his lost license, registration card or permit and, upon his payment of a replacement charge of \$2.00, the division of licensing shall issue to him a new license, registration card or permit. [A license or registration card which has been lost will be replaced by the commission as follows:

(a) The licensee or registrant shall identify himself to the satisfaction of the manager of an employment information center by any papers in his possession or by the statement of other persons present. Such licensee or registrant shall also file with the manager an application for a duplicate license or registration card upon a form furnished by the commission, which shall include an affidavit with respect to loss of the original.

(b) Upon the presentation of such application to him and upon his being satisfied as to the identity of the licensee or registrant, the manager shall issue a temporary permit or temporary registration card for a period of not more than 30 days pending verification of the claim of loss.]

An order adopting these revisions was filed and effective July 7, 1972, as R.1972 d.139 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

# WATERFRONT COMMISSION OF NEW YORK HARBOR

## New Rules Concerning Various Petitions

On July 6, 1972, the Waterfront Commission of New York Harbor, pursuant to authority of N.J.S.A. 32:23-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning petitions for reconsideration, restoration of license or registration and leave to reapply.

Full text of the new rules follows in boldface thus:

**6.18 Petition for reconsideration.** Within 90 days after the service of an order of the Commission following a hearing or rehearing, which order shall be considered as a final determination of the Commission in a proceeding for judicial review, the applicant or respondent may petition the Commission to exercise its discretion to reconsider its determination. Such petition shall be in writing and shall state in detail the grounds upon which it is based. Any order made by the Commission upon such petition shall not extend any limitation of time imposed by law to commence a proceeding to review the final determination of the Commission.

**6.19 Petition for restoration of license or registration.** Any person having been issued a temporary permit or registration or permanent license or registration by the Commission and whose temporary permit or registration has been revoked or annulled by an order of the Commission denying an application for a permanent license or registration after a hearing or rehearing, or whose permanent license or registration has been revoked by order of the Commission after a hearing or rehearing, may petition the Commission for restoration of his permit, license or registration. Such petition shall be in writing on a form to be furnished by the Commission and shall be filed with the Commission not less than six months after the final determination of the Commission made after the hearing or rehearing and not more often than once each year following the said final determination, unless the Commission for good cause shown shall otherwise direct. Any registration, permit or license issued by the Commission after a grant of a petition under this Section may be subject to the provisions of subdivisions (b) through (i) of Section 1.21.

**6.20 Petition for leave to reapply.** Any applicant, not having been issued a temporary permit or registration, who has been denied a license or registration by order of the Commission after a hearing or rehearing, and who has not been granted leave to reapply in the said order of denial, may petition the Commission for leave to reapply for such license or registration. Such petition shall be in writing on a form to be furnished by the Commission and shall be filed with the Commission not less than six months after the final determination of the Commission made after the hearing or rehearing, and not more often than once each year following the said final determination, unless the Commission for good cause shown shall otherwise direct. A grant by the Commission of a petition submitted under this Section for leave to reapply for registration as a long-shoreman or checker during any period of time the acceptance of such applications has been suspended under Section 5-p of the Waterfront Commission Act, shall not take effect until such time as the Commission shall determine to accept such applications under said Section 5-p, and shall

not entitle the petitioner to any preference or priority in obtaining any such application or in having it processed.

An order adopting these rules was filed July 10, 1972, as R.1972 d.142 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

## PUC TURNS DOWN \$67 MILLION INTERIM RATE INCREASE FOR BELL

The State Board of Public Utility Commissioners on July 20 unanimously denied a request from New Jersey Bell Telephone Company for a \$67 million interim rate hike. The request was part of a full request for a raise in revenues of \$137 million, on which hearings continue and are expected to be concluded before the end of the year.

In denying Bell's emergency request for \$67 million, William E. Ozzard, President of the PUC, stated: "Commissioners Anthony J. Grossi, George M. Wallhauser Jr., and I simply could not find any reason to grant interim relief, since there simply is no emergency situation which would require such action. Interim relief is granted very rarely by this Board, and almost always in urgent circumstances. There was no construction deadline that could not be met without these funds, adequate service will not be impaired, there was no major financing which required support from these funds, therefore, as far as this Board was concerned, there was no emergency."

Bell Telephone, according to the PUC, had argued that it was entitled to the interim rate relief because in its last decision in January the PUC had established a rate of return of 7.93 per cent. Bell argued that it was not making that rate of return, and had not made it since the day of the last decision, so an interim hike was justified to bring the company up to that rate of return.

To this, Ozzard commented: "With economic circumstances as they are today and because a rate case is always argued on past history, no company is able to earn exactly the rate of return set forth by this Board in any given decision. If we were to accept the argument proposed by Bell Telephone Company, every utility would have the right to come back to us two or three months after a decision was made and seek further relief in order to meet a rate of return figure which cannot be a constant figure under any circumstances.

"The Board, in all its decisions this past year has tried to comply with both the spirit and the letter of President Nixon's economic stabilization order of last August. The regulations which have arisen from that order require a certification from this Board that any interim rate relief granted has been for urgent or emergency circumstances. The Board could not, therefore, grant this request and remain consistent with the aims and goals of the current economic stabilization program."

## OFFICIAL FACT SHEET EXPLAINS NEW "NO-FAULT" AUTO INSURANCE

Insurance Commissioner Richard C. McDonough last month released a fact sheet answering questions about the State's new Automobile Insurance Reform Act, known as the "no-fault" insurance law.

The Act was signed into law by Gov. William T. Cahill on June 20, 1972 (as Chapter 70, P.L. 1972) and becomes effective Jan. 1, 1973, covering all drivers registered in the State.

Commissioner McDonough said that his Department had received numerous inquiries from the public about the new law, how it will affect them, what it does and how it will work.

In response, he directed preparation of a fact sheet which contains answers to the 20 basic questions being asked.

One word of caution about the fact sheet, the Commissioner said, is that the questions and answers were prepared with an eye toward keeping the fact sheet brief and simple, with certain technical details omitted for brevity and clarity.

The Department plans later this year to make available a comprehensive booklet that will explain in detail the New Jersey Automobile Insurance Reform Act.

Full text of the fact sheet follows:

### WHAT YOU SHOULD KNOW ABOUT "NO-FAULT"

#### 1. DO I HAVE TO DO ANYTHING ABOUT MY PRESENT INSURANCE POLICY TO CONFORM TO THE NEW LAW?

No. If there is anything you will have to do, your insurance company will contact you prior to Jan. 1, 1973. Until you hear from your company, there is nothing you have to do.

#### 2. MUST I HAVE AUTOMOBILE INSURANCE AFTER JAN. 1, 1973?

Yes. Without it, you will not be allowed to drive a motor vehicle. If you do drive without the required insurance, you will be violating the law, and you will not be able to collect for any loss for an automobile accident.

#### 3. WHAT TYPE OF AUTOMOBILE INSURANCE COVERAGE MUST I HAVE TO CONFORM TO THE NEW LAW?

Your policy must provide the medical and wage benefits for yourself and your family and also liability coverage of at least \$15,000 to \$30,000 for bodily injury and \$5,000 for property damage. You will no longer have the choice of paying the \$50 uninsured motorist fee, instead of being insured, when you renew your automobile registration.

#### 4. DOES THE NEW LAW AFFECT MY PROPERTY DAMAGE LIABILITY AND MY COLLISION INSURANCE?

No. Your insurance for property damage you cause to your car or the damage you cause to other cars remains as it is today. The new law applies only to bodily injury coverage.

#### 5. WHAT WILL THE NEW BODILY INJURY COVERAGE CONTAIN AFTER JAN. 1, 1973?

The new bodily injury coverage will give you and your family medical expense and income benefits which will be

## BUYER EDUCATION PROGRAM UNDER WAY FOR NEW "NO-FAULT" INSURANCE LAW

The State Insurance Department last month began a consumer education program in cooperation with an industry advisory committee to explain and implement New Jersey's new "no-fault" automobile insurance law.

The overall objective of the committee, according to Insurance Commissioner Richard C. McDonough, is to make a smooth transition to the new law for—most importantly—the motoring public and also for his Department and the State's automobile insurance industry.

"The committee—representing virtually all auto insurers in the State, the brokers and agents organizations and the insurance trade associations—is now fully organized and functioning," he said.

Vincent E. Hoyer, president of New Jersey Manufacturers Insurance Company, Trenton, is chairman of the group, the Automobile Repairs Advisory Council.

Members of the executive committee represent various insurance companies writing automobile insurance in New Jersey—American Insurance Association, American Mutual Insurance Alliance, Independent Mutual Insurance Agents of New Jersey, Insurance Advisory Bureau, Insurance Brokers Association, Insurance Services Office, National Association of Independent Insurers and New Jersey Association of Independent Insurance Agents.

paid by your own company regardless of anybody's fault in the accident. It will also give you the same coverage you have from your present bodily injury liability policy to give you the additional protection you need.

#### 6. WHAT ARE THE MEDICAL AND INCOME BENEFITS?

If you or any member of your family residing in your household is injured in an automobile accident caused by your car or another private passenger car, your own insurance company will pay for all medical expenses. Your company will also reimburse you for your actual wage loss. If your usual earnings are not more than \$100 a week, your basic policy will pay for your entire wage loss. If you earn more than \$100 per week, you should buy additional income coverage from your company.

#### 7. JUST WHAT DO YOU MEAN BY MEDICAL EXPENSES?

Under the law, all your own reasonable medical expenses are covered. That includes your doctor bills, drugs and medical supplies and also expenses for X-rays and other tests and hospital expenses.

#### 8. IF I AM INJURED IN AN ACCIDENT AND IT IS THE OTHER DRIVER'S FAULT, HOW WILL THE NEW LAW AFFECT ME?

Your insurance policy will provide for reimbursement to you of your medical expense and income loss regardless of who was at fault. In addition, you could still demand compensation for "pain and suffering" if your injury is serious enough. This additional compensation would come from the other driver who was at fault and who must have insurance to cover such payment.

#### 9. DOES THE LAW DEFINE "SERIOUS INJURY?"

Yes. Fractures as well as injuries leading to permanent disability, significant disfigurement, permanent loss of any bodily function and injuries causing death are serious injuries. The law also considers a serious injury any "soft-tissue" injury requiring medical treatment expenses exceeding \$200.

**10. WHAT IS CONSIDERED A "SOFT-TISSUE" INJURY?**

The act defines a "soft-tissue" injury as a sprain, strain, contusion, bruise, and the like.

**11. WHEN COULD I DEMAND COMPENSATION FROM THE OTHER PERSON FOR "PAIN AND SUFFERING?"**

When your medical treatment expenses exceed \$200. But remember only the medical treatment expenses are counted to arrive at this \$200 figure.

**12. WHAT DO YOU MEAN BY MEDICAL TREATMENT EXPENSES?**

Under the law, X-rays and diagnostic expenses and the cost of staying in a hospital will not be counted to arrive at the \$200 medical expense figure, even though you as an injured person will collect from your own company for such expenses.

**13. IF I AM INJURED BY A DRIVER WHO HAS NO INSURANCE, HOW WILL I BE COMPENSATED?**

Your own insurance company will compensate you for your medical expense and wage loss and your own Uninsured Motorists coverage will pay for any "pain and suffering" compensation you may be entitled to receive.

**14. HOW SOON WILL THE MEDICAL EXPENSE AND INCOME LOSS BE PAID TO ME AS A POLICYHOLDER?**

Promptly after you submit the required proof of bills and wage loss. The law specifies that payments have to be considered overdue if not paid within 30 days after you submit notice of the loss and amount.

**15. I OWN A MOTORCYCLE, MUST I GET INSURANCE COVERAGE?**

Motorcycles will be required to carry automobile liability insurance after Jan. 1, 1973 just like any other motor vehicle. However, motorcycles are not included under the no-fault coverage. Your motorcycle insurance will be the same as it is today.

**16. HOW ABOUT TRUCKS AND OTHER TYPES OF VEHICLES?**

All motor vehicles that require registration will have to carry automobile liability insurance after Jan. 1, 1973. The no-fault coverage, however, applies only to private passenger cars.

**17. IF I AM A PEDESTRIAN AND STRUCK BY A CAR, HOW WILL I BE PAID UNDER THE NEW LAW?**

If you are injured while a pedestrian, you are entitled to receive the medical expense and wage benefits under the law. If your injury is serious and you are entitled to "pain and suffering" compensation, you may sue the other driver if he is properly insured. If he is not properly insured, your own uninsured motorist insurance will cover you. If you do not own a car, you would seek compensation from the Unsatisfied Claim and Judgment Fund.

**18. WILL I RECEIVE "NO-FAULT" BENEFITS IF I AM INJURED IN AN AUTOMOBILE ACCIDENT IN NEW JERSEY BY AN OUT-OF-STATE DRIVER?**

Yes.

**19. WILL I RECEIVE "NO-FAULT" BENEFITS IF I AM INJURED IN AN AUTOMOBILE ACCIDENT IN ANOTHER STATE?**

Yes.

**20. WILL THERE BE A REDUCTION IN THE BODILY INJURY INSURANCE PREMIUM?**

Yes, for most people. The exact details of how the company will adjust your premium still has to be resolved. But remember, if you now carry minimum coverage of \$10,000 to \$20,000 on bodily injury, you will have to buy the higher bodily injury coverage of \$15,000 to \$30,000 starting Jan. 1, 1973, which will take up a good part of the rate reduction.

Except for the few people who now carry the minimum coverage, the bodily injury premium will be reduced by the full 15 per cent. The bodily injury premium reduction also applies to those with coverage under the Assigned Risk Plan.

It is important to understand that the bodily injury premium is only part of the total cost of automobile insurance. It must be stressed that you also buy property damage, liability and collision insurance which are not affected by this new law.

Additional copies of the fact sheet are available at no charge by writing "No-Fault", Department of Insurance, 201 East State Street, Trenton, N.J. 08625.

**THREE CHANGES IN EFFECT FOR STATE SANITARY CODE**

Three changes in New Jersey's Sanitary Code became effective July 6, upon publication in the New Jersey Register, according to Dr. James R. Cowan, State Commissioner of Health, who said the three changes were earlier approved by the Public Health Council of the Department.

The State Sanitary Code is a body of health regulations promulgated by the Public Health Council. The regulations have the force and effect of law, must be observed throughout the State, and are enforced by local boards of health, local police authorities and other enforcement agencies, Dr. Cowan pointed out.

Each violation of any provision of the Sanitary Code constitutes a separate offense and is punishable by a penalty of not less than \$25 nor more than \$100 under applicable laws. The penalty is collected by the agency which brings the court action.

The three changes:

- A new Regulation 7 added to Chapter 3 of the Sanitary Code prohibits the sale or distribution of live turtles unless the seller or distributor warrants to the satisfaction of the Department of Health that each shipment is free from salmonella contamination, which affects humans.

- "One of the most far-reaching changes," said Dr. Cowan, "is the adoption of Chapter 12, which governs the construction, operation, and maintenance of retail food establishments. It provides for the first time a body of detailed, uniform state regulations to govern the operation of retail food establishments.

"These regulations are enforceable by local boards of health, local police officials, and other enforcement agencies, including the State Department of Health. The new regulation declares that retail food establishments which operate in violation are declared to be nuisances hazardous to health."

The Chapter covers fixed or mobile restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments, organizations or institutions serving food, catering kitchens, commissaries, box lunch establishments, retail bakeries, meat markets, delicatessens, grocery stores, public food markets, or similar places in which food or drink is prepared for retail sale.

- Third change is a new Chapter 13, which establishes standards for the abatement of lead poisoning hazards by

local boards of health. It requires local boards to make an epidemiologic investigation of any child who shows blood lead levels of 60 micrograms or more per 100 milliliters of whole blood. Brothers and sisters of such a child should be referred for diagnosis and treatment if necessary. The rule provides detailed directions for the determination of lead in dwelling units and for its removal.

Dr. Cowan said copies of the new changes have been sent to all local boards of health, health officers, executive officers of local boards of health, clerks of municipal governing bodies, and, in the case of Chapter 12, to retail food establishments in New Jersey.

Persons wishing a copy may write: New Jersey Department of Health, P.O. Box 1540, Trenton, N.J. 08625.

### MINIMUM WAGE IN STATE GOES TO \$1.75 AN HOUR AS OF OCT. 9

An estimated 102,000 workers will benefit from a change in the State's minimum wage law from \$1.50 to \$1.75 an hour when it goes into effect in two months.

Gov. William T. Cahill signed the bill into law July 10, as Chapter 84, P.L. 1972, with the effective date being Monday, Oct. 9, 1972. He said it was a realization of a goal he had sought since taking office, terming the previous minimum rate "unrealistic and totally inadequate" in view of rising living costs.

The new rate applies to the first 40 hours worked, with overtime to be paid at 1½ times base pay. The last increase in the minimum wage law was in 1969 when it was raised from \$1.40 to \$1.50 an hour.

The new rate puts New Jersey above the Federal minimum wage law, and compares to \$1.85 in New York, but above the \$1.60 in Pennsylvania, Delaware and Connecticut, the Governor pointed out.

The law covers all workers except domestics, outside salesmen, salesmen of motor vehicles, employees of non-profit summer camps and persons under 18 who do not possess a special vocational school graduate permit.

The estimated number of employees in various fields who will benefit are:

|                                    |         |
|------------------------------------|---------|
| Hotel and motel                    | 15,000  |
| Amusements, including movie houses | 15,000  |
| Restaurant                         | 12,000  |
| Farm                               | 10,000  |
| Retail                             | 10,000  |
| Nursing homes and hospitals        | 8,000   |
| Laundry, cleaning and dyeing       | 6,000   |
| Finance, insurance and real estate | 5,000   |
| Beauty culture                     | 1,000   |
| Miscellaneous others               | 20,000  |
|                                    | 102,000 |

The Wage and Hour Bureau of the State Department of Labor has already distributed to employers copies of an abstract of the new law for compulsory public posting.

It notes that further information may be obtained from: Department of Labor and Industry, Wage and Hour Bureau, P.O. Box 875, Trenton, N.J. 08625. Tel: 609-292-2337.

### STATE MINI-GRANTS AWARDED FOR 300 TEACHING PROJECTS

The State Board of Education has approved the awarding of 300 mini-grants totaling \$275,000 for innovative teaching projects to be carried out in the 1972-73 school year.

Made under the four-year-old Teacher Innovation Program, the number of grants is approximately triple past years as a result of an increased appropriation by the State Legislature.

### TRANSPORTATION MASTER PLAN AVAILABLE AT \$5.22 PER COPY

Commissioner John C. Kohl late last month released the 1972 Master Plan for Transportation in New Jersey, with considerable resulting media coverage.

The revised Master Plan was developed by his Transportation Department on the basis of the 1968 Master Plan. It explains the present status of transportation, defines the State's transportation needs and indicates what is required to meet those needs to the year 1990.

The plan covers major modes of transportation—highway, rail, bus and air—and includes an estimate of funds required to carry out the improvements.

A copy of the Master Plan can be obtained by sending a check or money order made out to the "New Jersey Department of Transportation" in the amount of \$5.22. Requests should be addressed to: Cashier, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, N. J. 08625.

A map showing types and locations of transportation improvements described in the plan can be obtained free of charge by writing the Director of Information Services at the Trenton address.

The Commissioner added that Department officials are available on request to explain the Master Plan to organizations throughout the State. Requests for speakers also should be made to the Director of Information Services.

### DICTAPHONE SEEN MIGHTIER THAN THE PEN IN HOUSING INSPECTIONS

On-the-spot dictation of housing violations is increasing efficiency, cutting inspection time and may add about \$2 million additional revenues for the Bureau of Housing Inspection.

This unit of the Department of Community Affairs is responsible under the Hotel and Multiple Dwelling Health and Safety law of 1968 for approving all new construction of multiple dwellings and of inspecting them at least once every five years, or every three years for hotels and motels, according to bureau chief Charles Mathews.

But, with the previous note-taking and written report system, less than half of the State's 100,000 multiple buildings and hotels and motels have so far been inspected. The new system is expected to make it possible to meet next year's deadline, according to inspection supervisor Donald Walker.

One-third of the 39-man inspection staff has been equipped with portable IBM electronic dictating units, with the remainder to have them shortly, he said. Their taped reports are immediately transcribed for data conversion in Trenton to provide a permanent, fool-proof record.

In a test earlier this year, three inspectors cut their time to one-third or less using the new units, he says.

Because of the speed-up, Walker estimates the new system can generate some \$2 million in early revenues, based on the \$10 registration fee for each multiple dwelling and inspection fees of \$65 for the minimum of three units up to \$350 for a major building.

He also hopes the system can soon be extended through the Division's local cooperative program to provide units to municipal inspectors, which would add another 360 men working in 80 different municipalities. Trenton and Ewing Township inspectors are already part of the initial program, and their response has been as enthusiastic as that of the State's inspectors, he said.

"In our case, the dictaphone is mightier than the pen," he quipped.

# STATE NEWS OF PUBLIC INTEREST

## NEW FISH CODE HAS ONLY MINOR CHANGES FOR 1973

The proposed 1973 Fish Code was adopted by the Fish and Game Council of the Department of Environmental Protection at their July meeting with only minor changes from this year's code.

Certain rules have been consolidated for easier understanding, according to the Fish, Game and Shellfisheries Division of the Department.

Highlights include:

- The 1973 trout session will open Jan. 1, 1973, go to March 11, and reopen on April 7. Between March 11, and 8 A.M. April 7, it would be unlawful to angle in those ponds, lakes or streams stocked during 1972.

- Also retained is the 5 A.M. to 5 P.M. closure on waters with listed stocking dates.

- Added to this year's regulation will be the number of anticipated weekly stockings on those waters stocked without closed dates, offering fishermen the opportunity to try other major stocked waters.

The public hearing on the proposal will be held in the Division's Trenton office, Labor and Industry Building, Room 702, at 8 P.M. Sept. 12, at which time interested persons can appear and present statements on the proposal. Written statements will also be accepted by the Council until Sept. 12.

A copy of the proposed code can be secured from: Division of Fish, Game and Shellfisheries, Box 1809, Trenton, N.J. 08625.

## 18,000 DISADVANTAGED YOUTHS GIVEN SUMMER JOBS ACROSS STATE

Nearly 18,000 disadvantaged New Jersey youths are working this summer for local governments or antipoverty and other agencies under programs sponsored by the State and Federal governments.

The figure is some 3,000 above the number who were provided such jobs last year, according to Lawrence F. Kramer, Commissioner of the State Department of Community Affairs. More than 15,000 of the jobs are under the Federal Neighborhood Youth Corps program, the remainder are financed by the State.

Under the N.J. Youth Employment Summer Program which began four years ago, 2,868 disadvantaged youths began work July 5 under a \$1,283,475 legislative appropriation to the Community Affairs Department. This is 51 more than were hired last summer with a slightly lower appropriation.

The youths from 14 to 20, will work 26 hours a week for nine weeks, at \$1.60 an hour, for the 31 sponsoring agencies. Greatest number are the 450 employed by the City of Newark under a \$200,250 State-aid grant. Another 200 each are working in Jersey City, Elizabeth, Trenton and Atlantic City under respective \$89,000 grants.

Besides the double purpose of benefiting local communities and earning needed income, Commissioner Kramer said that the "program strives to meet the many needs of the participants."

"For instance, these young men and women are encouraged to utilize educational and personal counseling and vo-

catational guidance services to help them resolve personal problems and make decisions about their career goals."

Health and welfare services are also available, he said, and the sponsoring agencies will hold field trips and cultural events geared to improve overall development of the youths.

## HOUSING FINANCE AGENCY SUBSIDIZES 1,141 MORE UNITS

Community Affairs Commissioner Lawrence F. Kramer recently announced New Jersey Housing Finance Agency authorizations of mortgage loans of \$29,077,850 to finance construction of 1,141 more housing units in the State.

The agency authorized four mortgage loans for development of moderate-income senior citizen housing in East Orange, and other housing in Camden, Paterson and Hoboken.

John P. Renna Jr., executive director of the Housing Finance Agency, reported that the agency has now approved financing for 12,635 dwelling units in the State. He said 55 developments are either under development, occupied or approved for financing, including 16 developments with 2,947 dwelling units for senior citizens.

Renna said three of the newest projects, excluding that in Hoboken, will use Federal subsidies.

Authorized were these amounts for the following projects:

- A \$7,764,776 loan to 220 Prospect Street Co., Inc., of East Orange, for construction of a 298-unit development at Prospect, Hamilton and Lincoln Streets, East Orange, for senior citizens of moderate-income.

- A \$3,826,063 mortgage loan to Berger Construction Co. of Philadelphia, for construction of a 204-unit on River Avenue in Camden, to be known as Cooper River Apartments.

- A \$4,937,634 mortgage loan to Colt Arms Inc., of Paterson, for construction of a 206-unit development at Hamilton Avenue and Washington Street in Paterson.

- A \$12,549,377 mortgage loan to the Taylor Woodrow Blitman-Hoboken Urban Renewal Corporation, of Hoboken, for construction of the Grogan Marineview Plaza, a 433-unit development, at Third to Fourth Streets and Hudson to River Streets in Hoboken.

## HOUSING AGENCY PROVIDES \$6 MILLION FOR 16-STORY, LOW-RENT NEWARK PROJECT

The New Jersey Housing Finance Agency announced a \$6,424,900 mortgage loan to finance construction of Kawaida Towers, a 210-unit high-rise project for low- and moderate-income families in Newark.

HFA Executive Director John P. Renna said that Kawaida Towers Inc. is a nonprofit organization sponsoring the housing and that plans call for construction of a 16-story building with 45 efficiency units, 90 one-bedroom units and 75 two-bedroom units on a 1.77 acre site.

The mortgage loan will be repayable within 48 years and the project will receive 15 per cent tax abatement from the City of Newark.

Renna said his self-supportive agency is continuing to try to meet the demands in housing for low- and moderate-income families. He reported that 12,635 housing units have been approved for financing since the agency was founded in 1967, and last year alone approximately 4,693 units were placed under construction.

The newest Newark development will include Federal subsidies under which qualifying tenants receive rent reductions of up to 30 per cent. Qualifying tenants will thus pay \$124 a month for efficiency apartments, \$157 for one-bedroom units and \$178 for two bedrooms.

## **EHRET NEW ASSISTANT COMMISSIONER IN COMMUNITY AFFAIRS DEPARTMENT**

Joseph N. Ehret Jr., a two-year employee of the Department of Community Affairs, was promoted to a new Assistant Commissioner post on Aug. 4, it was announced by Commissioner Lawrence F. Kramer.

Ehret for two years had been Director of the Division of Local Government Services, and in his new post replaces Dr. William S. Lieber, who has left State service to join the election campaign staff of President Richard M. Nixon.

Under the reorganization of the Department now in effect (See 4 N.J.R. 150(a)), the 47-year-old Ehret will head Local Government Services as well as the Division of Human Resources, two of the four Divisions. His salary is \$27,332 a year as one of three Assistant Commissioners.

Commissioner Kramer cited Ehret for his "unique combination of ability and experience, which has led his Division to greater communication and relevance with New Jersey municipalities."

Kramer also said that "Bill Lieber has played a vital role in developing our goals and priorities. We will feel his loss greatly."

Prior to State service, Ehret had been director of the Sewerage Advisory Committee of Monmouth County from 1968 to 1970. He had also been a member of the Wall Township Committee and served as Mayor from 1966 to 1968.

From 1952 to 1968 Ehret held accounting positions with the Bendix Division in Eatontown. He later served for four years as manager of the firm's cost accounting department and for eight years until 1968 as manager of its general accounting department.

Ehret earned a B.S. degree in accounting from Temple University in 1951.

He and his wife, the former Verna Bryan, live at 1319 Windingbrook Lane, Wall Township. They have four children and an equal number of grandchildren.

## **KEEVEY PROMOTED TO DATA POST IN COMMUNITY AFFAIRS**

Community Affairs Commissioner Lawrence F. Kramer has promoted Richard F. Keevey of Willingboro to head the Department's fiscal and data processing office at a \$19,699 salary.

Keevey, 30, replaced Sidney Ytkin, who becomes administrator of management operations in the Department of Institutions and Agencies' newly-created Division of Youth and Family Services.

In his new position, Keevey supervises the Department's fiscal activities, electronic data processing functions and office services such as mail distribution and printing.

Keevey joined Community Affairs in April, 1968 as a program development specialist. His most recent position was heading administration and research activities of the Division of Local Government Services.

Keevey received a B.A. in political science from Philadelphia's LaSalle College in 1964 and a Master of governmental administration degree in 1967 from the Fels Institute, Wharton Graduate School, Philadelphia.

He is married, with two children and lives at 36 Millbrook Drive, Willingboro.

## **STELIGA IS CORRECTIONS AIDE IN INSTITUTIONS DEPARTMENT**

Commissioner Robert L. Clifford of the Department of Institutions and Agencies has announced the appointment

# **STATE NEWS OF PUBLIC INTEREST**

of Joseph F. Steliga, 33, of Trenton, as a \$19,000 confidential aide, functioning particularly in the area of corrections.

Steliga for the past year and a half had been executive director of the Governor's Commission on Vocational Education in Correctional Institutions.

A certified teacher in New Jersey, he has taught on the secondary level and for six years was associate director of community service organizations in Bayonne and Hawthorth. In this capacity, he directed adult education and social action groups on youth and adult levels, and was involved in the design and initiation of training programs for adults working with youth organizations.

Steliga is a native of Elizabeth, attended local schools and was graduated from Seton Hall Prep and Seton Hall University with a B.A. in liberal arts. He presently is studying for a master's degree in counselling, group process, at Seton Hall.

## **POLIACIK APPOINTED AN ASSISTANT STATE EDUCATION COMMISSIONER**

State Education Commissioner Carl L. Marburger has announced the appointment of Stephen Poliacik as an Assistant Commissioner in charge of the Department's Division of Vocational Education. The post pays \$27,164 a year.

Poliacik had served as acting assistant commissioner the past year since Dr. Robert M. Worthington left to become an associate U.S. Education Commissioner.

Poliacik, 57, has been an educator for 35 years. He joined the vocational division four years ago and served as director of professional services and an associate state director of vocational education. Previously, he served six years with the State as director of higher education field services.

Born in Dunmore, Pa., Poliacik was graduated from Trenton State College in 1937 and began his career as a teacher in Bridgewater Township. He served as principal of FINDERNE School in Bridgewater and was a Lieutenant in the U.S. Navy before joining the State Division of Higher Education in 1947 as a staff assistant. From 1951 to 1962 he served with Trenton State College as a professor and administrator.

Poliacik received a master's degree from Rutgers University and has taken graduate courses at New York University. He lives in Ewing Township.

## **PLENGE ELECTED NEW PRESIDENT OF STATE BOARD OF EDUCATION**

William H. Plenge of Asbury, in Hunterdon County, a vegetable grower, was elected president of the State Board of Agriculture last month at the board's annual reorganization meeting. The new vice president is Joseph K. Hepner Jr., of Cedarville, Cumberland County, also a producer of vegetables.

Sworn in as new four-year members of the board were John Rigolizzo of Berlin, fruit grower, and Henry Zdaneciw of Freehold, who operates a field crop farm. They succeed Edward V. Lipman of New Brunswick, immediate past president of the board, and Stewart S. Johnson of Great Meadows, vice president the past year.

## MAPLE SHADE VETERINARIAN NAMED MEAT AND POULTRY INSPECTION CHIEF

Dr. David N. Bilder of Maple Shade has been appointed chief of meat and poultry inspection in the State Department of Agriculture, according to Secretary of Agriculture Phillip Alampi.

Dr. Bilder joined the Department staff in 1969 and has been working in the meat and poultry inspection program since that time. He set up and supervised inspection procedures in the southern half of New Jersey and was responsible for training personnel in that area in inspection procedures and requirements.

His prior experience included seven years with the meat inspection division of the U.S. Department of Agriculture and four years in private practice. From 1955 to 1957, he was a member of the Army Veterinary Corps stationed at Bremerhaven, Germany.

Dr. Bilder did his undergraduate training at Pennsylvania State University and received his doctor's degree in veterinary medicine from the University of Pennsylvania. He is a member of the American Veterinary Medical Association.

## HEALTH PLANNING COUNCIL NAMES NEW TOP OFFICIALS, DIRECTOR

Mrs. J. Duncan Pitney, of Mendham, a former chairman of the State Public Health Council, and Wilfred I. Meyers, of Millville (Cumberland County), a Prudential Insurance Company executive, have been elected as new chairman and vice chairman, respectively, of the State Health Planning Council.

The Council, which coordinates all elements of State health planning under the Federal Partnership for Health program, also recommends final action by the State Health Commissioner on all local "Certificate of Need" applications for health facilities and services.

At the same time, Dr. James R. Cowan, State Health Commissioner, appointed Joseph C. Kale, of Hamilton Township, as director of the Comprehensive Health Planning Agency. He had been acting director for several months. The top post pays \$17,909 while the Council positions are unpaid.

Kale, 43, a graduate of Trenton Catholic High School, received a B.S. in business administration from Rider College and served with the U.S. Army during the Korean conflict. He joined the Health Department in 1963 as a training advisor and administrative analyst and served as a program coordinator for the Federal Medical Self-Help Program.

As training officer for the Department for three years he had overall supervision of professional and non-professional health training within the Department and among local health officials.

Kale and his wife, the former Irene Kozma, reside at 3020 Nottingham Way, Hamilton Township.

## DR. ROBINSON REELECTED HEAD OF PUBLIC HEALTH COUNCIL

Dr. Harry J. Robinson, of Short Hills, has been reelected chairman of the Public Health Council of the State Department of Health. John J. Cane, D.D.S., Phillipsburg, was elected vice chairman and Michael S. Kachorsky, Manville, reelected secretary. All terms are for one year.

Other members of the Council are James A. Corea, Haddonfield; Mrs. Fairleigh S. Dickinson, Ridgewood; Dr. Harry W. Mickey, South Orange; William S. Little, Ridgewood; and Mrs. J. Duncan Pitney, Mendham. Mem-

bers are appointed by the Governor with consent of the Senate. Terms are seven years and the posts are non-salaried.

The Council has responsibility for regulations in the State Sanitary Code, it approves or disapproves major reorganizational changes recommended by the Commissioner of Health, and it is advisory to the Commissioner.

## MAJOR SAVINGS TO PUBLIC IN UTILITY COSTS FORESEEN BY PUC

In a comment made last month titled "PUC Wins Landmark Court Decision", William E. Ozzard, President of the State Board of Public Utility Commissioners, reacted favorably to a recent State Supreme Court decision.

He said that the "little-noticed decision" of July 14, 1972 in the case of Princeton Water Company vs. the PUC could be one "of monumental significance and dollar savings to the customers of New Jersey utilities."

The PUC press release explained that the Princeton Water Co. had appealed a rate decision of the PUC contending that the 7.39 per cent overall rate of return allowed them by the Board was inadequate. The PUC had contended that in an inflationary period where interest rates are abnormally high, the company's stockholders must share this burden rather than pass it on in its entirety to the customer.

Ozzard commented: "To decide otherwise would be to agree that utility stockholders are entitled to a guaranteed return on their investment. The language of this new Supreme Court decision upholds our opinion and states that to hold otherwise would mean that 'the stockholders would receive a windfall and, indeed, as the indebtedness and the rate of interest increased the windfall would correspondingly increase; that all this would be contrary to the public interest and sound rate regulation need not be belabored here.'

"A second major feature of the Supreme Court decision," Ozzard continued, "deals with the relationship between parent and subsidiary companies. Princeton Water Co. is a wholly owned subsidiary of Elizabethtown Water Company. The Board used the rate of return previously allowed Elizabethtown in computing a rate of return for Princeton. The court found 'no reversible error' in this treatment and, indeed, went on to say:

'(The PUC) reasonably viewed the operation as in substance a single one and it fairly considered that the parent's investment in its subsidiary was to be related to the ratio of equity to debt in the parent. In other words, the parent would not be permitted to say that in financing its subsidiary it was using equity funds rather than debt funds which it had obtained at a lesser cost . . . Rate-making is troublesome enough without being confronted with the problems presented by separate parent and subsidiary applications for rate increases. It would seem that where the subsidiary is substantially wholly-owned there should be, in the absence of a showing of unfairness, a consolidated approach and rates based on the entire scene.'"

Ozzard concluded: "This language could have broad application to other companies such as New Jersey Bell Telephone and its parent, AT&T. If full applied, it could eventually mean a savings to New Jersey consumers of millions of dollars. The Board is very pleased and appreciative that this decision has been rendered."

