

# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

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John K. Rafferty, Director of Administrative Procedure  
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ATTORNEY GENERAL  
DEPT. OF LAW & PUBLIC SAFETY  
STATE HOUSE ANNEX  
TRENTON, N. J. 08625

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(a)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### DIVISION OF REGULATORY SERVICES

##### Rule Regulating Labeling of Eggs

On December 18, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:3-11.22, 4:10-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the new rule regulating labeling of eggs, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 362(a).

The rule may be cited as N.J.A.C. 2:71-1.39.

An order adopting this rule was filed and effective December 18, 1973, as R.1973 d.356.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## BANKING

### DIVISION OF BANKING

#### Proposed Amendments On Federal Funds Transactions

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-62H and 17:9A-182.1, proposes to adopt amendments to the rules concerning federal funds transactions.

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

##### 3:6-5.1 Exclusion from limitation on liability

(a) In "sales of Federal funds", the liability of a transferee bank to transferor bank shall not be subject to any limitation on liability to a bank imposed by Article 13 of The Banking Act of 1948, as amended.

(b) In "sales of Federal funds", the liability of a transferee bank to a transferor savings bank shall not be subject to any limitation on liability to the savings bank.

##### 3:6-5.2 Definition

(a) As used in this Subchapter, "bank" includes as defined in Article 1 of The Banking Act of 1948, as amended, and also includes all other corporations, regardless of the jurisdiction of their incorporation, which are authorized to transact the business of banking.

(b) As used in this Subchapter, "savings bank" includes savings banks as defined in Article 1 of The Banking Act of 1948, as amended.

##### 3:6-5.3 Sales of Federal funds by State member banks, State nonmember banks and savings banks

(a) As used in this Subchapter, in the case of State banks which are members of the Federal Reserve System, "sales of Federal funds" include transactions which involve the temporary transfer and sale of immediately available funds either from one member bank in the Federal Reserve System to another member bank in the Federal Reserve System or to another bank not in the Federal Reserve System.

(b) In the case of a State bank which is not a member of the Federal Reserve System, "sales of Federal funds" include transactions which involve the temporary transfer and sale of immediately available funds from the nonmember bank to another nonmember bank or to a member bank.

(c) In the case of a savings bank, "sales of Federal funds" include transactions which involve temporary transfer and sale of immediately available funds from the savings bank to a nonmember bank or to a member bank.

Authority: N.J.S.A. 17:9A-182.1 and 17:9A-62H

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1974, to:

Philip A. Kerner  
Deputy Commissioner  
Department of Banking  
Trenton, New Jersey 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

## NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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(a)

## **BANKING**

### **DIVISION OF BANKING**

#### **Deletion of Rule Concerning Confidential Nature of Financial Reports**

On November 28, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule which deleted the current text in N.J.A.C. 3:1-2.13(a) concerning the confidential nature of financial reports, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 364(b). With this deletion the current text of N.J.A.C. 3:1-2.13(b) constitutes the entire text of N.J.A.C. 3:1-2.13.

An order deleting this rule was filed and effective December 6, 1973, as R.1973 d.342.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## **BANKING**

### **DIVISION OF BANKING**

#### **Revisions Concerning Secondary Mortgage Loan Act Regulations**

On November 28, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning secondary mortgage loan act regulations regarding prior notice and disclosures to borrowers to be cited as N.J.A.C. 3:18-5.4 and deleted in its entirety the current N.J.A.C. 3:18-7.3, Legal fees, as proposed in Notice published November 8, 1973, at 5 N.J.R. 363(c).

An order adopting these revisions was filed and effective December 6, 1973, as R.1973 d.343.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## **BANKING**

### **DIVISION OF BANKING**

#### **Revisions Concerning Banking Offices Protection**

On November 28, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-19 et seq., 17:108-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:6-7.1 concerning banking offices protection, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 364(a).

An order adopting these revisions was filed and effective December 6, 1973, as R.1973 d.344.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Revisions To Local Jurisdiction Personnel Manual Concerning Request for Reemployment**

On December 7, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 16-13.101 of the Civil Service Personnel Manual (Local Jurisdictions) concerning request for reemployment.

Full text of the revisions follows:

#### **PART 16-13 REQUEST FOR REEMPLOYMENT**

Subpart 16-13.101 Reemployment from reemployment list not permitted when employee seeks to return after retirement

16-13.101a Subject:

This subpart will govern treatment of retired employees who apply for reemployment through placement on a regular reemployment list within two years pursuant to N.J.A.C. 4:1-16.13.

16-13.101b Prohibition:

N.J.A.C. 4:1-16.13 cannot be interpreted to permit placement on a regular reemployment list or permit subsequent certification if the employee has retired for any reason, including disability retirement. Placement on a regular reemployment list is only possible for former employees who have resigned in good standing.

16-13.101c Exception:

The term "retirement" shall not include vesting of pension (also known as "deferred retirement") permitted under pension law.

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

An order adopting these revisions was filed December 13, 1973, as R.1973 d.350 (Exempt, Procedure Rule) to become effective December 18, 1973.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(e)

## **CIVIL SERVICE**

### **CIVIL SERVICE COMMISSION**

#### **Revisions to Civil Service Personnel Manual (State Service) Concerning Request for Reemployment Special Leave for Jury Duty and Trainee Titles**

On December 7, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Emergency Revisions Concerning Appeals

On November 21, 1973, Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-28 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to N.J.A.C. 6:2-1.3, 6:2-1.4, 6:2-1.5 and 6:2-1.6 concerning procedures for appeals.

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

#### 6:2-1.3 Filing and service of points of appeal

Within 20 days after the appeal has been taken, the appellant shall file with the Secretary of the State Board of Education [14] 15 copies of the points upon which he relies, which shall contain accurate references to the evidence and authorities, if any, in support of said points, and shall serve upon the respondent or his counsel one copy thereof. Within ten days thereafter, the respondent shall file [14] 15 copies of his answering points and references to the evidence and authorities with the Secretary of the Board and shall serve one copy thereof upon the appellant or his counsel. The Secretary of the Board shall forthwith transmit the copies of points so filed, but not as part of the record, to the [Chairman of the] Law Committee. [ , who shall thereafter fix a time and place for the hearing of the appeal, if either party, by notice filed with and prefixed to his points, shall request an oral hearing.] Further memoranda or briefs may be received by the Law Committee [at its discretion at or subsequent to the hearing.] if either party has, at the time of filing points of appeal and answering points, stated an intention to do so.

#### 6:2-1.4 Functions of Law Committee

[All notices of hearing shall be sent by the Chairman of the Law Committee by mail, addressed to the counsel who have appeared for the parties in the proceeding, or, in the absence of such appearance, to the parties in person at their last known residences. Where one of the parties is a board of education the notice shall be addressed to its secretary. All notices of hearings shall specify the time and place of the session of the Law Committee at which the appeal will be heard. The Law Committee shall consider all such appeals and report and recommend its conclusions thereon to the Board, which shall thereupon decide each appeal by resolution in open meeting.]

The Law Committee shall supervise the preparation and transmission of the entire record to the State Board, which shall include:

1. The entire record before the Commissioner;
2. The Commissioner's decision;
3. Appellant's points, further memoranda and briefs; and
4. Respondent's answering points, further memoranda and briefs.

#### 6:2-1.5 Decision of the State Board

Unless otherwise ordered by the State Board of Education, there shall be no oral argument on an appeal to the State Board. The entire State Board of Education shall make a final determination with respect to each controversy by resolution in open meeting.

#### [6:2-1.5] 6:2-1.6 Filing for stays from Commissioner's decisions

(a) After the filing of a notice of appeal to the State Board of Education from a determination of the Commissioner of Education, any application for a stay from such determination shall be by notice of motion with supporting affidavit, [14] 15 copies of which shall be filed with the Division of Controversies and Disputes, and a copy served on each party to the action.

(b) The motion and affidavit shall set forth fully that portion of the Commissioner's decision with respect to which a stay is sought, the factual basis on which the application for stay is founded, and the reasons favoring the stay.

(c) Any party opposing the application for stay shall file and serve within ten days of receipt of such application an answering affidavit in the same manner, setting forth the reasons why the application for stay should be denied.

(d) Unless otherwise ordered by the State Board of Education [or the Law Committee thereof], there shall be no oral argument on an application for stay.

An order adopting these revisions was filed and effective November 21, 1973, as R.1973 d.329 (Exempt, Emergency Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### FISH AND GAME COUNCIL

#### Amendments to 1974 Fish Code Concerning Natural Trout Fishing Areas

On December 5, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, on behalf of the Fish and Game Council and pursuant to authority of N.J.S.A. 13:1B-30 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the 1974 Fish Code concerning natural trout fishing areas, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 369(c).

Such amendment may be cited as N.J.A.C. 7:25-6.15.

An order adopting this amendment was filed December 12, 1973, as R.1973 d.347, to become effective January 1, 1974.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Extension of Wetlands Order To Portions of Atlantic County

On December 18, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:9A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of

1968, adopted the extension of the Wetlands Order to cover portions of Atlantic County, as proposed in the Notice published October 4, 1973, at 5 N.J.R. 333(d).

The rule extending this coverage may be cited as N.J.A.C. 7:7A-1.1(a)13. Take notice that in the proposed Notice, this citation was erroneously indicated as N.J.A.C. 7:7A-1.1(a)12.

An order adopting this rule was filed December 18, 1973, as R.1973 d.364, to become effective January 15, 1974.

John K. Rafferty  
 Director of Administrative Procedure  
 Department of State

**(a)**

**ENVIRONMENTAL PROTECTION  
 DIVISION OF ENVIRONMENTAL QUALITY  
 BUREAU OF AIR POLLUTION CONTROL**

**Notice of Variances Granted Regarding  
 Sulfur Content of Fuels**

During the period November 20, 1973 through December 12, 1973, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 52:14B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order Number 39, issued variances to the following applicants authorizing the use of No. 5 and No. 6 fuel oils having a sulfur content not in excess of the percentage indicated in fuel-burning equipment located at the addresses shown below for a period not extending beyond March 15, 1974. All variances are conditioned upon the implementation of approved standby plans in the event an air pollution alert, warning or emergency is declared.

**1.25 per cent sulfur**

American Cyanamid Company Warner Plant	Linden City
New Jersey Zinc Co. Gulf & Western Industries Inc. Foot of Water Street	Gloucester City
R C A Corp. Foot of Cooper Street	Camden City
Congoleum Industries Inc. 861 Sloane Road	Hamilton Township
E. I. duPont deNemours & Co. Inc. Chambers Works	Pennsville Township
N. L. Industries Sayreville Plant	Sayreville Borough
Phelps Dodge Copper Products Company Bayway and South Front Street	Elizabeth City

**1.3 per cent sulfur**

Atlantic City Electric Company Deepwater Station	Penns Grove Borough
Atlantic City Electric Company Greenwich Station	Greenwich Township

**1.5 per cent sulfur**

Tenneco Chemicals, Inc. Nixon Lane	Edison Township
Jersey Central Power & Light New Jersey Power & Light— Gilbert Station	Holland Township
Jersey Central Power & Light Sayreville Station	Sayreville Borough

Jersey Central Power & Light E. H. Werner Station	South Amboy City
Public Service Electric & Gas Company Bergen Station	Ridgefield Borough
Public Service Electric & Gas Company Sewaren Station	Woodbridge Township
Public Service Electric & Gas Company Burlington Station	Burlington City
Public Service Electric & Gas Company Hudson Station	Jersey City
Public Service Electric & Gas Company Kearny Station	Kearny Town
Public Service Electric & Gas Company Marion Station	Jersey City
Public Service Electric & Gas Company Essex Station	Newark City
Tenneco Chemicals, Inc. 830 Magnolia Ave.	Elizabeth City
Tenneco Chemicals, Inc. Turner Place	Piscataway Township
Tenneco Chemicals, Inc. Meadow Road	Woodbridge Township
E. R. Squibb & Sons, Inc. Georges Road	North Brunswick Township
Standard Uniform Service 56 Woolsey St.	Irvington Town
Lever Bros. Company 101 River Road	Edgewater Borough
Riegel Products Corporation, Warren Mill, Rte. 519 and Musconetcong River	Pohatcong Township
Riegel Products Corporation, Riegelsville Mill, River Road and Penna. Bridge	Pohatcong Township
Riegel Products Corporation, Milford Plant, Milltown and Frenchtown Road	Alexandria Township
Lowe Paper Company River Street	Ridgefield Park Township
Public Service Electric & Gas Company (Gas Department) Trenton Plant	Trenton City
Public Service Electric & Gas Company (Gas Department) West End Plant	Jersey City
Public Service Electric & Gas Company (Gas Department) Harrison Plant	Harrison Town
Public Service Electric & Gas Company (Gas Department) Edison Plant	Edison Township
Public Service Electric & Gas Company (Gas Department) Paterson Plant	Paterson City

**3 per cent sulfur**

Leone Industries South East Avenue	Bridgeton City
Harbison Walker Refractories, U.S. Division of Dresser Industries, Inc. Sunset Boulevard	Cape May Point Borough
Tenneco Chemicals, Inc. Beverly Road	Burlington Township
Wheaton Industries Millville Plant	Millville City
Kerr Glass Manufacturing Corp. 328 South Second Street	Millville City

On November 21, 1973 the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 52:14B-4(c) and N.J.A.C. 15:15-4.18 and in accordance with the provisions of N.J.A.C. 7:1-3.3 of administrative order Number 39, issued variances to Atlantic City Electric Company authorizing the use of bituminous coal having a sulfur content not in excess of 3 per cent sulfur by weight in boilers No. 1 and No. 2 located at B. L. England generating station, Upper Township, Cape May Coun-

of the specified time, offers the consumer, in writing, the option to either:

- i. Accept delivery at a specified later time; or
- ii. Receive a full refund of any deposit, downpayment or any other money paid to the seller in connection with the order.

3. The failure to promptly comply with the option decided upon by the consumer pursuant to paragraph 2 above.

**13:45A-11.2 Exception**

(a) The provisions of this rule shall not apply to any acceptance of a deposit, downpayment or similar payment in connection with the sale of any merchandise in which a written sales order or other evidence of the placing of an order and payment of a deposit is drawn and a copy provided for the purchaser, stating:

- 1. An exact description of the merchandise ordered;
- 2. The full price of the merchandise and the amount of deposit, downpayment or similar payment made;
- 3. In ten point, boldface type, capitalized, the following statement:

**THIS ORDER MAY BE CANCELLED BY THE PURCHASER AT ANY TIME AND IN THE EVENT OF CANCELLATION, DEPOSIT WILL BE PROMPTLY REFUNDED IN FULL.**

**13:45A-11.3 Delivery**

In any case in which the seller has given a delivery date pursuant to the requirement of N.J.A.C. 13:45A-11.1(a)1. iv. and can prove that he had reason to believe delivery could be made on or before that date, and it becomes impossible to deliver on or before that date for reasons beyond the control of the seller and which he could not have reasonably anticipated, the seller shall be exempt from the provisions of N.J.A.C. 13:45A-11.1(a)2. ii. if, at any time up to the time specified, he has notified the purchaser in writing of the impossibility of delivery when promised, the reason therefor, and indicated as clearly as possible the next possible delivery date.

**13:45A-11.4 Violations**

Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., any violations of the provisions of this rule shall be subject to the sanctions contained in said Consumer Fraud Act.

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before January 30, 1974 to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

The Attorney General of New Jersey, upon his own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

George F. Kugler Jr.  
Attorney General  
State of New Jersey

**(a)**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BUREAU OF SECURITIES**

**Proposed Revisions for Prospectuses**

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department

of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-36, proposes to revise the rule on prospectuses.

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

**13:13-15.1 Filing prospectus or offering statement**

Two [Five] copies of the prospectus or offering statement required to be used by Chapter 192 of the Laws of 1963 shall be filed with the Bureau of Securities prior to the offer or sale of the securities. The prospectus or offering statement shall be accompanied by [two signed copies of the Form 0-1, attached hereto and promulgated herewith, as well as] a check or money order made payable to the Department of Law and Public Safety, Bureau of Securities, to cover the filing fee. Filing fees set forth in the act are computed on the total aggregate amount of the proposed offering and are not prorated.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before February 15, 1974, to:

James McLelland Smith  
Chief, Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Bureau Chief, upon his own motion or at the instance of any interested party, may after February 15, 1974 adopt this rule substantially as proposed without further notice.

James McLelland Smith  
Chief, Bureau of Securities  
Division of Consumer Affairs  
Department of Law and Public Safety

**(b)**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BUREAU OF SECURITIES**

**Proposed Rules on Notice Filing and  
Distribution of Preliminary Prospectuses**

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to adopt new rules on notice filing and distribution of preliminary prospectuses.

Full text of the proposed rules follows:

**13:13-10.3 Notice filing**

(a) Offerings of securities which are or will be filed with the Securities and Exchange Commission ("SEC") pursuant to the provisions of Title 15, U.S. Code, Sections 77a et seq. (Securities Act of 1933) and the rules and regulations thereunder, or which are exempt from or not subject to the registrations requirements of the Securities Act of 1933 and the rules and regulations thereunder, other than by reason of Section 3(a) of such Act and the rules and regulations under Section 3(a), unless exempt under N.J.S.A. 49:3-50 of the Uniform Securities Law (1967), need not be registered but must be filed with the Bureau of Securities ("Bureau") prior to any offer or sale from or within New Jersey. The filing shall consist of:

- 1. A written notice stating:
  - i. The name of the issuer;

- ii. The name and address of the registered broker-dealer who is to effect offers and/or sales within or from New Jersey; or
  - iii. The name and address of a registered agent who is to effect offers and/or sales within or from New Jersey on behalf of the issuer (unless such agent is not required to be registered);
  - iv. The date the registration statement was (or is proposed to be) filed with the SEC and the proposed date of effectiveness (or the date of first use of offering material, if any, the proposed date of the offering and the basis for being exempt from registration with the SEC).
2. If page one of the Uniform Application Form (U-1) contains the above information it may be submitted in place of the notice required by Item 1.
  3. The following documents:
    - i. A copy of the registration statement (or offering material if any) and each amendment with all changes red-lined;
    - ii. A copy of the underwriting or similar agreement (if any).
  4. A filing fee of \$0.25 for each page of the sales literature filed pursuant to this regulation for each offering which was or will be filed with the SEC pursuant to the provisions of the Securities Act of 1933 and the rules and regulations thereunder. The fee shall not exceed \$25.00 and shall be paid by check or money order payable to the State of New Jersey, Bureau of Securities. For purposes of computing the fee each amended prospectus shall be considered to be a continuation of the preliminary prospectus.
    - (b) Each person making such filing must notify the Bureau within two business days:
      1. Upon the receipt of any stop order, denial, order to show cause, suspension or revocation order, injunction or restraining order or similar order entered or issued by any State or other regulatory Authority or by any court concerning the securities covered by any filing made pursuant to this regulation or other securities of the issuer currently being offered to the public; and
      2. Upon the receipt of any notice of effectiveness of the registration by the SEC.
- 13:13-10.4 Distribution of preliminary prospectuses
- (a) Preliminary prospectuses may not be distributed to the public within or from the State of New Jersey for any offering that is required to be registered under Title 15 U.S. Code, Sections 77a et seq. (Securities Act of 1933) unless:
    1. An exemption is available pursuant to N.J.S.A. 49:3-50(a) or (b); or
    2. All of the following provisions are met:
      - i. No offer is made until the offering is registered under the Securities Act of 1933;
      - ii. The distribution is made by a registered broker-dealer, or by a registered agent on behalf of an issuer (unless such agent is not required to be registered); and
      - iii. The filing has been made with the Bureau pursuant to Regulation 13:13-10.3 and with the SEC pursuant to the provisions of the Securities Act of 1933.
  - (b) Preliminary prospectuses may not be distributed to the public for offerings exempt from the registration requirements of the Securities Act of 1933 pursuant to Section 3(a) unless exempt pursuant to N.J.S.A. 49:3-50(a) or (b).

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before February 15, 1974, to:

James McLelland Smith  
Chief, Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Bureau Chief, upon his own motion or at the instance of any interested party, may after February 15, 1974 adopt these rules substantially as proposed without further notice.

James McLelland Smith  
Chief, Bureau of Securities  
Division of Consumer Affairs  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### BUREAU OF SECURITIES

##### Proposed Repeal of Rules on Claims for Exemption and Requirements for Qualification

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to repeal the rules on claims for exemption and requirements for qualification.

Such rules are currently in Chapter 13 of Title 13 of the New Jersey Administrative Code but will be transferred to and cited as Chapter 47A of Title 13.

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

#### 13:13-10.2 [Claims for exemption] Reserved

[Claims for exemption from registration pursuant to Sections 49:3-50(a) and (b) of the Uniform Securities Law (1967) shall be made in writing to the Bureau Chief and shall set forth (a) the name of the issuer, (b) full details of the proposed transaction and (c) the particular subdivision under which exemption is claimed.]

#### 13:13-9.1. [Requirements for qualification] Reserved

[The requisites for registration of an issue of an intrastate securities offering shall consist of the following four (4) elements:

- (a) the person issuing shall be a bonafide resident of New Jersey;
- (b) the business shall be conducted in the State of New Jersey;
- (c) the proceeds of the issue shall be used in the State of New Jersey; and
- (d) the person to whom the securities is offered and sold must be a bonafide resident of the State of New Jersey.]

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before February 15, 1974, to:

James McLelland Smith  
Chief, Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Bureau Chief, upon his own motion or at the instance of any interested party, may after February 15, 1974 repeal these rules without further notice.

James McLelland Smith  
Chief, Bureau of Securities  
Division of Consumer Affairs  
Department of Law and Public Safety

(a)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**BUREAU OF SECURITIES**

**Proposed Revisions on Qualification of Issues**

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to revise the rule on qualification of issuer.

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

**13:13-6.1 Qualification of issuer**

(a) Any issuer of securities desiring to effect its own securities transactions within or from the State of New Jersey through its [a] partner, officer, director or employee [of the issuer] who is required to be registered as an agent, shall file with the Bureau of Securities an issuer qualification application designated N.J. Form SB-9. [attached hereto and promulgated herewith] which application shall be accompanied by:

1. A consent to service of process executed by the applicant [.]; [Such application shall also be accompanied by]
2. A copy of the prospectus or offering circular of the issuer [.]

[A check made payable to the State of New Jersey, Bureau of Securities shall accompany the application. Filing fee will be in the amount of \$0.25 for each page of the prospectus or offering circular rounded out to the nearest dollar.]

3. A check or money order made payable to the State of New Jersey, Bureau of Securities, in the amount of \$50.00; and
4. The completed application for registration of an agent.

(b) Every issuer is deemed to act through an individual who may be a partner, officer, director or employee. Such individual must be registered as an agent of the issuer unless exempt under N.J.S.A. 49:3-49.

[(b)] (c) An issuer shall not be considered to be effecting its own securities transactions if [: (1) the securities offered are any of the securities specified in Section 49:3-50(a) of the Act; or (2)] the securities are to be offered within or from this State exclusively [with or] through broker-dealers registered under the Uniform Securities Law (1967).

Interested persons may present statements or arguments in writing relevant to the proposed rules on or before February 15, 1974, to:

James McLelland Smith  
Chief, Bureau of Securities  
1100 Raymond Boulevard  
Newark, New Jersey 07102

The Bureau Chief, upon his own motion or at the instance of any interested party, may after February 15, 1974 adopt this rule substantially as proposed without further notice.

James McLelland Smith  
Chief, Bureau of Securities  
Division of Consumer Affairs  
Department of Law and Public Safety

(b)

**LAW AND PUBLIC SAFETY**  
**DIVISION OF MOTOR VEHICLES**

**Proposed Rules Concerning Annual  
Special Permits for Operation  
Of Certain Overwidth Vehicles**

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-84A, proposes to adopt new rules concerning the issuance, conditions and restrictions of annual special permits for the operation of certain overwidth vehicles.

Full text of the proposed rules follows:

**SUBCHAPTER 3. OVERWIDTH VEHICLES**

**13:18-3.1 Fee**

(a) The fee for such annual permit shall be \$120.00.

(b) The fee shall be reduced by \$10.00 for each expired month prior to the month in which the permit is issued.

**13:18-3.2 Valid life of permit**

The permit shall be valid for the 12-month period beginning April 1, or from a subsequent issuance date, through the next March 31.

**13:18-3.3 Types of vehicles**

Such annual special permits shall be issued only for open body, flat bed trucks and semi-trailers properly registered under the provisions of N.J.S.A. 39:3-20.

**13:18-3.4 Types of cargo**

The permit shall be valid only for the transportation of concrete storm and sanitary sewer pipe, or other concrete water conduit.

**13:18-3.5 Number of articles and methods of loading**

One or more sections of such pipe may be transported on said vehicles when they are loaded with their axes at right angles to the length of the vehicle.

**13:18-3.6 Maximum width**

The maximum width authorized by the permit of any vehicle, inclusive of load, shall be 102 inches exclusive of any cargo-fastening devices.

**13:18-3.7 Single trip permit regulation not applicable**

The provisions of N.J.A.C. 13:18-1.1 et seq. shall not apply to such annual permits.

**13:18-3.8 Permit to be carried in vehicle**

The permit issued pursuant to this regulation shall be carried in the truck or towing vehicle and shall be exhibited to any authorized law enforcement officer upon demand.

**13:18-3.9 Permit for specified vehicle; non-transferable**

An annual permit shall be issued for a specific vehicle identified by its registration plate number and is transferable only when the registration plates are lawfully transferred to a replacement vehicle.

**13:18-3.10 Permittee defined**

The permittee shall be the owner of the vehicle, or the lessee in the case of a leased vehicle, who in the course of his business activities does transport concrete pipe over the highways of this State.

**13:18-3.11 Application**

The application for the permit shall be made in letter form, or on a form hereafter adopted and supplied by the

Division, describing the vehicle, giving its registration plate number, and identifying the owner and lessee. Payment in full of the appropriate fee shall be made with the application.

13:18-3.12 Requirements of other laws or regulations not waived

A permit issued under this regulation shall not waive any applicable requirements of any other regulation or law unless specifically stated herein or in the other law or regulation.

13:18-3.13 Issuing agency

The agency to which the responsibility for issuance and regulation of such permits is delegated is the Bureau of Motor Carriers in the Division of Motor Vehicles.

13:18-3.14 Violations; revocation of permit

An annual special permit may be revoked and the privilege to obtain such permits denied for any wilful violation of this regulation or of any law applicable to the use of such permits.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 31, 1974, to:

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

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

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

(a)

**LAW AND PUBLIC SAFETY**

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

**Public Hearing On Proposed Amendment of Rules Concerning Definitions, Late Payment Fees And Interest on Wholesale Sales**

Notice of proposed amendments to N.J.A.C. 13:2-34.2(a), (b), (i) and (j) and 13:2-37.1 (portions of Division regulations No. 34 and No. 39) concerning definitions, late payment fees and interest on wholesale sales was published in the New Jersey Register on Thursday, December 6, 1973 at (5 N.J.R. 420(c)). Written statements or comments relative to the proposed action were to be submitted to the Division on or before December 27, 1973.

Requests have been received for a public hearing on these proposed changes. Consequently, a public hearing will be held on Wednesday, January 16, 1974 at 10:00 A.M. at the Division of Alcoholic Beverage Control, 25 Commerce Drive, Cranford, New Jersey, at which interested persons may present statements or comments concerning the proposed action.

After full consideration of all submissions relating to the proposed amendment, the Division of Alcoholic Beverage Control, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed amendments substantially as set forth without any further notice.

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

(b)

**LAW AND PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

**Revisions for Bus Driver Licensing Rules**

On November 14, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:3-10.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning bus driver licensing rules, substantially as proposed in the Notice published October 4, 1973, at 5 N.J.R. 355(a) with only inconsequential structural or language changes in the opinion of the Department of Law and Public Safety.

Such revisions will be included in the revised N.J.A.C. 13:21-14.8 and the latter replaces the current text in N.J.A.C. 13:21-14.8, 13:21-14.9 and 13:21-14.10. N.J.A.C. 13:21-14.9 and 13:21-14.10 are now to be marked as Reserved.

An order adopting these revisions was filed and effective November 21, 1973, as R.1973 d.328.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(c)

**LAW AND PUBLIC SAFETY**

**DIVISION OF STATE POLICE**

**Revisions in Chemical Breath Testing Rules**

On December 3, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, and Colonel David B. Kelly, Superintendent of the State Police, pursuant to authority of N.J.S.A. 30:4-50.3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:51-3.5 concerning chemical breath testing, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 390(a).

An order adopting these revisions was filed and effective December 17, 1973, as R.1973 d.354.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(d)

**PUBLIC UTILITIES**

**BOARD OF PUBLIC UTILITY COMMISSIONERS**

**Proposed Revisions In Tariff Filings**

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-12 and 48:2-21, proposes to revise N.J.A.C. 14:1-6.16(a)5. concerning the tariff filings or petitions which propose increases in charges to customers.

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

14:1-6.16(a)5. A pro forma income statement reflecting operating income at present and proposed rates and an

explanation of all adjustments thereon, as well as calculation showing the indicated rate of return on the average net investment (for the same period as that covered by the pro forma income statement) that is, investment in plant facilities plus supplies and working capital to the extent claimed, less the reserve for depreciation and advances and contributions for facilities. If the request for rate relief is based upon N.J.S.A. 48:2-21.2, there shall be included, in lieu of the requirements of the foregoing paragraph, a statement showing that the facts of the particular situation meet the statutory requirements. Whenever a telephone company seeks to increase its rates, an additional exhibit shall be furnished showing the alternate price changes to customers which would be proposed if the Board granted less than the total amount sought, in at least ten per cent intervals.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1974, to:

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

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

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

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### OFFICE OF CABLE TELEVISION

#### Proposed Amendment to Regulation Concerning Applications for Municipal Consent to Operate a CATV System

John P. Cleary, Director of the Office of Cable Television, in the Department of Public Utilities, pursuant to authority of N.J.S.A. 48:5A-6, proposes to amend N.J.A.C. 14:18-11.1 concerning applications for municipal consent to operate a CATV system.

Copies of the full text of approximately 17 pages of the proposed amendments to the regulation may be obtained from:

John P. Cleary, Director  
Office of Cable Television  
Board of Public Utility Commissioners  
101 Commerce Street  
Newark, New Jersey 07102

Interested persons may present statements in writing relevant to the proposed action on or before January 31, 1974 to the Office of Cable Television at the above address.

Public hearings on the proposed action will be held on February 13, 1974 at 10:00 A.M. in Room 208, 101 Commerce Street, Newark, New Jersey 07102, at which time and place comments, suggestions, recommendations, additions and modifications relative to the proposed amendments to regulation 14:511 and evidence with respect thereto will be received for the record.

The Office's rules of practice shall govern the proceedings. The time and place of any subsequent hearings, if

necessary, will be announced at the February 13, 1974 hearing but no notice of any such subsequent hearing will appear in the New Jersey Register.

The Director of the Office of Cable Television, upon his own motion or at the instance of any interested party, may thereafter adopt the proposed amendments to regulation 14:511 substantially as proposed without further notice.

John P. Cleary, Director  
Office of Cable Television  
Department of Public Utilities

(b)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Revised Rules Concerning Residential Telephone and Electric Underground Extensions

On November 29, 1973, William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning residential telephone and electric underground extensions.

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

#### 14:5-4.1 Applicability

(a) Extension of electric distribution lines [requested by an applicant] after the effective date of this regulation, and necessary to furnish an [entire] electric system to new residential buildings and mobile homes within an approved subdivision having three or more building lots, or to new multiple-occupancy buildings, shall be made underground.

(b) Such extensions of service shall be made by the utility in accordance with the provisions in this regulation. This regulation as amended shall [not] apply to those lines on which actual construction [is in progress] has not commenced at the time this regulation is adopted.

#### 14:5-4.2 Definitions

The following words and terms, when used in this Subchapter, shall have the meaning indicated:

"Applicant" means the developer, builder, or owner applying for the construction of an [entire] electric distribution system in a subdivision.

"Cost" means actual expense for materials and labor in the field without overrides or loading factors, such as for storage of materials or back-up personnel (for example, secretarial work).

#### 14:5-4.4 Installation of underground distribution system within subdivision

(a) Upon receipt of a proper application the utility shall, after conditions in paragraph C-2 have been met and after coordination with other utilities, install along new streets and along existing streets not already served by overhead facilities, an underground electric distribution system [with sufficient capacity and suitable materials which, in its judgment,] reasonably equivalent to a comparable overhead system which will assure that the applicant will receive safe, adequate and proper electric service. [for the foreseeable future.]

Note: "Suitable materials" shall be construed to mean those components of a direct buried residential-type underground distribution system including, but limited to, trans-

formers [( ) which [may] shall be pad mounted [or sub-surface at the option of the company dependent upon conditions at the time and place of installation],] unless otherwise directed by the Board, cables, conduits, street lighting poles and fixtures, switch gear, enclosures, which the industry has. . . .

Editor's Note: N.J.A.C. 14:5-4.4(e) is deleted in its entirety and replaced with following text.

14:5-4.4(e) On or before December 1, 1973, all electric utilities shall submit a proposed tariff to be effective on approval by the Board incorporating the tariffs specified in Appendix A to these regulations, without any material modification. On or before December 1 of each subsequent year, the utilities shall submit a proposed tariff which may contain changes in unit costs and the calculations in support thereof, in the form of Appendix A, and supporting Exhibits 1-5 reflecting the utility's experience with the regulation.

Editor's Note: N.J.A.C. 14:5-4.4(f) is deleted in its entirety and the remaining subsections in this Section renumbered.

14:5-4.4[(g)] (f) Such amounts as the public utility receives pursuant to Appendix A of the regulations as amended and not subject to further refund shall be credited to Account 271, Contributions in Aid of Construction.

[(a)] (g) The average building lot width shall be determined by measuring the total front footage of all property along the streets within the subdivision (excepting those portions of existing streets along which overhead facilities are already installed) and then dividing the total length so determined by the number of building lots to be served from the underground systems, as shown on the builder's layout plot. Buildings in the subdivision facing an existing street on which overhead facilities are presently installed may be served overhead.

[(i)] (h) The service connection to the building will be at the nearest corner of the building to the point at which the service enters the property to be served. If such service length on property served is more than 50 feet, then the applicant shall pay the utility the amount per foot listed in Appendix A, as amended for the length in excess of 50 feet.

14:5-4.4 [(j)] (i) For [a new] multiple-occupancy buildings and mobile homes the underground distribution system within the subdivision shall be constructed [to the building] by the utility in the most economical manner, as determined by the utility [at the charge listed on Appendix A.] according to the component unit charges as listed in Appendix A, as amended. Any such buildings or mobile homes in the subdivision facing an existing street on which overhead facilities are presently installed may be served overhead. Should such buildings or mobile homes be served overhead, neither the number nor the frontage of such lots shall be included in the calculation to determine the average building lot width.

[(k)] (j) The charges specified in this regulation may not be waived or refunded unless such waiver or refund is specifically approved by the Board.

#### 14:5-4.6 Advances by applicant

(a) Prior to the start of construction on a section of the subdivision which has received the final approval of the appropriate authorities, the utility may require from the applicant a deposit equivalent to [not more than twice] the amount of the charges payable to the utility in accordance with [the approved] Appendix A, as amended for the total number of building lots shown on the final subdivision

map supplied to the utility by the applicant under the provisions of Section D-3 of the regulation.

(b) Deposits will not carry interest.

(c) If the amount of the deposit is in excess of the charges under this regulation as listed in approved Appendix A, then the excess amount shall be returned [quarterly to the applicant, on a proportional basis as each permanent service is installed.] forthwith.

[(d)] Any portion of a deposit remaining unrefunded ten years from the date the utility is first ready to render service from the extension will be retained by the utility and credited to an appropriate account.]

14:5-4.7(b) Should unusual circumstances arise which [would require that work be scheduled during periods of adverse weather conditions or other situations which makes it impractical or undesirable to bury electric facilities,] unreasonably would delay underground service, temporary facilities may be installed in whatever manner is most practical under the circumstances; provided, however, that such temporary facilities shall be replaced as soon as practical with a permanent installation in accordance with the provisions of this regulation.

#### 14:5-4.8 Construction

Where practical, as determined by the affected utilities, electric cables [,] and communication cables [,] and also gas pipes to the extent permitted by N.J.S.A. 48:7-2, and N.J.S.A. 48:9-21,] shall be installed in the same trench, care being taken to conform to any applicable codes and regulations.

14:5-4.10(a) 1. The amount of trench which it has shared with communication cables [and/or gas pipes]. The record shall also show the contributions per foot by it and by the collaborating telephone [and/or gas] companies for joint use of trench. Should joint trenching be accomplished through a "trench sharing agreement" each utility shall maintain a record of the amount and the value per foot of the trenching provided by it and also the amount and value per foot of the trenching provided by the collaborating telephone [and/or gas] companies.

#### 14:5-4.11 Special conditions or exemptions

(a) When the application of this regulation [appears impractical or unjust to either party, or] will result in extreme hardship or inequity, or be discriminatory to other customers, the utility or applicant [shall] may refer the matter to the Board for special [ruling] exemption or for approval of special conditions [which may be mutually agreed upon, prior to commencing construction.].

(b) The applicant invoking the jurisdiction of this Board pursuant to this paragraph, may be required to deposit in an escrow account as determined by the Board, prior to hearing a deposit up to the cost differential between underground and overhead service to be advanced to the utility in the event the Board determines an exemption is not warranted.

#### 14:5-4.13 Compliance

(a) This regulation, having been enacted in the public interest, calls for cooperation by utilities, developers, builders and municipal bodies to achieve the desired underground electric service in new residential subdivisions at the lowest reasonable cost consistent with system reliability and safety.

(b) Therefore, in accordance with N.J.S.A. 48:2-13 which grants general supervision and regulation of, and jurisdiction and control over, all public utilities to the Board, requirements in conflict with this regulation [should not]

(Continued on page 29)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

First publication and update services have been distributed for all 19 Departmental Titles except Title 10—Institutions and Agencies.

Since the most recent update, for rules adopted through March 31, 1973, these 18 Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

## RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Notice of Adoption N.J.R. Citation
<b>AGRICULTURE — TITLE 2</b>			
2:2-2.10	Times established for Brucellosis tests	R.1973 d.273	5 N.J.R. 327(c)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.3	Times established for tuberculin tests	R.1973 d.274	5 N.J.R. 327(d)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R.1973 d.305	5 N.J.R. 363(b)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R.1973 d.233	5 N.J.R. 327(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:32-1.1	Sire stakes program	R.1973 d.154	5 N.J.R. 214(b)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R.1973 d.257	5 N.J.R. 327(b)
2:67-1.1	Prompt settlement	R.1973 d.355	5 N.J.R. 363(a)
2:69-1.11	Revisions concerning commercial values	R.1973 d.198	5 N.J.R. 255(c)
2:71-1.38	Labeling of eggs	R.1973 d.275	5 N.J.R. 328(a)
2:71-1.39	Labeling of eggs	R.1973 d.356	6 N.J.R. 2(a)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
<b>BANKING — TITLE 3</b>			
3:1-1.1	Interest rate	R.1973 d.191	5 N.J.R. 258(b)
3:1-2.1(b)	Amend population estimate rules	R.1973 d.229	5 N.J.R. 328(b)
3:1-2.9 et seq.	Revise procedural rules	R.1973 d.217	5 N.J.R. 298(a)
3:1-2.13	Financial reports of bank incorporators	R.1973 d.202	5 N.J.R. 258(e)
3:1-2.13(a)	Delete current text	R.1973 d.342	6 N.J.R. 3(a)
3:1-2.13(b)	Financial reports	R.1973 d.281	5 N.J.R. 364(d)
3:1-5.1 et seq.	Mortgage applicant's birth control practices	R.1973 d.166	5 N.J.R. 216(b)
3:6-7.1	Banking offices notation	R.1973 d.201	5 N.J.R. 258(d)
3:6-7.1	Banking offices protection	R.1973 d.344	6 N.J.R. 3(c)
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18:5-6.10	Retail dealer's vending machine license	R.1973 d.54	5 N.J.R. 96(a)
18:5-6.17	Duplicate and amended license	R.1973 d.54	5 N.J.R. 96(a)
18:12-5.1 et seq.	Property tax appeals time extension	R.1973 d.144	5 N.J.R. 247(a)
18:15-6.1 et seq.	Revise definitions on agricultural use	R.1973 d.295	5 N.J.R. 393(b)
18:16-4.7	Calculation of fee where transfer is subject to construction mortgage	R.1973 d.54	5 N.J.R. 96(a)
18:17-1.5	Review of examination procedures	R.1973 d.109	5 N.J.R. 171(a)
18:24-4.4	Repeal of rule on purchase of machinery	R.1973 d.139	5 N.J.R. 248(b)
18:24-5.3	Purchase of materials and supplies by contractors	R.1973 d.336	6 N.J.R. 38(a)
18:24-21.1 et seq.	Accounting procedures	R.1973 d.60	5 N.J.R. 126(a)
18:26-5.4	Classification of property as real or personal	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.14	Federal pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26-6.15	State pensions	R.1973 d.224	5 N.J.R. 321(b)
18:26 Appendix A	Revised list of inheritance tax supervisors	R.1973 d.298	5 N.J.R. 393(e)

## OTHER AGENCIES — TITLE 19

19:2-1.1 et seq.	Rules of Atlantic City Expressway	R.1973 d.42	5 N.J.R. 96(b)
19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R.1973 d.284	5 N.J.R. 396(a)
19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R.1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R.1973 d.333	6 N.J.R. 40(a)
19:7-1.1	Sanitary landfill requirements in Hackensack Meadowlands	R.1973 d.220	5 N.J.R. 322(c)
19:8-1.9	Amend limitations on use of Parkway	R.1973 d.140	5 N.J.R. 247(e)
19:9-1.9(a)23.	Amend limitations on use of Turnpike	R.1973 d.145	5 N.J.R. 247(d)
19:9-2.1 et seq.	Procedures for prequalification and award on construction contracts	R.1973 d.173	5 N.J.R. 295(b)
19:11-1.10	Posting of notice of PERC petitions	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.13	Intervention, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:11-1.15	Timeliness of petitions, PERC	R.1973 d.110	5 N.J.R. 171(c)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R.1973 d.248	5 N.J.R. 358(c)

## IN ADDITION —

First publication—but no update service as yet—has been completed for all but Title 10—Institutions and Agencies.

Rules since adopted by this one Department are not included in this index; they will be added following initial updating of this Title 10.

(Continued from page 23)

shall not be imposed through municipal ordinances or regulations which would prevent or interfere with electric utilities' compliance with this regulation.

APPENDIX A

A. For each building lot being served, the applicant shall pay the utility the amount determined from the following table:

	Base Charge* Per Building Lot	Charge per Front Foot of Building Lot in Excess of 50 Feet
1. Single-family (base charge plus avg. lot width x charge/ft.)	\$120.00	\$ .50
2. Duplex-family (single service)	\$110.00	\$ .50
3. Duplex-family (separate service)	\$200.00	\$ .70
4. Mobile home )	Charge to be based on differential	
5. Multiple ) occupancy )	cost according to unit costs specified in Exhibit 1.	

B. Additional Charges

Item			
1. Excess service length	Per ft. trench	100 & 150 Amp	\$ .45
		Over 150 Amp	\$ .51
2. Special street light poles			
a. 30' laminated	Each		\$ 98.00
b. 17' post top	Each		\$ 20.00
3. Additional street lights where spacing is less than 200**			
a. standard pole	Each		\$ 85.00
b. 30' laminated pole	Each		\$183.00
c. 17' post top pole	Each		\$105.00
4. Multi-phase constructions	Per foot per phase		\$ .22
5. Rock removal )	At actual low bid		
6. Rock blasting & removal )	cost with option of ap-		
7. Pavement cutting & restoration )	applicant to contract for.		

\*Based on use of pad mounted transformers, standard street light poles, foundations and cable, and including the cost of all trenching and backfilling for 50' wide building lot.

\*\*Cost of pole = cost of pole and luminaire — cost of luminaire.

14:10-4.1(c) This regulation as amended shall [not] apply to those lines on which actual construction [is in progress] has not commenced at the time this regulation is adopted.

14:10-4.2 Definitions

"Cost" means actual expense for materials and labor in the field without overrides or loading factors, such as for storage of materials or back-up personnel (for example, secretarial work).

Note: N.J.A.C. 14:10-4.4(b) is deleted in its entirety and replaced with the following text.

14:10-4.4(b) On or before December 1, 1973, all telephone utilities shall submit a proposed tariff to be effective on approval by the Board incorporating the tariffs specified in Appendix B to these regulations, without any material modification. On or before December 1, of each subsequent year the utilities shall submit a proposed tariff which may contain changes in unit costs and the calculations in support thereof, in the form of Appendix B, reflecting the utility's experience with the regulation.

Note: N.J.A.C. 14:10-4.4(c) is deleted in its entirety.

[(d)] (c) Contributions in the form of money or its equivalent toward the construction of telephone plant shall be credited to the accounts charged with the cost of such construction.

14:10-4.6 Advances by applicant

(a) Prior to the start of construction on a section of the subdivision which has received the final approval of the appropriate authorities, the utility may require from the applicant a deposit equivalent to not more than [twice] the amount of the charges payable to the utility in accordance with the approved Appendix B, for the installation of the [entire] communication facilities shown on the final subdivision map supplied to the utility by the applicant under the provisions of Section 4.3 of this Subchapter.

(b) Deposits will not carry interest.

Editor's Note: N.J.A.C. 14:10-4.6(c) and (d) are deleted in their entireties.

14:10-4.7(b) Should unusual circumstances arise which [would require that work be scheduled during periods of adverse weather conditions or other situations which makes it impractical or undesirable to bury telephone wires,] unreasonably would delay underground service, temporary wires may be installed in whatever manner is most practical under the circumstances, provided, however, that such temporary wires shall be replaced as soon as practicable with a permanent installation in accordance with the provisions of this regulation.

(c) Requests for adjustment of charges [specified in approved Appendix B,] to cover excess cost, if any, due to temporary installations, may be referred to the Board in accordance with Section 10 of this Subchapter.

14:10-4.8 Construction

Where practical, as determined by the affected utilities, electric cables [,] and communication cables [,] and also gas pipes to the extent permitted by N.J.S.A. 48:7-2, and N.J.S.A. 48:9-21, shall be installed in the same trench, care being taken to conform to any applicable Codes and regulations.

14:10-4.9(a) 1. The amount of trench which it has shared with electric cables [and/or gas pipes.] . The record shall also show the contributions per foot by it and by the collaborating electric [and/or gas] companies for joint use of trench. Should joint trenching be accomplished through a "trench sharing agreement" each utility shall maintain a record of the amount and the value per foot of the trenching provided by it and also the amount and the value per foot of the trenching provided by the collaborating electric [and/or gas] companies.

14:10-4.10 Special conditions or exemptions

(a) When the application of this regulation [appears impracticable or unjust to either party, or] will result in extreme hardship or inequity, or be discriminatory to other customers, the utility or applicant [shall] may refer the matter to the Board for special [ruling] exemption or for approval of special conditions [which may be mutually agreed upon, prior to commencing construction.].

(b) The applicant invoking the jurisdiction of this Board pursuant to this paragraph, may be required to put in escrow prior to hearing a deposit equal to the cost of hard rock removal and/or blasting if necessary to be advanced to the utility under the provisions of Section 6. of this Subchapter in the event the Board determines an exemption is not warranted.

14:10-4.12 Compliance

(a) This Subchapter having been enacted in the public



(b) In the event a member is reported on a combination of monthly and bi-weekly pay periods, his last year's salary or final compensation as well as his service credit will be computed on a proportional basis.

#### 17:4-2.1 Policeman and fireman defined

(a) "Policeman" or "fireman" [means any permanent full-time active uniformed employee and any active permanent and full-time employee who is a detective, lineman, fire alarm operator, inspector of combustibles] for purposes of this act, shall include the specific titles enumerated in N.J.S.A. 43:16A-1 et seq., or any title added to the statutory definition that is within a Police or Fire Department or a covered State Department.

(b) Any position other than those defined in subsection (a) of this Section are not eligible for enrollment.

(c) "Chancemen" are not eligible for membership and time so served cannot be recognized for creditable service in the system.

(d) The Board may recognize other titles in [the] an organized municipal police or fire department which are not defined as policeman or fireman if such a change of title represents a promotion and continuance of membership.

#### 17:4-2.2 Compulsory enrollment

(a) Membership in the Police and Firemen's Retirement System of New Jersey is mandatory, a condition of employment for every "policeman or fireman" appointed after July 1, 1944, in a county or municipality which had prior to July 1, 1944, adopted the provisions of N.J.S.A. 43:10, or in such county or municipality first providing coverage for such employees by referendum under N.J.S.A. 43:16A, or pursuant to the provisions of Chapter 92, P.L. 1973.

(b) It shall also be mandatory for eligible employees of the State or counties as provided by Chapter 156, P.L. 1973.

#### 17:4-2.6 [Probational and permanent appointment

(a) Policemen and firemen may enroll as of the first of the month following their probational appointment date.

(b) They may also enroll the first of any month during the probational period.

(c) They must enroll as of the first of the month following their permanent appointment.]

#### 17:4-2.6 Enrollment date

(a) An employee who is permanently appointed from a Civil Service list shall be considered as beginning his service on the date of his regular appointment, and the compulsory enrollment date shall be fixed as the first of the month following the completion of the equivalent of a working test period of four months.

(b) The permanent appointment of an employee appointed by a local employer not covered by Civil Service shall constitute the date the employee originally accepted employment in a regular budgeted position. The date of compulsory enrollment shall be the first of the month following the completion of the equivalent of a working test period of four months.

#### 17:4-3.1 Computation of insurance benefits

(a) Full salary credit will be given for the month or bi-weekly pay period in which a member dies, if he was paid salary to date of death and the salary paid was sufficient to permit a full normal month's or bi-weekly pension and insurance contribution deduction, provided such deduction was made by the employer.

(b) Death benefits shall be based on the base salary upon which contributions to the annuity savings fund were actually made during the 12 months or 26 bi-weekly pay

periods immediately preceding the member's death. The salary, in the month in which no salary was paid, shall be counted as zero.

(c) If a member dies during the first year following his date of enrollment, the insurance benefit shall be 3½ times the member's base salary on which he contributed or would have contributed immediately prior to his death.

(d) For a member dying after the first year following the date of his enrollment, the noncontributory insurance benefits shall be determined on the base salary on which contributions to the annuity savings fund were made or would have been made during the 12-month or 26 bi-weekly pay periods preceding death.

(e) If a member has contributed pension contributions for less than a year but his enrollment has been in effect for more than a year, only those wages upon which pension contributions were based can be used as salary to determine the value of the noncontributory insurance benefit.

(f) Where a post-audit of insurance claim payments indicates the pension contributions reported by an employer were incorrect and resulted in the overpayment of an insurance claim to a member's designated beneficiary or estate, the employer will be billed for the value of the overpayment of the insurance benefits. Where post-audits establish the insurance benefits were underpaid, an additional check would be sent to the beneficiary for the value of the underpayment.

(g) Refunds of a deceased member's pension contributions will be made to the member's designated beneficiary or the employer after written confirmation is received from the employer setting forth the reason for the refund of pension contributions to either the beneficiary or to the employer.

(h) Members who prove their insurability for the group life insurance benefits shall have their insurance benefit calculated on the basis of the salary they received or salary upon which pension contributions were based during their last year (12 months) of service prior to death, regardless of their effective date of insurance coverage.

(i) In computing the salary upon which pension contributions were based during a member's last year of service, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(j) In computing item "i" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive salary. The adjustment as specified in item "i" shall not be made.

(k) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no contributions were made shall be counted as zero.

#### 17:4-3.5 Beneficiary designation; pension contributions

Only a primary and a contingent designation of beneficiary may be made by the member for the payment of his accumulated pension contributions.

#### 17:4-4.11 Active employment; membership requirement

All employees, otherwise eligible, who are not actively employed on the date of their enrollment, will not be covered by the group life insurance program until they return to service.

#### 17:4-6.4 Outstanding loan

[In the instance of a member retiring, the total allowance will be reduced by the value of any loan outstanding.]

(a) Any outstanding loan against the annuity savings fund must be repaid before a member may qualify for any type of retirement other than disability retirement.

(b) In calculating a disability retirement allowance where there is an outstanding loan, the annuity shall be the actuarial equivalent of the amount which actually appears in the member's account, and the total allowance shall be reduced by the amount of the actuarial equivalent of the outstanding obligation.

#### 17:4-6.6 Retirement credit

A member shall receive credit toward retirement for any month or bi-weekly pay period in which a full normal deduction is received by the System.

#### 17:4-6.9 [Determination of average final compensation

"Average final compensation" will be determined by averaging the last 36 months' salary received prior to retirement. Absences within such a period will cause the period of averaging to be extended by such period of absence.]

#### 17:4-6.9 Average final compensation; 10 and 12-month members

(a) In order to determine the average final compensation (three-year average) for benefits on a:

1. Member reported on a monthly basis, use the creditable salaries upon which pension contributions were made to the retirement system for his last 36 months of service.

2. If a member was reported on any combination of 10 and 12-month contract years in such 3-year period, the final average compensation shall be determined on a proportional basis.

3. The months for which no contributions were made shall be counted as zero.

#### 17:4-6.11 Service or special retirement; eligibility

(a) A member becomes eligible for "service" retirement on the first of the month following his 55th birthday.

(b) A member becomes eligible for "special" retirement on the first of the month following the establishment of 25 years of creditable service, regardless of his age.

#### 17:4-6.16 Average final compensation; bi-weekly salary computation for State employees reported by centralized payroll

(a) In computing average final compensation upon which pension contributions were based, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 78 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period.

(b) In computing item "a" the total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(c) In computing item "a" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive a salary. The adjustment as specified in item "b" shall not be made.

(d) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the final average compensation prior to retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no contributions were made shall be counted as zero.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before January 30, 1974, to:

Division of Pensions  
Department of the Treasury  
20 West Front Street  
Trenton, New Jersey 08625

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

Norman E. Hardy  
Deputy State Treasurer  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

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

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 43:15A-17 et seq. and with the approval of the Board of Trustees of the Public Employees' Retirement System, proposes to revise a portion of the rules concerning the Public Employees' Retirement System.

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

#### CHAPTER 2

#### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### FOREWORD

The Public Employees' Retirement System was established by N.J.S.A. 43:15A-1 et seq., Chapter 84, P.L. 1954, on January 2, 1955, after the repeal of the laws creating the former State Employees' Retirement System. The retirement benefits of this system are coordinated with Social Security. The liabilities established under the Veterans Retirement Act are being amortized over a period of 40 years by the employing agencies. This system is maintained on an actuarial reserve basis. Under terms of Chapter 71, P.L. 1966, all public employees in New Jersey who are not required to become members of another contributory retirement program, are normally required to enroll in this system.

The retirement system is administered pursuant to the rules and regulations of the Board of Trustees, consisting of three State employee representatives, two municipal and one county employee representative, two members appointed by the Governor, [one member appointed by these five members] and the State Treasurer.

#### 17:2-1.13 State employees; bi-weekly salaries

(a) Retirement and death benefits as well as service credit will be determined on the basis of bi-weekly pay periods for State employees paid by centralized payroll.

(b) In the event a member is reported on a combination of monthly and bi-weekly pay periods, his last year's salary or final compensation as well as his service credit will be computed on a proportional basis.

#### 17:2-2.2 Multiple employments

(a) Any employee who has enrolled in a covered position must enroll in any other optional or compulsory position which he holds, where he meets the salary and other qualifications and is paid in each of the calendar quarters.

(b) An elected official must also enroll on the basis of

such office if he is enrolled or is enrolling on the basis of other public employment. However, the elected official need not be paid in each of the calendar quarters if he is otherwise eligible.

(c) An LEO member who is also enrolled on the basis of a non-LEO position will contribute at the LEO rate of pension contribution on the base wages he receives from all positions.

#### 17:2-3.2 Computation of insurance benefits

(a) Any member who is reported on a 10-month basis and who has not resigned or been discharged, shall be covered by his insurance benefits for the month or months he is on his regular seasonal layoff.

1. The death benefit shall be based upon the base salary upon which contributions to the annuity savings fund were actually made during the 12 months or 26 bi-weekly pay periods immediately preceding his death.

2. The salary, in the month or bi-weekly pay period in which no salary was paid, shall be counted as zero.

(b) Full salary credit will be given for the month or bi-weekly pay period in which a member dies, if he was paid salary to date of death and the salary paid was sufficient to permit a full normal month's or bi-weekly pension and insurance contribution deduction, provided such deduction was made by the employer.

(c) If a member dies during the first year following his date of enrollment, the contributory insurance benefit shall be 1½ times the member's annual base salary on which he contributed or would have contributed immediately prior to his death. The noncontributory insurance benefit shall be 1½ times the actual base salary upon which contributions to the annuity savings fund were due from the date of enrollment to the date of death.

(d) For a member dying after the first year following his date of compulsory enrollment, both the noncontributory and contributory insurance benefit shall be determined on the base salary on which contributions to the annuity savings fund were made, or would have been made during the 12-month [period] or 26 bi-weekly pay periods preceding death.

(e) If a member has contributed pension contributions for less than a year but his enrollment has been in effect for more than a year, only those wages upon which pension contributions were based can be used as salary to determine the value of the noncontributory insurance benefit, whereas the contributory insurance benefit will be based on the member's annual salary on which he last contributed.

(f) Where a post-audit of insurance claim payments indicates the pension contributions reported by an employer were incorrect and resulted in the overpayment of an insurance claim to a member's designated beneficiary or estate, the employer will be billed for the value of the overpayment of the insurance benefits. Where post-audits establish the insurance benefits were underpaid, an additional check would be sent to the beneficiary for the value of the underpayment.

(g) Refunds of a deceased member's pension contributions will be made to the member's designated beneficiary or the employer after written confirmation is received from the employer setting forth the reason for the refund of pension contributions to either the beneficiary or to the employer.

(h) Members who prove their insurability for the group life insurance benefits shall have their insurance benefit calculated on the basis of the salary they received or salary upon which pension contributions were based during their last year (10 and 12 months) of service prior to death, regardless of their effective date of insurance coverage.

(i) In computing the salary upon which pension contributions were based during a member's last year of service, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(j) In computing item "i" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive salary. The adjustment as specified in item "i" shall not be made.

(k) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no contributions were made shall be counted as zero.

#### 17:2-3.11 Beneficiary designation; pension contributions

Only a primary and a contingent designation of beneficiary may be made by the member for the payment of his accumulated pension contributions.

#### 17:2-4.7 Hourly or per diem salary

Deductions from the salary of a member who is paid on an hourly or per diem basis shall be calculated on an average monthly or bi-weekly salary, which shall be certified to the System. This salary will continue for deduction purposes but will be subject to annual revision.

#### 17:2-4.13 Active employment; membership requirement

All employees, otherwise eligible, who are not actively employed on the date of their enrollment, will not be covered by the group life insurance program until they return to service.

#### 17:2-5.4 Per diem credit

For the purpose of granting prior service credit [and computing purchases of additional membership credit] for service performed on a per diem basis, credit shall be prorated and granted on the basis of 20 days equals one month of credit.

#### 17:2-6.2 Effective dates; changes

(a) A member shall have the right to withdraw, cancel or change an application for retirement at any time before his retirement allowance becomes due and payable; thereafter, the retirement shall stand as approved by the Board.

(b) Except in the event of deferred retirement, if a member requests a change in his retirement application before his retirement allowance becomes due and payable, said change will require approval of the Board and the revised retirement allowance shall not become due and payable until 30 days have elapsed following the effective date or the date the Board met and approved the change in the member's retirement application, whichever is later.

(c) If the applicant should die within 30 days following the date the Board of Trustees approved the revised application, the member shall be considered to be retired on the basis of the originally approved application for retirement, provided that the initial 30-day requirement was satisfied.

(d) A deferred retirement shall become effective on the first of the month following the member's 60th birthday.

(e) In the case of deferred retirement, if an applicant desires to amend his retirement application, the amended application must be filed with the System a minimum of 30 days prior to his 60th birthday.

#### 17:2-6.6 Retirement credit

A member shall receive credit toward retirement for

any month or bi-weekly pay period in which a full normal deduction is received by the System.

**17:2-6.11 Early retirement benefit**

(a) The statutory reduction of  $\frac{1}{4}$  of one per cent applies to each month prior to the month in which the member attains age [60] 55 and for the month in which the member attains age [60] 55 if his [60th] 55th birthday occurs on or after the 15th day of the month.

(b) Retirement on the first of the month in which a member attains age [60] 55 shall be classed as "Early" retirement, although a reduction is not applied if his [60th] 55th birthday occurs before the middle of such month.

**17:2-6.15 Compulsory retirement**

(a) Compulsory retirement, as set forth in N.J.S.A. 43:15A-47b, shall be administered in the following manner:

1. Subject to the exceptions provided herein, all members shall be retired by the board of trustees effective as of the first day of the month following their 70th birthday.

2. The system shall send written notice to the member and his employer between 120 and 180 days in advance of the date on which the member shall be required to retire.

3. Such a member may be continued in employment and active membership beyond age 70 provided the appointing authority files a notice with the retirement system, at least 60 days prior to the member's scheduled compulsory retirement date, certifying the specific period of extended employment that has been approved.

i. Such period may not be for more than one year at a time, with the exception of an elected official.

ii. The period of extended employment for an elected official shall terminate as of the expiration date of his term of office.

4. For the purposes of N.J.S.A. 43:15A-47b, the tenure status of any member shall terminate as of his 70th birthday. Persons appointed to positions for a fixed term will require extension of their services beyond age 70 although the term of office may expire after his 70th birthday.

5. A member shall be retired automatically by the Board as of his compulsory retirement date following his 70th birthday or at the conclusion of approved period of extended employment and his employer shall be notified to terminate his employment and compensation as of that date.

6. Should a member fail to file "Application for Retirement Allowance" before his compulsory retirement date he shall be granted the maximum allowance payable on his account; however, no retirement checks will be disbursed until he files the required application.

7. If an application is not filed with the System before a period of 30 days has elapsed after the Board has acted on his retirement, he shall not be eligible to exercise any of the available retirement survivorship options and his retirement on maximum allowance shall stand as approved. When such a member files his application with the System, he shall be eligible to receive retirement benefits for the months that have elapsed since his compulsory retirement date, provided satisfactory evidence is received to show that he terminated employment as of his compulsory retirement date.

8. No retirement benefits shall be paid for any period the member continued in service beyond his compulsory retirement date, nor shall he receive any credit for retirement purposes for salary received or for service rendered beyond his compulsory retirement date.

9. If a member's death occurs after the 30-day waiting period has been satisfied, but before he has filed the required application for retirement, the member shall be considered to be retired on maximum allowance for death benefit purposes. His estate shall be entitled to the retro-

**active retirement allowance due, in addition to any insurance benefits payable.**

**17:2-6.16 Compulsory retirement; law enforcement officers**

(a) Members classified as "Law enforcement officers" shall be retired automatically by the Board as of the compulsory retirement date established pursuant to N.J.S.A. 43:15A-99.

(b) Should such a member fail to file application with the System before his compulsory retirement date, he shall be granted the maximum allowance payable on his account; however, no retirement checks will be disbursed until he files the required application.

(c) If an application is not filed with the System before a period of 30 days has elapsed after the Board has acted on his retirement, he shall not be eligible to exercise any of the available retirement survivorship options and his retirement on maximum allowance shall stand as approved.

(d) When such a member files his application with the System, he shall be eligible to receive retirement benefits for the months that have elapsed since the date of his compulsory retirement, provided satisfactory evidence is received to show that he terminated employment as of his compulsory retirement date.

(e) No retirement benefits shall be paid for any period the member continued in service beyond his compulsory retirement date, nor shall he receive any credit for retirement purposes for salary received or service rendered beyond his compulsory retirement date.

(f) An LEO member who is also enrolled as a non-LEO member cannot continue his LEO membership or employment in his LEO capacity beyond age 65 should he continue his membership on the basis of his non-LEO position.

**17:2-6.20 Final compensation [-bi-weekly]; 10 and 12-month members**

(a) In order to determine the final compensation (three-year average) for benefits on a:

1. Member reported on a monthly basis under a 10-month contract [basis], use the creditable salaries upon which contributions were made to the system for his final 30 months of service.

2. Member reported on a monthly basis under a 12-month contract [basis], use the creditable salaries upon which contributions were made to the system for his last 36 months of service.

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

(b) If a member was reported on any combination of 10 and 12-month contract years in such three year period, the final average compensation shall be determined on a proportional basis.

(c) The months for which no contributions were made shall be counted as zero.

**17:2-6.21 Determination of [final compensation;] last year's salary; veterans (veteran one-half pay retirement)**

For a member reported on a monthly basis under a 10-month contract [basis] use the creditable salaries upon which contributions were made in the member's final 10 months of service preceding retirement; on a 12-month contract basis, his final 12 months of service; combination of 10 and 12-month contracts, on a proportional basis. The months for which no contributions were made shall be counted as zero.

**17:2-6.25 Final compensation; bi-weekly salary computation for State employees reported by centralized payroll**

(a) In computing "final compensation" upon which pension contributions were based, in the case of a 12-month

State employee reported on a bi-weekly basis, a total of 78 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period.

(b) In computing item "a" the total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(c) In computing item "a" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive a salary. The adjustment as specified in item "b" shall not be made.

(d) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the final average compensation prior to retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no contributions were made shall be counted as zero.

#### 17:2-6.26 Determination of last year's salary; State employee veterans reported by centralized payroll

(a) In computing the salary upon which pension contributions were based during a member's last year of service, in the case of a 12-month State employee reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used, including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(b) In computing item "a" in the case of State employees reported on a 10-month basis, the total bi-weekly pays will include those pay periods in the third quarter of each year in which the member does not receive salary. The adjustment as specified in item "a" shall not be made.

(c) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no contributions were made shall be counted as zero.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1974, to:

Division of Pensions  
Department of the Treasury  
20 West Front Street  
Trenton, New Jersey 08625

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

Norman E. Hardy  
Deputy State Treasurer  
Department of the Treasury

(a)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions to Foreword Of Rules of Supplemental Annuity Collective Trust

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-107 through 52:18A-124 and with approval of the Council of the Supplemental Annuity Collective Trust Council, proposes to revise the Foreword to the rules of the Supplemental Annuity Collective Trust Council.

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

## CHAPTER 8

### SUPPLEMENTAL ANNUITY COLLECTIVE TRUST

#### FOREWORD

The Supplemental Annuity Collective Trust of New Jersey was established under N.J.S.A. 52:18A-107 through 124, Chapter 123, P.L. 1963. This program includes active members of the several State-administered retirement systems, who agree to make voluntary additional contributions through their pension funds to purchase variable retirement annuities in order to supplement the benefits provided by their basic systems or whose employers agree to purchase for certain eligible public employees tax-sheltered annuities for the same purpose.

The Council of the Trust is composed of the Commissioner of the Department of [Banking and] Insurance, the State Budget Director and the State Treasurer.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1974, to:

Division of Pensions  
Department of the Treasury  
20 West Front Street  
Trenton, New Jersey 08625

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

Norman E. Hardy  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Amendments Concerning Valuations

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:33-1 et seq., proposes to amend N.J.A.C. 18:26-8.10 concerning valuations regarding inheritances.

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

#### 18:26-8.10 Valuations generally

(a) All the real, personal property, tangible and intangible subject to the New Jersey Inheritance Tax is appraised according to its clear market value on the date of decedent's death.

(b) Any direction in a will regarding the payment of inheritance or estate taxes while binding on the executor and the beneficiaries has no effect in the computation of the tax due this State.

(c) The Director may, in his judgment and discretion, require that the appraisal of any tangible assets subject to tax be supported by an appraisal made by a broker, dealer, jobber or any other person having expert knowledge with respect to the market value of any such tangible property.

(d) Where an asset reported in an estate or a taxable transfer to a beneficiary subjects the estate or beneficiary to an income tax liability by reason of income at death which under the pre-1942 Internal Revenue Code required that there be included in the income of a decedent for the

taxable period in which his death occurred all the income accrued up to the date of his death, but which under the 1942 amendments to the Internal Revenue Code were not properly includible in computing the decedent's taxable income for the taxable year ending with the date of his death or for a previous taxable year under the method of accounting employed by the decedent, allowance may be made for the income tax liability less the proportionate amount of the federal estate tax, if any, in determining the value of the asset or transfer. The claim for reduction must be accompanied by a statement showing the computation of the reduction claimed as pertaining to the income at death item. However, income at death which is determined to be "Income In Respect Of A Decedent" merely because it is "attributable" to the decedent's activities shall not be considered in the valuation of such an asset.

Statutory Reference

N.J.S.A. 54:35-1 & 54:34-5

Interested persons may present statements or arguments in writing relevant to the proposed action on or before January 30, 1974, to:

Nicholas C. Maida  
State Supervisor  
New Jersey Inheritance Tax Bureau  
Division of Taxation  
Post Office Box 1919  
Trenton, New Jersey 08625

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### STATE LOTTERY COMMISSION

#### Revised Rules Concerning Prizes

On December 14, 1973, Ralph A. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning the lottery's prize structure.

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

17:20-5.10(c) All licensed agents, whether they be vending machine agents or manual agents, shall be entitled to a bonus as follows:

1. \$500.00 to an agent who sells a \$50,000 winning ticket, the Weekly Lottery first place prize, and
2. \$100.00 to an agent who sells a [\$4,000] \$5,000 winning ticket, the Weekly Lottery second place prize.

17:21-2.3 Manner of conducting weekly drawings

(a) Each weekly drawing shall be conducted and the winners determined as hereinafter provided:

1. A four-digit number shall be randomly selected.
2. The computer shall search the "sold ticket file" for all sold six-digit numbers bearing the last four digits as selected in paragraph 1 of this subsection.
3. Ten six-digit numbers shall be randomly selected

[from among the sold numbers reported by the computer as sold in accordance with paragraph 2 of this section.] from all numbers containing the last four digits selected in paragraph 1 of this subsection. They shall be listed on a post-position board in the order of their selection and designated as program positions one through ten.

4. The New Jersey Racing Association will be requested to certify to the New Jersey State Lottery the official results of ten horse races. The winner of each race shall have a different program position. There shall be ten separate program positions designated from one through ten.

5. A random selection is made from among the horse races mentioned in paragraph 4 of this subsection.

6. The program position of the winner of the horse race randomly selected in paragraph 5 of this subsection shall be associated with the six-digit number appearing on the post-position board in the similar program position. The said six-digit number becomes the winning number for the lottery period.

7. In the event the winning number selected in paragraph 6 of this subsection is an unsold lottery number, an alternate number from among the remaining numbers on the post-position board will be selected in a manner similar to the selection of the first number until a sold winning number is determined.

8. When it is necessary to select an alternate number, said number will be identified only as the first prize winning number. No other prize awards of any kind will be derived from said alternate number. The owner of said number will be eligible to participate in the "Millionaire" drawing in a manner similar to the eligibility of such winners under the regular prize structure.

17:21-3.1 Determination of prize winners

(a) For each weekly lottery pool of one million tickets sold, there shall be awarded [one] two thousand cash prizes and [eighteen] one hundred and one thousand prizes entitling the winners thereof to participate in the Millionaire Lottery, as fully described herein.

(b) The Racing Program Number of the winning horse, as described herein, shall be used to determine a winner of a first prize in the following manner:

1. Ten six-digit numbers shall be selected and each shall be assigned a number from one to ten in the order selected.
2. The certified results of a horse race shall then be drawn and the program position of the winning horse of said race shall be used to determine which of the ten six-digit numbers shall be entitled to first prize.

For example: If the program position of the winning horse of the race drawn is number "4", this signifies that the fourth six-digit number already selected constitutes the winning number and is entitled to the first prize subject to the provisions set forth in section 17:21-2.3.

(c) The six-digit number entitled to first prize in the manner indicated in subsection (b) above shall be used to determine [nine] one second winner. All holders of tickets bearing the six-digit winning number referred to in subsection (b) above, in reverse order, shall constitute and be winners of the second prize.

(d) The digit at the extreme left [of the six-digit winning number] or at the extreme right of the six-digit number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the [remaining] five digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the [second prizes] eighteen third prizes.

[d] (e) The six-digit number entitled to first prize in the manner indicated in subsection (b) hereof shall be used to determine [90 third] 180 fourth prize winners. The first

and second digits at the extreme left or at the extreme right of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining four digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the [third] fourth prizes.

[e] (f) The six-digit number entitled to first prize in the manner indicated in subsection (b) hereof shall be used to determine [900 fourth] 1800 fifth prize winners. The first, second, and third digits at the extreme left or at the extreme right of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the remaining three digits in the order in which they appear in the winning number, referred to in subsection (b) above, shall constitute and be the winners of the [fourth] fifth prizes.

[f] (g) The six-digit number entitled to first prize in the manner indicated in subsection (b) above shall be used to determine [18,000] 101,000 sixth prize winners. The [third and fourth] first five digits of the six-digit winning number referred to in subsection (b) above shall be eliminated and all holders of tickets bearing the [first and second and/or fifth and] sixth digit [in the order in which they] as it appears in the winning number, referred to in subsection (b) above, or which are cash winners shall constitute and be the winners of the [fifth] sixth prizes. [The first two digits shall be treated separately for the determination of fifth prize winners so that one ticket may qualify for more than one prize.] The first four or three digits shall be treated separately for the determination of fourth or fifth prizes respectively so that one ticket may qualify for more than one prize.

[g] (h) The winner of a prize shall be entitled only to the award of the largest prize for which he is eligible, as evidenced by his winning number. He shall be eliminated from lesser awards in the same drawing.

17:21-3.2 Number and amount of [pages] prizes

(a) For each lottery pool of one million weekly tickets sold, the following prizes shall be awarded to the owners of the winning tickets as hereinbefore determined:

Prize Number	Amount	Number of Prizes	Total
1st	\$50,000	1	\$50,000
2nd	4,000	9	36,000
3rd	400	90	36,000
4th	40	900	36,000
5th	—	18,000	—

(The 18,000 fifth-prize winners will automatically be entered in the Millionaire Lottery.)

Tier	*Amount of Prizes	Order of Digits	No. of Winners Per 1,000,000 Tickets Sold	Gross Prize \$
1	\$50,000	123456	1	\$50,000
2	5,000	654321	1	5,000
3	( 2,500	x23456	9	22,500
	( 2,500	12345x	9	22,500
4	( 250	xx3456	90	22,500
	( 250	**1234xx	90	22,500
5	( 25	xxx456	900	22,500
	( 25	**123xxx	900	22,500
6		*xxxxx6	99,000 Millionaire semi-finalist	

\*Every cash winner receives one entry in the 50-cent Millionaire Lottery in addition to the cash prize.

\*\*The last digit is entitled to one entry in the 50-cent Millionaire Lottery only if it has not formed part of another prize. Thus, xxx456 would win \$25.00 plus one entry (as a cash winner) in the 50-cent Millionaire Lottery, but 123xx6 would win \$25.00 plus two entries (cash winner and last digit) in the 50-cent Millionaire Lottery.

17:21-5.1 General provision

(a) There shall be two types of Millionaire Lotteries, one being a 50-cent Millionaire Lottery and the other being a Millionaire Sweepstakes.

(b) Winners of [fifth] sixth prize and all cash winners in the Weekly Lottery are automatically entered in a 50-cent Millionaire Lottery which shall be separate from the Millionaire Sweepstakes.

(c) Such persons must retain their tickets, inasmuch as they are the sole evidence of a claim to a prize in the 50-cent Millionaire Lottery drawing.

(d) Such persons are not required to fill out a claim form.

(e) Winning numbers of the 50-cent Millionaire Lottery will be announced periodically as specified by the Lottery Commission.

(f) Claimants for these prizes shall complete a claim form which will be processed in the same manner as other claims for the weekly lottery.

(g) The claimant shall have the full and complete responsibility for the preservation and presentment of the "winning ticket".

17:21-5.6 Manner of conducting drawings

(a) Each 50-cent Millionaire Lottery drawing shall be conducted and the winners determined as hereinafter provided:

1. On a date to be determined by the Director a [three] four-digit number shall be selected which shall represent the last [three] four right-most digits in the serial number of each eligible ticket. Eligible tickets shall be determined under Section 3.1 (Determination of prize winners) of this Chapter.

2. All holders of weekly [fifth] sixth tier and/or cash winning tickets which serial number has as its last [two] three digits as appeared in the selected [three] four-digit number will be awarded a prize of \$100.00 through existing claim centers.

3. All holders of weekly [fifth] sixth tier and/or cash winning tickets which serial number has as its last [three] four digits the exact [three] four-digit number selected must identify themselves through existing claim centers in the time limit as established by the Director. All persons doing so shall be considered semifinalists in the 50-cent Millionaire Lottery and after validation shall be guaranteed a cash prize of at least \$500.00. Persons not identifying themselves as described above shall be eligible for inclusion in subsequent 50-cent Millionaire Lottery drawings if they identify themselves through existing claim centers no later than one year from the date in which they become eligible as a semifinalist in a 50-cent Millionaire Lottery.

4. On a date to be determined by the Lottery Commission finalist drawing shall be conducted.

5. All persons identifying themselves as semifinalists shall be included in the finalist drawing. A semifinalist may attend the finalist drawing or he may designate a proxy in writing to the State Lottery prior to the date of the finalist drawing. If a semifinalist is identified and he does not attend the finalist drawing, nor does he designate a proxy in writing, then the Director shall appoint an agent to perform for him in the finalist drawing. At the finalist drawing there shall be selected from all identified semi-

finalists ten finalists. All semifinalists remaining after such selection shall receive a prize of \$500.00 each.

6. The ten finalists shall be assigned a number from one through ten in the order selected. Three certified results of a horse race shall then be drawn. The program post position of the winning horse of the first certified result of the drawn horse race shall be used to determine the third prize winner who shall be entitled to \$10,000 a year for [ten] five years. A second certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the second prize which shall be [\$20,000] \$10,000 a year for ten years. A third certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the first prize winner who shall be entitled to \$50,000 a year for twenty years. The certified "Horse Race" results used above shall be in ten horse races wherein all of the ten post positions are separately and individually represented so that the winning horse of each race occupied a program position of one through ten inclusively.

7. The seven finalists assigned to the remaining program post positions not selected as a result of the three certified race results as described above shall be awarded fourth place prizes in the amount of \$10,000 cash each as will any others specifically selected for fourth place prizes but not assigned any program post positions.

8. All determinations of winners shall be made by the Director of the Division of Lottery whose judgment of said determinations shall be final.

17:21-5.7(a)5. All holders of tickets guaranteed a minimum prize of [\$50.00] \$500.00 under paragraph 4 of this subsection, must through existing claim centers identify themselves in a time limit to be set by the Director. All persons doing so shall be considered semifinalists in the \$2.50 Millionaire Sweepstakes. Persons not identifying themselves as described above shall be eligible for inclusion in subsequent semifinalist sweepstakes drawings if they identify themselves through existing claim centers no later than one year from the date in which they became eligible as a semi-finalist in a \$2.50 Millionaire Sweepstakes.

No changes to paragraphs 6, 7, 8 and 9.

10. In addition to the prize structure set forth herein, incentive prize award bonuses shall be awarded to the Lottery Agents as per the following schedule:

- i. Bonus to Agent selling the Winning "Millionaire Lottery" Ticket ..... \$10,000
- ii. Bonus to Agent selling the Second Place "Millionaire Lottery" Ticket ..... [\$2,000] \$1,000
- iii. Bonus to Agent selling the Third Place "Millionaire Lottery" Ticket ..... [\$1,000] \$500.00
- iv. Bonus to Agent selling the Fourth Place "Millionaire Lottery" Ticket ..... \$200.00

An order adopting these revisions was filed December 14, 1973, as R.1973 d.353 to become effective January 3, 1974.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Revisions Concerning Purchase of Materials and Supplies by Contractors

On December 3, 1973, Sidney Glaser, Director of the Di-

vision 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 revisions to the rules concerning the purchase of materials and supplies by contractors, as proposed in the Notice published November 8, 1973, at 5 N.J.R. 392(a).

Such revisions will be included in N.J.A.C. 18:24-5.3.

An order adopting these revisions was filed and effective December 4, 1973, as R.1973 d.336.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### STATE HOUSE COMMISSION

#### Rules Concerning Judicial Retirement System

On November 27, 1973, William J. Joseph, Secretary of the Judicial Retirement System in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:6A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted new rules concerning the judicial retirement system, substantially as proposed in the Notice published July 5, 1973, at 5 N.J.R. 244(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of the Treasury.

Such rules may be cited as N.J.A.C. 17:10-1.1 et seq.

The full text of the rules which were substantially changed follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

#### 17:10-1.9 Judges; bi-weekly salaries

(a) Retirement and death benefits as well as service credit will be determined on the basis of bi-weekly pay periods for judges paid by Centralized Payroll.

(b) In the event a judge is reported on a combination of monthly and bi-weekly pay periods, his final salary as well as his service credit will be computed on a proportional basis.

#### 17:10-3.1 Computation of benefits

(a) Full salary credit will be given for the month or bi-weekly pay period in which a member dies, if he was paid salary to date of death.

(b) Death benefits shall be based on the base salary paid during the 12 months or 26 bi-weekly pay periods immediately preceding the member's death. The salary, in the month or bi-weekly pay period in which no salary was paid, shall be counted as zero.

(c) If a member dies during the first year following his date of enrollment, the insurance benefit shall be 1½ times the compensation paid.

(d) Where a post audit of insurance claim payments indicates that the salary reported by an employer was incorrect and resulted in the overpayment of an insurance claim to a member's designated beneficiary or estate, the employer will be billed for the value of the overpayment of insurance benefits. Where post audits establish the insurance benefits were underpaid, an additional check would be sent to the beneficiary for the value of the underpayment.

(e) In computing the final salary for a member reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted

by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(f) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no salary was received shall be counted as zero.

17:10-5.6 Retirement credit

A member shall receive credit towards retirement for any bi-weekly payroll period or month in which the member received compensation subject to coverage in the retirement system.

17:10-5.11 Compulsory retirement

Compulsory retirement will be effective [on the first day of the month following the month in which the member attains the condition of compulsory retirement] upon the attainment of age 70. The retired member will receive a pension prorated by the number of days in the month of retirement beyond the date of attaining age 70.

17:10-5.12 Final salary; bi-weekly salary computation for Judges paid by Centralized Payroll

[In order to determine the final salary (one-year average) for benefits:

(a) Member reported on a 12-month basis, use the creditable salaries reported as paid during his last 12 months of service.

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

The months for which no salaries were paid shall be counted as zero.]

(a) In computing final salary in the case of a member reported on a bi-weekly basis, a total of 26 bi-weekly pays will be used including any retroactive salary payments made within the prescribed period. The total salary will be adjusted by multiplying the total by 1.003831; such adjustment will compensate for State bi-weekly payroll schedules.

(b) If a member was reported on a bi-weekly basis on any combination of 10 and 12-month contract years, the last year's salary prior to death or retirement shall be determined on a proportional basis. The bi-weekly pay periods for which no salary was received shall be counted as zero.

17:10-5.14 [Determination of final salary

"Final salary" will be determined by averaging the last 12 months' salary received prior to retirement. Absences within such a period will cause the period of averaging to be extended by such period of absence.]

17:10-5.14 Final salary; members paid by counties

(a) In order to determine the final salary (one-year average) for benefits on a:

1. Member reported by a county, use the creditable salaries paid to the member during his final 12 months of service.

2. If a member was reported on the basis of any combination of 10 and 12-month contract years, the final average compensation shall be determined on a proportional basis.

3. The months for which no salary was received shall be counted as zero.

An order adopting these rules was filed and effective November 29, 1973, as R.1973 d.332.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

# HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

## Revised Fee Schedules

On November 29, 1973, the Hackensack Meadowlands Development Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule which deleted in its entirety the current text of Subchapter 1, Revised fee schedule, of Chapter 3 in Title 19 of the New Jersey Administrative Code and adopted new text in place thereof.

Full text of these revised schedules follows:

### SUBCHAPTER 1. REVISED FEE SCHEDULES

#### 19:3-1.1 Subdivision

(a) A fee of \$50.00 is charged for a minor subdivision.

(b) No fee is charged for a sketch plat review of a major subdivision.

(c) Fee for preliminary plat review is charged at rates equal to:

1. \$50.00 per acre of subdivided property for the first ten acres.
2. \$5.00 per acre of subdivided property for the next 40 acres.
3. \$1.00 per acre of subdivided property in excess of 50 acres.

(d) No fee is charged for final plat approval of major subdivision.

(e) A fee of ¼ of one per cent of the value of public improvements as determined by a certified estimate prepared by a New Jersey professional engineer is charged to cover the cost of inspections.

(f) A fee of \$100.00 is charged for each specific waiver request.

#### 19:3-1.2 Zoning

(a) Zoning fees are as follows:

1. A fee of \$50.00 is charged for a zoning certificate.
2. A fee of \$25.00 is charged for sign review.
3. A fee of \$100.00 is charged for appeals to the Commission, special exceptions, and \$100.00 for each specific variance request.

(b) Specially planned areas fees are as follows:

1. General plan: \$2,500;
2. Development plan: \$2,500;
3. Implementation plan: \$5,000 plus ¼ of one per cent of value of public improvements as determined by a certified estimate submitted by a New Jersey professional engineer to cover the cost of inspections.

#### 19:3-1.3 Building permits

(a) Fees for building permits are charged at rates equal to:

1. \$.002 per cubic foot for the first 100,000 cubic feet;
2. \$.0015 per cubic foot for the next 500,000 cubic feet;
3. \$.001 per cubic foot in excess of 600,000 cubic feet, but not less than \$50.00 per permit.

(b) Fee for single- or two-family residence shall be \$.001 per cubic foot, but not less than \$25.00 per permit.

(c) A \$25.00 fee for a garage auxiliary to a single- or two-family residence on the same plot.

(d) A fee equal to \$2.00 for each 1,000 square feet or fraction thereof of seating area and of each tier of seats and their appurtenant aisles, passageways, rest rooms, sanitary facilities, spaces and so forth, for open air assembly,

whether for amusement, instruction, entertainment, religious services or any other purposes. For the purpose of determining areas for computing fees, the area shall be the projected horizontal area of each seating area and each tier.

(e) \$50.00 for the first \$5,000.00 or any fraction thereof of the structure; \$5.00 for each additional \$1,000; not less than \$25.00 per permit.

(f) For open spaces, the fees are:

1. \$1.00 per each 2,000 square feet of area, but not less than \$15.00 for space without roof either enclosed or unenclosed on sides, such as commercial parking lots, gasoline or oil storage sale or exhibition or showing spaces, and spaces used for generally similar purposes.
2. For golf courses and driving ranges, \$2.00 for each 20,000 square feet of area or fraction thereof, but not less than \$15.00, including an accessory structure not to exceed 144 square feet.

(g) A fee for demolition in the amount of \$25.00.

(h) No fee for internal repairs or alterations, where the value is under \$5,000. If over \$5,000, see subsection (e) of this Section.

**19:3-1.4 Occupancy**

(a) The fee for occupancy certificates is \$50.00.

(b) No fee is charged in cases where a building permit fee in excess of the minimum has been paid.

**19:3-1.5 Hearings**

Whenever a public hearing is required on an application by statute or by rule or regulation of the Commission, the applicant shall pay the cost of such legal notices as shall be required to be given and the cost of the preparation of a stenographic record of any such hearing.

**19:3-1.6 General provisions**

(a) This fee schedule shall not be applicable to the Federal, State, county or municipal government, or any instrumentality or agency thereof. Any fee, or portion thereof, provided for herein, may be waived by the Office of the Chief Engineer upon good cause shown.

(b) Any single application which encompasses several uses will be subject to the appropriate fees enumerated herein.

(c) A full refund of fees may be made by the Office of the Chief Engineer provided that a written request to withdraw the application is received before the close of the second working day after receipt of the same.

(d) If any part or portion of this resolution is invalidated by judicial decision, such decision shall not affect the remainder of this resolution.

(e) This fee schedule shall take effect immediately upon adoption by the Commission and filing pursuant to law.

An order adopting these revised schedules was filed and effective November 30, 1973, as R.1973 d.334 (Exempt, Procedure Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(a)

# HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

## Schedule of Fees Regarding Solid Waste Collection

On November 29, 1973, the Hackensack Meadowlands De-

velopment Commission, pursuant to authority of N.J.S.A. 13:17-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule concerning the schedule of fees regarding solid waste collection.

Full text of the adopted rule follows:

**19:3-1.7 Solid waste collection; fee schedule**

(a) Be it resolved that, effective December 17, 1973, no sanitary landfill within the Hackensack Meadowlands District shall accept for disposal any solid waste unless the vehicle and the container, if any, transporting the solid waste bear numbered decals issued by the Office of the Chief Engineer. The numbered decal will be furnished by the chief engineer to those persons engaged in the collection of solid waste according to the following fee schedule:

1. Private collectors: \$10.00 per decal for each piece of self-powered equipment and each container.
2. Public collectors: \$2.00 per decal for each piece of self-powered equipment and each container.

An order adopting this schedule was filed November 30, 1973 as R.1973 d.333 (Exempt, Procedure Rule) to become effective December 17, 1973.

John K. Rafferty  
Director of Administrative Procedure  
Department of State

(b)

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

## Proposed Amendments Concerning Definitions and Motions for Commission Reconsideration

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to adopt amendments concerning definitions and motions for Commission reconsideration.

Full text of the proposed new amendments follows:

**19:10-1.1 Definitions**

“Confidential employee” means any employee for whom a principal duty is to assist and act in a confidential capacity to persons who formulate, determine and effectuate management policies in the area of labor relations. “Confidential employees” shall not be included in units of non-confidential employees. The term “confidential employee” shall be narrowly construed.

“Craft employee” means any employee who is engaged with his helpers or apprentices in a manual pursuit requiring the exercise of craft skills which are normally acquired through a long and substantial period of training or a formal apprenticeship and which in their exercise call for a high degree of judgment and manual dexterity, one or both, and for ability to work with a minimum of supervision. The term shall also include an apprentice or helper who works under the direction of a journeyman craftsman and is in a direct line of succession in that craft.

“Professional employee” means any employee whose work is predominantly intellectual and varied in character, involves the consistent exercise of discretion and judgment, and requires knowledge of an advanced nature in the field of physical, biological, or social sciences, or in the

field of learning. The Commission will also consider whether the work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time. The term shall also include any employee who has acquired knowledge of an advanced nature in one of the fields described above, and who is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined herein. The term shall include, but not be limited to, attorneys, physicians, nurses, engineers, architects, teachers, and the various types of physical, chemical and biological scientists.

**SUBCHAPTER 4.**

**MOTION FOR COMMISSION RECONSIDERATION**

**19:15-4.1 Motion for Commission reconsideration**

(a) A party to a proceeding before the Commission may, because of extraordinary circumstances, move for reconsideration after the Commission decision has been rendered.

(b) The movant shall state with particularity the material error claimed and, where applicable, shall specify the page of the record relied upon.

(c) Any motion pursuant to this Section shall be filed within fifteen days after service of the Commission decision.

(d) Any such motion shall be printed or otherwise legibly duplicated.

(e) Copies shall be served on the parties of record, and a statement of service shall be filed with the motion papers.

(f) The filing and pendency of a motion for reconsideration shall not operate to stay the effectiveness of the Commission decision unless otherwise ordered by the Commission.

(g) A motion for reconsideration need not be filed to exhaust administrative remedies.

A public hearing with respect to the aforesaid proposed rules and regulations will be held on Monday, February 4, 1974, at 10:00 A.M. in Room 1308 (13th Floor), Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present oral statements or arguments relevant to the proposed action at the formal hearing, and/or may submit written statements or arguments at the hearing or prior thereto. Persons intending to attend the public hearing are requested to notify the Public Employment Relations Commission, Labor and Industry Building, P.O. Box 2209, Trenton, New Jersey 08625, telephone number (609) 292-6780.

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

John F. Lanson  
Chairman  
Public Employment Relations Commission

**(a)**

**NEW JERSEY HIGHWAY AUTHORITY**

**GARDEN STATE PARKWAY**

**Revised Speed Limits**

On November 20, 1973, John P. Gallagher, Executive Di-

rector of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which temporarily revised N.J.A.C. 19:8-1.2 concerning speed limits on the Garden State Parkway.

This emergency rule replaces the current text of N.J.A.C. 19:8-1.2, Speed limits, and this revision will be effective until amended at which time the current rules concerning speed limits might be reinstated.

Full text of the new rule follows:

**19:8-1.2 Speed limits**

The maximum speed at which any motor vehicle may be operated on the Parkway for its entire length shall be fifty miles per hour, except where otherwise posted and except when such maximum speed is unsafe.

An order adopting this revision was filed and effective November 21, 1973, as R.1973 d.327 (Exempt, Emergency Rule).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

**(b)**

**PORT AUTHORITY OF NEW YORK  
AND NEW JERSEY**

**Revisions to Map of Public Areas  
And Marine Terminal Highways**

On October 31, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the map of public areas and marine terminal highways.

Full text of these revisions follows:

RESOLVED, that the "FMC Schedule No. PA-9 Naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable For the Use of Public Areas at Port Authority Marine Terminals" adopted by the Committee, at its meeting on February 3, 1966 (appearing at pages 3 et seq. of the Committee Minutes of that date), be and the same is hereby amended, effective December 1, 1973, by inserting therein a new map entitled "The Port Authority of New York and New Jersey - Elizabeth-Port Authority Marine Terminal Highway" dated December 1, 1973.

An order adopting these revisions was filed December 4, 1973, as R.1973 d.338 (Exempt, Exempt Agency).

John K. Rafferty  
Director of Administrative Procedure  
Department of State

# STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

## PUC APPROVES UNIQUE RATE PLAN FOR NEW JERSEY BELL

The New Jersey Board of Public Utility Commissioners has approved a comprehensive adjustment clause for the New Jersey Bell Telephone Company which is designed to save money for phone customers by reducing costly rate case proceedings while at the same time allowing the company to quickly recoup any losses sustained as a result of rising expenses.

New Jersey is the first State in the nation to adopt the comprehensive adjustment clause for a telephone company, it was stated.

Commissioners William E. Ozzard, Anthony J. Grossi and George M. Wallhauser Jr., said that customers will ultimately benefit from the plan because timely, smaller increments are more economical than future major increases and because it will eliminate many costly rate proceedings for which the consumer now pays.

"It cost New Jersey Bell over half a million dollars in legal fees, transcript costs and other related expenses during its last rate case in 1972," the Commissioners said, "and that expense was passed along to the consumer. And that figure does not include the time, energy and materials which the staff of the PUC put into the case—also consumers' money."

The plan allows New Jersey Bell's rates to fluctuate within a limited range of their present level. Fluctuations, which will be calculated on an annual basis, would be based on costs incurred by the company under four categories, specifically, salaries, wages and fringe benefits, depreciation expenses, taxes and other expenses.

"This plan is aimed strictly at allowing New Jersey Bell to recover a portion of their costs in these areas; it is not designed to give the company any additional profits," the Commissioners emphasized. They pointed out that at no time will New Jersey Bell's rate of return exceed the maximum of 8.3 per cent set down in the PUC's last order involving its rates.

"We feel that this figure compares favorably to the 8.5 to 9 per cent rate of return approved for AT&T by the Federal Communications Commission," they added. "The Board's surveillance program and the 8.3 per cent limitation ensure that any appropriate downward adjustments in revenues would be implemented promptly."

Under the plan, New Jersey Bell will be required to adjust its rates, subject to close review by the PUC, each January based on actual changes in expenses for the preceding year. For example, the adjustment clause will go into effect this January for 1974, based on expenses incurred by the phone company between September 30, 1972 and September 30, 1973.

The Commissioners note that any increases in 1974 bills, which are expected to be about 2.5 per cent, will be offset by the one per cent reduction in the Federal excise tax on telephone bills. This tax, now at nine per cent, will be decreased one per cent each year until it is completely eliminated.

## STATE LOTTERY NOW OFFERS TWICE AS MANY PAY-OFFS

With the start of the new year New Jersey has a new weekly lottery with twice as many chances to win, Lottery Director Ralph F. Batch points out.

"I anticipate our new prize structure will give players an additional 3,000 chances to win a share of more than \$500,000 in cash prizes offered every week," Batch said. The new odds are based on the current level of sales, he added. (The new rules are printed in full in page 36 of this issue).

The lottery chief said that \$50,000 winners would still be required to match all six digits on the weekly ticket, but he emphasized the introduction of the following four new winning combinations.

These pay \$5,000 for an exact reverse of the winning number, \$2,500 for matching the first five digits, \$250 for matching the first four digits, and \$25 for the first three digits.

The new prize structure also includes \$2,500 for matching the last five digits, \$250 for matching the last four digits, and \$25 for matching the last three digits.

"Now you are on the road to \$1 million simply by matching the last digit only on your weekly ticket," Batch continued. This will mean thousands of additional players will be eligible every week for the 50-cent Millionaire semi-final drawing, he said.

The serial number on each lottery ticket will continue to be used to determine Millionaire finalists.

The first drawing under the new system was last Thursday. Winners can take their ticket to any State Motor Vehicle Agency for validation.

A step-by-step explanation of the expanded lottery odds follows:

The lottery number on your weekly ticket or Clover Club membership card has six digits. So does the weekly winning number which determines the winners of all prizes.

For example: If the weekly winning number is 123456, and your number is:

- 123456 (all 6 digits match) ..... You win \$50,000
- 654321 (exact reverse of winning number) You win \$5,000
- x23456 (last 5 digits match) ..... You win \$2,500
- 12345x (first 5 digits match) ..... You win \$2,500
- xx3456 (last 4 digits match) ..... You win \$250
- 1234xx (first 4 digits match) ..... You win \$250
- xxx456 (last 3 digits match) ..... You win \$25
- 123xxx (first 3 digits match) ..... You win \$25
- xxxxx6 (last digit matches ..... You win entry into 50-cent Millionaire semi-final drawing
- 1234x6 (first 4 digits and last digit match) ..... You win entry into 50-cent Millionaire semi-final drawing and \$250.
- 123xx6 (first 3 digits and last digit match) ..... You win entry into 50-cent Millionaire semi-final drawing and \$25.
- Last digit plus last 4 digits of serial number that match a 4-digit qualifier number drawn (cash winners included) ..... You win entry into 50-cent Millionaire finalist drawing and a minimum of \$500.
- Last digit plus last 3 digits of serial number that match the last 3 digits of the qualifier number drawn (cash winners included) ..... You win \$100.

## STATE OFFERS PARKING AID TO PROMOTE CAR POOLING

As part of its continuing effort to meet the emergency created by the energy shortage, the State Division of Purchase and Property last month announced a program to encourage the use of car pools by State employees who drive to their jobs in the State House area and who compete for parking space in State lots.

The incentive is reserved prime parking space to car pool drivers transporting at least two other employees. There are about 9,000 State employees who work in the State House area but only 3,750 available parking spaces.

## STUDENT SUMMER INTERN PROGRAM AGAIN ACCEPTING APPLICATIONS

The State Department of Community Affairs announced it is accepting applications from college and graduate students for its eighth consecutive summer Interns in Public Service program.

Approximately 200 students will be placed in full-time positions with municipal, county and State offices and some public-oriented private agencies for an 11-week period from June 17 to August 30.

Undergraduate or graduate students at accredited colleges or universities are eligible to apply for general internships, with preference given to New Jersey residents.

Second-year law students desiring an internship with a local legal services office, the State Office of the Public Defender or the State Attorney General's Office should apply directly to the State Office of Legal Services. Application deadline is March 1.

Community Affairs Commissioner Lawrence F. Kramer said the intern program attempts to help students better understand how government functions and seeks to encourage them to pursue public or community service careers.

"The program is designed to benefit all the participants," he noted. "At no financial cost to them, the employing agencies are provided with additional staff assistance by these young people, while the students gain from the knowledge and expertise of the individuals assigned as their supervisors."

John F. Laezza, director of Local Government Services, said that after job positions are approved, students will be selected by matching their interest and experience to the agency requirements. Geographic proximity to the job also will be taken into consideration.

If more than one student appears equally qualified for a position, final selection will be based on a brief statement, included in the application form, outlining the student's reasons for wishing to participate in the program.

Intern salaries, paid by the Community Affairs Department, range from \$2.10 an hour for college freshmen (those who have completed their first year of study) to \$3.40 an hour for graduate students. There are no age, sex or marital restrictions, but immediate relatives of Department employees are ineligible.

Applications may be obtained by writing to: Interns in Public Service, New Jersey Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625. Second-year law students should write to the Office of Legal Services at the same address.

Copies also are available at many college placement offices. Applications received after the deadline cannot be considered.

## GAS STATIONS WARNED ON POSTING CURRENT PRICES

The State Division of Taxation last month warned gasoline service station operators that they must display proper price signs on their pumps.

Under State law, station operators are required to mount weatherproof signs on the top or side of all pumps. The signs must be of a specified size, at least 5 inches by 7½ inches, but not more than 7½ inches by 9 inches, and must show the per-gallon price including all taxes in letters at least 3½ inches high.

Sidney Glaser, Director of the Tax Division, said that reports have been received of sign price violations that apparently are a byproduct of price changes resulting from the energy crisis.

Violators of the sign requirements face stiff penalties. First offenders are liable to a fine of up to \$200 and a mandatory license suspension of at least five days. A subsequent offense may result in another fine and mandatory license revocation.

Glaser said that up until recently investigators had been issuing warnings but that sterner action can now be expected.

"Violations are spreading and compliance is more important now than ever," Glaser said, "We hope station operators comply voluntarily but if they fail, appropriate action will be taken."

## FOOD INSPECTION FINDS ONE-SIXTH OF DAY CARE CENTERS UNSATISFACTORY

Dr. James R. Cowan, State Commissioner of Health, said he is distressed that a pilot inspection program of kitchen and food facilities at licensed day care centers in New Jersey disclosed that 16 per cent were unsatisfactory.

Dr. Cowan said that his Division of Community Health Services had been requested by Frederick A. Schenck, Director of the Division of Youth and Family Services in the State Department of Institutions and Agencies, to use its expertise in checking the food service facilities of licensed day care centers against the requirements of Chapter 12 of the State Sanitary Code.

"The request was made in late November 1973," Dr. Cowan said. "Between Nov. 26 and Dec. 6, 36 facilities were inspected and six facilities or 16 per cent, were found unsatisfactory; with 28 per cent rated conditionally satisfactory."

"I am personally unhappy that after all the publicity given to unsatisfactory food facilities in New Jersey in the last two years, our inspectors in unannounced inspections of day care centers where children are served found only 56 per cent complete satisfactory."

"I am pleased that the management of poorly run food facilities in these places voluntarily closed in order to clean up and put their operations in order."

"I want the word to go out that all food facilities in this State that sell or serve food must comply with the provisions of Chapter 12 of the State Sanitary Code and pertinent State statutes," he concluded.

## NEW JERSEY FARMERS WEEK SETS SCHEDULE DATES

New Jersey Farmers Week will be held Jan. 26 through Feb. 2, according to State Secretary of Agriculture Phillip Alampi.

Now in its 103rd year, the week features the State Agricultural Convention, to be held this year Jan. 29 and 30

in Trenton. Delegates will convene at noon on Tuesday for a luncheon and business session and will attend a dinner in the evening, at which Missouri Congressman Jerry Litton will be the principal speaker.

On Wednesday, the 94 official convention delegates, who represent New Jersey's county boards of agriculture, State and Pomona Granges, and breed commodity and general agricultural organizations, will hold their main business session in the Assembly chamber of the State House.

They will elect two new members of the State Board of Agriculture and a farmer-member to the Fish and Game Council and also act on resolutions affecting the State's agricultural policies for the coming year.

The delegates will hear an address by Governor-elect Brendan T. Byrne and the annual report of Secretary of Agriculture Phillip Alampi. They will also witness the presentation of four citations for distinguished service to New Jersey agriculture by the State Board of Agriculture.

This year's recipients will be: William Flemer Jr., Princeton nurseryman; Richard S. Gulick, Ringoes dairyman; Harry W. Frome, Blairstown grain and crop farmer; and George C. White, Red Bank nurseryman.

### **RELIEVE FILING REQUIREMENTS FOR ABC BI-MONTHLY TAX REPORTS**

State Tax Director Sidney Glaser has announced that retail alcoholic beverage licensees and holders of club licenses are no longer required to file bi-monthly beverage tax reports with the Division of Taxation. Legislation signed into law by Gov. William T. Cahill eliminated the filing requirement.

Glaser noted that sales tax legislation enacted last year required distributors of alcoholic beverages to collect the sales tax from retailers at the minimum consumer resale price as filed with the Division of Alcoholic Beverage Control.

The legislation, Glaser said, in effect no longer made the retail licensee a vendor to collect the sales tax for the State and so obviated the need for the bi-monthly reports.

Glaser emphasized that penalties will continue to be imposed on licensees who failed to file reports during the period the law was operative.

### **TRANSPORTATION DEPT. ISSUES SIX-YEAR CAPITAL IMPROVEMENT STUDY**

The State Department of Transportation recently released a six-year capital improvement program for public transportation in New Jersey.

The 155-page report, prepared for the U.S. Department of Transportation's Urban Mass Transportation Administration, indicates that an investment of more than \$1.1 billion would be needed to finance a wide range of improvements, including new and rehabilitated buses, extensions and rehabilitation of rapid transit lines, new park-and-ride facilities and improvements to the commuter railroad system.

Financing for the program, from July 1, 1973, to June 30, 1979, would come from the State and Federal Government, public authorities and private sources.

The urban areas of all 21 counties were analyzed using the Department's 1972 Master Plan as a guide in preparing the six-year program.

The report covers 16 transportation corridors and urban areas and identifies public transportation improvements

for each area. It discusses long-range planning considerations and the impact on each area of implementing short-range aspects of the program.

The report has been distributed to State and Federal legislators, directors of county boards of freeholders, county planning directors and engineers, transportation authorities and organizations.

A copy of the report is available on request to:

Department of Transportation  
1035 Parkway Avenue  
Trenton, New Jersey 08625

### **DR. PRAGER RETIRES AS LIBRARY BUREAU HEAD**

The retirement on December 31 of Dr. Herta Prager, head of the State Library's Bureau of Law, Legislative and General Reference, was announced by Roger H. McDonough, Director of the State Library.

Dr. Prager joined the State Library, then a division of the State Department of Education, in 1956 as law reference librarian and became head of the Bureau of Law, Legislative and General Reference in 1959.

She guided the development of reference services to all branches of State Government during a period of unprecedented expansion of government activities and was active in planning the new State Library building which brought visibility and a greatly increased use of its services, especially by the general public.

Dr. Prager assisted in the rewriting of the basic law which governs the State Library and stipulates its functions and duties. Passed in 1969, this law has been cited as a model piece of legislation, reflecting current standards of library service.

In 1969, the Interlibrary Loan Section was added to the Bureau headed by Dr. Prager, thus uniting most of the State Library's readers services. Under her direction, the Bureau carried out the Research Library Center role assigned to the State Library. During the last year, the Law, Legislative and General Reference Bureau answered over 80,000 inquiries on behalf of State offices and many public school, college and special libraries in New Jersey.

### **FLOOD AND REAR RETIRE AS COUNTY SCHOOL SUPERINTENDENTS**

Robert A. Flood and Leslie V. Rear, county superintendents of schools in Sussex and Morris counties, respectively, will retire from the State Department of Education effective Feb. 1.

Both men left their offices December 21 to begin vacations. The State Board of Education has approved the appointment by Acting State Education Commissioner Edward W. Kilpatrick of acting county superintendents to serve until successors to Flood and Rear have been appointed and confirmed by the board.

Serving as acting county superintendents will be Willard D. Newton in Sussex County and Mrs. Margaret H. Stickle in Morris County. Both are presently employed in their respective county school offices, Newton as Sussex supervisor of child studies and Mrs. Stickle as assistant to the Morris superintendent.

According to Dr. Kilpatrick, Mrs. Stickle is the first woman to be appointed to act as a county superintendent in New Jersey.

Flood has been an educator 38 years and Sussex County superintendent the last 17 years. He received his bachelor's degree from Penn State University and master's degree from the University of Pennsylvania.

Rear, whose career as an educator spanned 39 years, has been Morris County superintendent the last ten years. He received his bachelor's degree from Paterson State College and master's degree from Rutgers University.

## 20 TAXATION EMPLOYEES RECEIVE SERVICE AWARDS

State Tax Director Sidney Glaser recently presented service awards to employees of the Division with service periods up to 45 years.

Receiving the award for 45 years was Anna B. Berman, 1465 Parkside Avenue, Trenton, who recently retired. Mary O. McGlue, 208 Ege Avenue, Jersey City; Catherine O'Leary, 54 Highland Avenue, Jersey City; and Bernard J. Rogers, 9 Hillside Avenue, West Orange; were cited for 40 years of service.

Thirty-five year awards went to: Anthony Billak, 142 Colonial Avenue, Trenton; Robert H. Dalling, Fredon Road, Stillwater; Catherine M. Flynn, 14 Banbury Road, Trenton; Frank Hudik, 329 Edward Avenue, Trenton; Raymond Orpen, 37 Rockleigh Avenue, Trenton; James Parsons, 175 Briner Lane, Trenton; and George Sirak, 807 Lalor Street, Trenton.

Thirty-year employees included Mildred Devine, 25 East Union Street, Bordentown; Audrey B. Hort, 1110 South Broad Street, Trenton; and Jane Vitella, 849 Parkside Avenue, Trenton.

Twenty-five year employees included Richard J. Borne, 449 Rutherford Avenue, Trenton; John R. Carr, 5 West Ferry Road, Morrisville, Pa.; Anthony R. Caruso, 20 Walt Whitman Way, Trenton; Lillian Litty, 53 Florence Avenue, Trenton; A. Dix Skillman, Canal Road, Princeton; and Sylvia Smith, 301 South 11th Street, Newark.

## 14 CORRECTION WORKERS RECEIVE MERIT AWARDS

Dr. Maurice G. Kott, Acting Commissioner of the State Department of Institutions and Agencies, recently presented merit awards to 14 Department employees for service above and beyond the call of duty.

The merit awards program was instituted 11 years ago by the Department's Division of Correction and Parole to recognize superior daily performance. William H. Fauver is Director of the Division.

In making the awards at a special luncheon, Dr. Kott stated that he was particularly pleased to be present because in the complex Department of Institutions and Agencies many outstanding activities of employees go unnoticed. He noted too that the public should know of these persons who devote themselves unselfishly.

The 14 award recipients were: Kenneth R. Alsleben, Ocean Residential Group Center, in Forked River; John Beverly, Bureau of Parole, Camden; John M. Brelsford, Youth Correctional Institution, Bordentown; Joseph DeStefano, Youth Correctional Institution, Annandale; Peter "PJ" Dyer, New Jersey State Prison, Leesburg; John D. Erndl, Training School for Boys, Jamesburg; Douglas Hell, New Jersey State Prison, Trenton; William Jemison, Central Office; John Lampe, Youth Reception and Correction Center, Yardville; Carl Michaelis, Bureau of State Use Industries; Raymond R. Nowlin, Training School for Boys, Skillman; William Porter, Correctional Institution for Women, Clinton; Walter Rollo, New Jersey State Prison, Rahway; and Leona H. Stewart, Training School for Girls, Trenton.

## DR. ALKIRE NEW DEPUTY DIRECTOR FOR DIVISION OF ANIMAL HEALTH

Dr. Robert L. Alkire, 62, of Ewing Township has been appointed deputy director of the Division of Animal Health in the State Department of Agriculture at a \$17,140 salary. He recently retired after 13 years as veterinarian in charge of the New Jersey animal health office of the U.S. Department of Agriculture after 37 total years of Federal service.

He began employment with the USDA in 1936 immediately after graduating from Iowa State University's College of Veterinary Medicine. During World War II Dr. Alkire spent five years in the veterinary corps of the U.S. Army, achieving the rank of major. His Army service included 22 months in the European theatre during which he won three battle stars.

He is a member of the American Veterinary Medical Association and the U.S. Animal Health Association, as well as a number of state veterinary medical associations. He has served three terms as a member of the executive board of the New Jersey Veterinary Medical Association and is currently chairman of its committee on preventive and therapeutic agents.

Active in the First Presbyterian Church of Ewing, Dr. Alkire is serving as clerk of session and is the permanent commissioned elder from that church to the Presbytery of New Brunswick, where he is a member of the development and oversight committee.

Dr. and Mrs. Alkire reside at 51 Bayberry Road, Ewing Township, Mercer County, and have one married daughter.

## JONES ELECTED PRESIDENT OF BOARD OF AGRICULTURE

Lester C. Jones, a Medford dairy farmer, was recently elected president of the State Board of Agriculture. The new vice president is John Vaccaro of Princeton, poultryman and sod producer.

Sworn in as new members of the board were Walter Ellis Jr., of Yardville, a grower of soybeans, sweet corn and horseradish, and Charles J. Miserendino of Westville Grove, a swine farmer.

The new board members, who will serve four-year terms, succeed William H. Plenge of Asbury, immediate past president, and Joseph K. Hepner Jr., of Cedarville, vice president the past year.

The new president farms 500 acres in Burlington County with two sons. They have a milking herd of 300 Holsteins, more than two-thirds registered. Jones is president of Pennmarva Dairymen's Cooperative Federation and Interstate Milk Producers Cooperative. He is a director or member of the executive committee of the National Dairy Council, National Milk Producers Federation, United Dairy Industry Association and the Dairy Council of Philadelphia.

## AD EXECUTIVE FROM PRINCETON NAMED TO PUBLIC TV BOARD

A New York advertising executive who lives in Princeton has been appointed to a five-year term on the New Jersey Public Broadcasting Authority. Richard Schoch, resident of Princeton for 19 years, was appointed by Gov. William T. Cahill and approved by the New Jersey Legislature.

At the same time, two members of the Public TV Board were reappointed. They are Nathan A. Friedman of Cherry Hill and Henry P. Becton of Englewood. Friedman is a Cherry Hill lawyer and Becton chairman of the executive committee of Becton, Dickinson & Co. of Rutherford.

Schoch is a senior vice president of Compton Advertising, Inc. in New York City. As an associate creative director, he supervises a staff of writers, artists, television producers and others.

### **DR. KWALICK NAMED ASS'T HEAD FOR COMMUNITY HEALTH SERVICES**

Dr. James R. Cowan, State Commissioner of Health, announced the appointment of Dr. Donald S. Kwalick as Assistant Commissioner for Community Health Services at a \$33,000 salary. He succeeded Dr. Watson E. Neiman, now a Deputy Commissioner.

Dr. Kwalick, 34, is a graduate of Rutgers University with an M.D. degree from New York University School of Medicine and a Master of Public Health from Columbia University School of Public Health and Administrative Medicine.

He had a fellowship with the Institute of Physical Medicine and Rehabilitation, New York City, and externships with Monmouth Medical Center in medicine and surgery and Hunterdon Medical Center in medicine and pediatrics.

Dr. Kwalick became a senior public health physician with the Department of Health in 1967 as its first resident in public health. In 1971 he was named medical director and health services administrator of the Trenton Neighborhood Family Health Center, a position he held until March of this year when he was named acting assistant commissioner in the Department of Health.

He is a diplomate of the American Board of Preventive Medicine and a fellow of the American College of Preventive Medicine.

Dr. Kwalick lives in Ewing Township with his wife and two children, a girl 12 and son 11.

### **COMMISSIONER APPOINTS TWO TO HOTEL, MULTIPLE DWELLING HEALTH BOARD**

Community Affairs Commissioner Lawrence F. Kramer announced the appointment of Sidney Steiker of Paterson as chairman of the Hotel and Multiple Dwelling Health and Safety Board, an advisory board under the Department.

Steiker is president of Steiker Industries, a foreign car import company. His term runs until May 1, 1976.

The Commissioner also announced the appointment of Marvin Ashner of Margate to the board.

Ashner is president of the New Jersey Hotel-Motel Association, Ashner Realty Co. and Atlantic Seaside Corp. and a director and vice president of the Atlantic City Convention Board. His term runs to March 25, 1978.

### **STATE BOARD OF EDUCATION REELECTS HURD AS PRESIDENT**

Calvin J. Hurd, reelected president of the State Board of Education for the 1973-74 year, began his third one-year term July 1.

Mrs. Katharine Auchincloss was reelected vice president.

Hurd, a board member since 1967, is a resident of Roselle and an attorney with offices in Elizabeth. He is also regional vice president of the National Association of State Boards of Education.

Mrs. Auchincloss, of Ridgewood, has been a board member since 1964.

### **HEALTH PLANNING COUNCIL SETS SIX IMMEDIATE GOALS**

The State Health Planning Council last month released New Jersey's first Comprehensive State Health Plan,

which outlines actions necessary to attain six of 23 major goals set.

New Jersey is the fourth state to have completed its plan under the Federal Partnership for Health Act, according to Council Chairman Mrs. J. Duncan Pitney, who called it a "leadership document which will help establish new patterns in New Jersey's health delivery system for years to come".

The State Health Planning Council has the responsibility for approving all new or expanded health care facilities and services. Future development of these facilities and services will be considered in relation to the plan's goals, Mrs. Pitney said.

The plan will now be taken before community groups throughout the State "to receive constructive recommendations regarding the development of future plans", she added.

"The State Health Planning Council intends to carefully consider the reaction to this document," Mrs. Pitney said, "and is prepared, on a continuing basis, to make any necessary changes that will insure a higher level of health care for all the residents of the State."

The plan points to six goals it states should be "addressed this year".

They are:

- Reduction of the infant death rate;
- Reduction of the disability rate;
- Reduction in the incidence and duration of drug addiction;
- Reduction in the incidence and duration of alcoholism;
- Child growth development unimpaired by hazards in the physical environment; and
- A health system linked and integrated with readily identifiable entry points and coordinated patient services.

The plan aims for a reduction in the infant death rate to 16 per 1,000 live births in 1975, compared to the 1970 rate of 20 per 1,000.

The disability reduction goal covers four areas: syphilis, gonorrhea, the motor vehicle injury rate and frequency and severity of occupational injuries and illnesses. One objective is the reduction of the automobile injury rate from 2,162 per 100,000 population in 1970 to 1,800 in 1975.

The plan also aims for a reduction in occupational injuries and illnesses from the 1970 figure of 242,221, although it cites no specific figure because of a recent change in the reporting system.

To reduce the incidence and duration of drug addiction, the plan has the single objective of maintaining through 1975 the rate of drug-related serum hepatitis at its 1972 level of 10.03 per 100,000 population. This represents a drop from the preceding two years.

The initial objective in reducing alcoholism is to maintain the 1972 level of the cirrhosis of the liver death rate at 20.8 per 100,000 through 1975.

In reducing hazards for children, the plan seeks to obtain better indicators of lead poisoning and to increase the number of children screened for lead poisoning.

For a better coordinated health delivery system, there are two objectives: to reduce the use of hospital emergency rooms by non-emergency patients and to maintain and slightly increase the number of qualified general practitioners to 2,919 by 1975 from the 1970 figure of 2,837. General practitioners have been giving way to specialists at a disturbing rate for a number of years, the State Health Planning Council has found.

## FULL-CODE INDEX NOW AVAILABLE

A new one-volume Code Index is being sent automatically to all subscribers to the full Code, but is also now available for separate sale.

The Full-Code Index of 588 pages supplements the present indexes for each Title and will be updated as new rules are adopted to keep it more useful and timely. It is cross-indexed for all Departments.

Subscriptions to the Index alone may be placed by using the back-page order form, accompanied by payment. Rate is \$10 on subscription plus \$20 for the first year's updating; subsequent annual updatings will be billed later at \$20.

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## EARLY COPIES OF BILLS, LAWS AGAIN AVAILABLE FROM STATE

The service instituted by the State last year to provide subscribers with a copy of each new law within two weeks of enactment will again be available for the 1974 year following reconvening of the new Legislature next month.

Provided by the Laws and Commissions Section of the Office of the Secretary of State, it is known as the Advance Law Service. It is on six- by nine-inch pages punched to fit standard loose-leaf binders, with italics and brackets as contained in the bill as enacted. Subscription rate is \$75 per year but no binders are included.

The service supplements the Legislative Bill Service, long provided by the same office, which covers all new bills and resolutions as soon as printed. Rate for this service is likewise \$75 a year.

The official form below may be used for ordering

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## BASIS FOR LOW-COST ELDERLY HOUSING TO BE DEVELOPED

Community Affairs Commissioner Lawrence F. Kramer announced that a grant of \$27,415 has been made to Princeton University for a one-year study of the living environment of low and middle-income housing for the elderly.

The major problem to be analyzed is how to provide maximum livability and safety. Performance criteria and requirements for elderly housing will be developed, along with phototype designs of units and site arrangements.

"Objectives of the study are to apply the skills and knowledge of architecture, under the guidance of the social sciences, to the design of elderly housing," said James J. Pennestri, director of the State Office on Aging. "The results will enable this office to provide sound technical assistance to prospective housing sponsors."

The grant was made by the Department's State Office on Aging under Title III of the Federal Older Americans Act. Princeton will contribute \$9,138 in matching funds and services to the study.

## WELFARE AND HEALTH AGENCIES NOW LISTED IN NEW DIRECTORY

A 260-page directory of more than 600 governmental and nonprofit social welfare and health resources in New Jersey has been compiled by the State Department of Community Affairs.

The "Directory of Social Welfare and Health Services in New Jersey" is the first State-wide listing of such agencies, according to Community Affairs Commissioner Lawrence F. Kramer.

Primary basis for selecting entries was their practical usefulness to professional workers in agencies which provide direct services to individuals. The directory, which will be updated periodically, divides agencies into local, regional and statewide and includes a brief description and local addresses.

The publication was backed by a Departmental grant to the New Jersey Welfare Council, a private, nonprofit organization composed of volunteers and professionals advocating the coordination of public and private social services.

The two-year project was directed by Mildred C. Mahneke, member and a former officer of the Council, who has held various appointed and volunteer posts in health and social welfare services.

A limited first edition of the directory can be purchased from the Office of Public Information—Publications Section, Post Office Box 2768, Trenton, New Jersey 08625. Price is \$5.00 per copy.

## TO ASK COMPETITIVE BIDS FOR INSURANCE BROKER

Frank M. Papale Jr., Director of the Division of Purchase and Property in the State Treasurer's office, announced that as recommended in a staff review of their insurance program, the State will issue formal advertised bids for a broker.

The review concluded that employment of a broker, known officially as the Broker of Record, was the preferred method of carrying out the State's insurance program. Papale said it demonstrated that if the State acted as its own broker, a sizeable staff would have to be assembled for the services provided by a broker.

The current broker for the State, Walsh and Walsh of New York and Trenton, was selected in 1971 to replace the Insurance Advisory Committee, which had been the over-

seer of the program for a number of years. The firm's selection was determined by informal bidding through solicitations of brokers.

Public formal advertised bidding, which is open to anyone offering the service or material sought, is not required by State law where the service is of a professional nature.

"We believe, however," Papale said, "that even where a professional service is sought, public formal advertised bidding is in the best interest of the public and the State of New Jersey, if at all feasible. Selecting an insurance broker in this manner is in keeping with our policy of guaranteeing that the State obtains the services of the 'lowest responsible bidder'."

## Official Notice

# RULES FILING DEADLINE ADVANCED BY ONE DAY

Effective this month the deadline for filing all proposed or adopted rules with the office of the Division of Administrative Procedure has been advanced by one day.

This means that instead of the former Thursday deadline, rules must be filed by the Wednesday two weeks preceding publication date. Publication of the Register will continue to be the first Thursday following the first Monday of each month.

The change is necessitated by the record number of rules now being filed with this Division. It means, for instance, that the deadline for filing rules to be included in the February Register is Wednesday, January 23, for the February 7th issue.

## Official Order Blank For 29 Volumes of the State's Administrative Code

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## COMPLETE LIST OF CODE TITLES

Titles now available in the New Jersey Administrative Code include all 17 State Departments, with Treasury broken into two Titles for Taxation and General rules.

Eight Department's Titles involve such a number of rules as to require two or three volumes, with price based on a per-volume, rather than Title, basis.

Subscriptions may be for either the full 29-volume Set, for individual Titles, or for only the Code Index, which is included in the price for Set subscriptions. Payment must accompany all orders, using the form below.

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