

# NEW JERSEY REGISTER



Official Publication of the State of New Jersey

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

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(a)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Fees for the Dr. Coggins Agar-gel Immunodiffusion Test for Anemia

On February 26, 1973, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning the fee for the Dr. Coggins Agar-gel Immunodiffusion test for equine infectious anemia (EIA).

Purpose of the rule is to keep the cost of this test uniform throughout the northeast United States.

Full text of the adopted rule follows:

#### CHAPTER 2. DISEASE CONTROL PROGRAM

##### SUBCHAPTER 9. FEES

#### 2:2-9.1 Fee for the Dr. Coggins Agar-gel Immunodiffusion Test for Equine Infectious Anemia (EIA)

The fee for each sample submitted to the New Jersey State Department of Agriculture, Division of Animal Health and which is tested for Equine Infectious Anemia (EIA) by the Division utilizing the Dr. Coggins Agar-gel Immunodiffusion Test, shall be \$4.00.

An order adopting this rule was filed and effective February 26, 1973, as R.1973 d.57 (Exempt, Practice Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Rule On Indemnification for Brucellosis

On March 8, 1973, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-93.32 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning indemnification for slaughtered bovine to prevent the spread of brucellosis.

Full text of the emergency rule follows:

2:2-2.15(b) For each bovine animal slaughtered to prevent the spread of brucellosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto shall, subject to the provisions of N.J.S.A. 4:5-93.32, be paid an indemnity not to exceed \$600.00 of the appraised value of a purebred animal and \$500.00 of the appraised value of a grade animal. Non-registered or grade bulls or animals considered by the Department to be of no breeding value shall be appraised at slaughter prices. In the case of registered animals, the owner shall furnish the certificate of registration to the Department. The indemnity paid by the Federal government plus the indemnity of the State plus the salvage, if any, shall not exceed the appraised value of the animal. The cost of disposal of animals destroyed because of brucellosis, shall be borne by the owner.

An order adopting this rule was filed and effective March 8, 1973, as R.1973 d.64 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### DIVISION OF ANIMAL HEALTH

#### Rule On Indemnification For Tuberculosis Control

On March 8, 1973, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:5-27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning indemnification for slaughtered animals made to prevent the spread of tuberculosis.

Full text of the adopted rule follows:

#### 2:2-3.6 Indemnification

(a) For each bovine animal slaughtered to prevent the spread of tuberculosis, the owner shall receive the net proceeds, if any, of the sale of the animal and in addition thereto shall, subject to the provisions of N.J.S.A. 4:5-27, be paid an indemnity not to exceed \$600.00 of the appraised

## 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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value of a purebred animal and \$500.00 of the appraised value of a grade animal.

(b) Steers non-registered or grade bulls or animals considered by the Department to be of no breeding value shall be appraised at slaughter prices. In the case of registered animals, the owner shall furnish the certificate of registration to the Department.

(c) The indemnity paid by the Federal government plus the indemnity of the State plus the salvage if any shall not exceed the appraised value of the animal. The cost of disposal of animals destroyed because of tuberculosis shall be borne by the owner.

An order adopting this rule was filed and effective March 8, 1973, as R.1973 d.65 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## BANKING

### DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

#### Proposed Revisions of Minimum Requirements Of Repair and Improvement Loans

William B. Lewis, Deputy Commissioner of the Division of Savings and Loan Associations in the Department of Banking, pursuant to authority of N.J.S.A. 17:12B-197, proposes to revise the rule concerning minimum requirements of the repair and improvement loans.

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

#### 3:31-2.1 Minimum requirements

Minimum requirements with respect to Section 157 repair, improvement and other loans are that in addition to the evidence of debt, the files for each loan shall contain an application, financial statement and/or credit report, a certified statement by the borrower or lender that repairs and/or improvements have been completed and other documentation required by law or regulation. The required documentation shall meet the same requirements set forth in N.J.A.C. [Section] 3:27-1.4. [The files will also contain a certified statement by the association that the repairs and/or improvements have been completed when the amount of the loan exceeds \$3,000.00.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

William B. Lewis  
Deputy Commissioner  
Division of Savings and Loan Associations  
Department of Banking  
Trenton, New Jersey 08625

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

William B. Lewis  
Deputy Commissioner  
Department of Banking

(b)

## BANKING

### DIVISION OF BANKING

#### Rules on Limitation on Liability to a Bank

On March 1, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-60 and 17:9A-62 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the limitation on liability to a bank, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 32(b).

Such rules may be cited as N.J.A.C. 3:11-7.1 et seq.

An order adopting these rules was filed and effective March 1, 1973, as R.1973 d.58.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions On Color For School Bus Body and Chassis

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to revise the rules concerning the color of school bus body and chassis.

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

#### 6:21-5.11 Color

[Chassis, including wheels and front bumper, shall be black. The hood, cowl, grille and fenders shall be in National School Bus Chrome.]

(a) The school bus chassis shall be painted National School Bus Glossy Yellow, in accordance with the colorimetric specifications of Federal Standard No. 595a, Color 13432, except that the hood top shall be either that color or lusterless black, matching Federal Standard No. 595a, Color 37038.

(b) The school bus chassis shall have bumpers of glossy black, matching Federal Standard No. 595a, Color 17038.

(c) Wheels and rims may be glossy black, yellow, silver or white.

#### 6:21-6.9 Color

[(a) The color of every school bus body shall be National School Bus Chrome.

(b) The use of black or other colors shall be limited to bumpers, rub rails, lettering and narrow ornamental striping.

(c) Any bus in service prior to September 1, 1959, must comply with this Section when it is repainted.]

(a) School bus body shall be painted uniform color, National School Bus Chrome, according to specifications available from General Services Administration.

(b) Rear bumper shall be black.

(c) Body trim, if used, shall be black.

(d) Lettering shall be black except where noted:

1. Emergency door;
2. Out of service sign;

3. For school district and/or owner's name, color shall be permissive.

(e) Hood and hood line to base of windshield may be lusterless yellow or black.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

Mrs. Anne Grandinetti  
Controversies and Disputes  
Department of Education  
225 West State Street  
Trenton, New Jersey 08625

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

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

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions Concerning Private Vocational Schools

On March 12, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:69-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning private vocational schools, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 35(a).

Such revisions may be cited as N.J.A.C. 6:46-4.1 et seq.; this new Subchapter 4 replaces current Subchapters 4 and 5 in Chapter 46 of Title 6 as well as N.J.A.C. 6:46-6.9 through 6:46-6.14. Subchapter 5 in this Chapter 46 will now be designated "Reserved".

An order adopting these revisions was filed and effective March 13, 1973, as R.1973 d.71.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions to Rules On Statewide Assessment

On March 12, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-24 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning Statewide assessment, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 35(b).

Such revisions may be cited as N.J.A.C. 6:39-1.1 et seq. An order adopting these revisions was filed and effective March 13, 1973, as R.1973 d.72.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions on Seats, Emergency Evacuation Drills and Lamps and Signals

On March 12, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning seats, emergency evacuation drills and lamps and signals, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 33(c).

Such revisions will be included in N.J.A.C. 6:21-6.24, 6:21-6.30(h) and 6:21-11.4(d).

An order adopting these revisions was filed and effective March 13, 1973, as R.1973 d.73.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## ENVIRONMENTAL PROTECTION

### CLEAN AIR COUNCIL

#### Notice of Hearing

Take notice that Stephen B. Barach, Secretary of the Clean Air Council in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-3.3(b), will hold public hearings concerning the following subject matters:

"CLEAN AIR AND TRANSPORTATION —  
ALTERNATIVES TO THE AUTOMOBILE"  
"WILL THE ENVIRONMENTAL IMPACT STATEMENT  
SERVE TO IMPROVE AIR QUALITY IN NEW JERSEY?"

The hearings will be held as follows:

Session I, May 2, 1973—County College of Morris, Dover, Route 10, between Center Grove Road and Dover Chester Road, Room 141, Academic/Science Building.

Session II, May 9, 1973—Middlesex County College, Edison, College Entrance on Mill Road, College Center.

Session III, May 16, 1973—Gloucester Community College, Sewell, Route 72 North to Interstate 295 South to Route 47 South, Room 430, Instructional Center Building.

Testimony on both topics will be presented at each of the three sessions.

Citizens of New Jersey are invited to all sessions.

Time: Registration—9:00 A.M.

Presentations—9:30 A.M.-6:00 P.M.

#### MAIN CONCERNS

1. Recognizing the quantity and nature of air pollutants emitted from the ever-increasing number of cars, the Clean Air Council is holding public hearings to consider means of transportation other than the automobile for the citizens of New Jersey. The Council invites testimony to enable it to recommend to the Department of Environmental Protection means for improving the quality of the atmosphere by providing alternative methods of transportation for the citizens of New Jersey.

2. The Environmental Impact Statement is a new tool which has recently been mandated at both the Federal and

State levels for protecting the environment. The Clean Air Council welcomes testimony on the nature of these statements, how they are applied and evaluated, and how they will improve the environment. The Council invites testimony to enable it to evaluate the relationships between clean air and the use of environmental impact statements.

This Notice is published as a matter of public information only.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

**ENVIRONMENTAL PROTECTION  
THE COMMISSIONER**

**Notice of Public Hearing On Hackensack  
Meadowlands and Newark/Elizabeth Meadowlands**

Take notice that Richard J. Sullivan, Commissioner of Environmental Protection, has issued the following Notice of Public Hearing concerning the Hackensack Meadowlands and the Newark/Elizabeth Meadowlands:

The Commissioner of Environmental Protection, and the Natural Resource Council of said Department, in accordance with the provisions of N.J.S.A. 13:1B-13 et seq., have authorized title studies and surveys of the Hackensack Meadowlands and the Newark/Elizabeth Meadowlands to determine and certify those lands which are found to be State-owned lands.

Six base photomaps of the Hackensack Meadowlands and one base photomap of the Newark/Elizabeth Meadowlands have been prepared. Utilizing historical maps and aerial photography, recent aerial photography and ground biological studies, a series of transparent overlays has been prepared for these base photomaps.

The public is invited to inspect and comment upon the completed maps and the methodology at a public hearing to be held at the following place on the date shown:

April 30, 1973  
Bergen County Administration Building  
Room 427  
Main and Hudson Streets  
Hackensack, New Jersey

Copies of the studies and maps are available for inspection by appointment in the office of the Commissioner, Room 801, Labor and Industry Building, Trenton, New Jersey, Monday through Friday between the hours of 8:45 A.M. and 4:45 P.M. Appointments can be arranged by calling (609) 292-2885.

Identifications of the completed maps follow, by serial number where applicable, and name:

- |          |                              |
|----------|------------------------------|
| _____    | Newark-Elizabeth Meadowlands |
| 693-2166 | Jersey City Northeast        |
| 700-2172 | Hoboken North                |
| 707-2148 | North Arlington              |
| 714-2148 | Lyndhurst                    |
| 721-2160 | Walden Swamp                 |
| 735-2166 | Teterboro                    |

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received by the Department prior to May 31, 1973 will be considered.

The Department of Environmental Protection, through the Commissioner and the Natural Resource Council, upon its own motion or at the instance of any interested party, may thereafter adopt these studies and maps substantially as proposed without further notice.

This Notice is published as a matter of public information.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

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

**Public Announcement of Variance Granted**

Take notice that the Bureau of Air Pollution Control issued the following announcement of a variance which it recently granted:

On December 22, 1972, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with the provision of Chapter 7, Section 5.1 of the New Jersey Air Pollution Control Code, issued a variance to Kerr Glass Manufacturing Corporation authorizing the emission into the outdoor atmosphere of particles from a glass container furnace located at South Second Street in the municipality of Millville in the County of Cumberland at the rate not in excess of 3.0 pounds per hour for a period of four months.

The variance was approved on the basis of permitting the applicant to proceed with the rebuilding of "B" glass container furnace on an interim basis until advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment is documented by the Department, and the variance includes the following conditions:

1. The allowable emission rate of particles shall not exceed 3.0 pounds per hour.
2. The shade or appearance of the particles emitted, exclusive of water vapor, shall not exceed 40 per cent opacity.
3. This variance shall be valid until April 30, 1973 or, if sooner, until such time as the Department shall have determined a general policy concerning the propriety and extent of variances for the glass manufacturing industry. Thereafter, this variance may be revoked, amended or extended as necessary consistent with such general policy.
4. Any permit to construct, install or alter control apparatus or equipment and any certificate to operate control apparatus or equipment issued pursuant to Chapter 9 of the New Jersey Air Pollution Control Code and this variance shall be subject to revocation or revision consistent with such general policy.

The above Notice is published as a matter of public information only.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

**ENVIRONMENTAL PROTECTION  
DIVISION OF FISH, GAME  
AND SHELLFISHERIES**

**FISH AND GAME COUNCIL**

**Revisions For Field Trial Activities**

On March 16, 1973, the Fish and Game Council of the

Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:4-26 and 23:7-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:25-2.9 (Field trial), substantially as proposed in the Notice published February 8, 1973, at 5 N.J.R. 37(c), with only inconsequential structural or language changes, in the opinion of the Department of Environmental Protection.

These changes are in subsection (k) and are indicated in boldface thus in the following:

(k) A.K.C. licensed retriever trials may be authorized on wildlife management areas by the Director with the approval of the Council. A.K.C. licensed bird dog trials where retrieving is required will be restricted to Colliers Mills Wildlife Management Area, or other Wildlife Management Areas designated by the Director with the approval of the Council, . . . .

An order adopting these revisions was filed and effective March 20, 1973, as R.1973 d.75.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Extension of Wetlands Order To Certain Portions of Cape May County

On March 22, 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 a rule extending the Wetlands Order to cover certain portions of Cape May County, as proposed in the Notice published January 4, 1973, at 5 N.J.R. 7(c).

Such rule may be cited as N.J.A.C. 7:7A-1.1(a)6.

An order adopting this rule was filed March 23, 1973, as R.1973 d.81 to become effective April 16, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### DIVISION OF NARCOTIC AND DRUG ABUSE CONTROL

#### Proposed Change in Schedule II Of Controlled Dangerous Substances

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3, proposes to place the substance methaqualone under the control of Schedule II of the Controlled Dangerous Substances Act.

Such change, if adopted, will be included in N.J.A.C. 8:65-10.1.

Full text of the proposed change follows:

8:65-10.1(a)3. Methaqualone

i. Any material, compound, mixture or preparation which contains any quantity of the following substance having a

potential for abuse associated with the depressant effect on the central nervous system; methaqualone, its salts, derivatives of or salts of its derivatives.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

Division of Narcotic and Drug Abuse Control  
State Department of Health  
Post Office Box 1540  
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on Wednesday, April 25, 1973 at 10:00 A.M. in the Training Room B, first floor, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey, at which time interested persons may also present statements or arguments relevant to the proposed action.

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

James R. Cowan  
Commissioner  
Department of Health

(c)

## HEALTH

### DIVISION OF HEALTH FACILITIES

#### Proposed Schedule of Filing Fees For Certificate of Need Applications

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and with the approval of the Health Care Administration Board, proposes to adopt a schedule of filing fees for certificate of need applications.

Full text of the proposed schedule follows:

#### SUBCHAPTER 5. FEES

##### 8:31-5.1 Schedule of filing fees

(a) The schedule of filing fees for certificate of need applications is as follows:

Project Category	Application Form Number	Filing Fee
1. New facility construction/acquisition		
i. Hospital	M8360	\$250.00
ii. Nursing home, ICF	M8361	150.00
iii. All other health care facilities	M8365	50.00
iv. Sheltered care facility	M8364	50.00
2. New health care service and modernization/renovation projects	M8361A M8365A M8366 M8366A	
i. New Health Care Service		100.00
ii. Modernization on Renovation Projects		
(1) \$250,000 and over		200.00
(2) Under \$250,000		100.00
3. Change in bed category	M8354	50.00
4. Equipment acquisition	M8353	
i. Hospitals		50.00
ii. All other health care facilities		25.00

- 5. Facility planning M8352 25.00
  - 6. Facility acquisition (other than construction)—acquisition of physical plant to be used as a health care facility. M8355 100.00
  - 7. Transfer of ownership—financial acquisition of existing health care facility. M8393 50.00
- Interested persons may present statements or arguments

in writing relevant to the proposed action on or before April 25, 1973, to:

Vincent Martucci  
Division of Health Facilities  
State Department of Health  
John Fitch Plaza  
Trenton, New Jersey 08625

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

James R. Cowan  
Commissioner  
Department of Health

**(a)**

**HEALTH**

**DIVISION OF HEALTH FACILITIES**

**Guidelines for Expediting Certificate Of Need in Transfer of Ownership**

On March 6, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 26:2H-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted the guidelines for expediting a certificate of need in transfer of ownership, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 40(b).

Such guidelines may be cited as N.J.A.C. 8:31-4.1 et seq.

An order adopting these rules guidelines was filed and effective March 9, 1973, as R.1973 d.69.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(b)**

**HEALTH**

**THE COMMISSIONER**

**Revisions of Definitions and Standards Of Identity of Frozen Desserts**

On March 13, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-73.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning definitions and standards of identity of frozen desserts, substantially as proposed in the Notice published February 8, 1973, at 5 N.J.R. 40(a), with only inconsequential structural or language changes, in the opinion of the Department of Health.

Such revisions will be included in Subchapter 7 of Chapter 21 in Title 8 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective March 13, 1973, at R.1973 d.74.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(c)**

**HIGHER EDUCATION**

**BOARD OF HIGHER EDUCATION**

**Proposed Revisions On Alternate Benefit Program**

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:66-167 et seq., proposes to revise the rules concerning participation by faculty and administrative staff in Higher Education in the alternate benefit program.

Such revised rules, if adopted, will replace Subchapter 4 of Chapter 2 in Title 9 of the New Jersey Administrative Code.

The proposed revisions set forth eligibility requirement policies and standards regarding participation in the alternate benefit program.

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

Department of Higher Education  
225 West State Street  
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973 to the Department of Higher Education at the above address.

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

Ralph A. Dungan  
Chancellor of Higher Education  
Secretary, Board of Higher Education

**(d)**

**HIGHER EDUCATION**

**BOARD OF HIGHER EDUCATION**

**Adopt Revisions On Student Loans—Policies and Procedures**

On March 20, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:72-10 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency revisions to the rules concerning the policies and procedures regarding student loans.

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

9:9-1.1 "Part-time student" means a student enrolled less than full-time but at least half-time as certified by the school.

"Interest subsidy" means interest paid by the Federal

**Government to the lender on behalf of the student during full or part-time enrollment or eligible deferment.**

Note: The current definition of "interest subsidy" is deleted in its entirety and the above text is adopted in place thereof.

9:9-1.2(a)3. Be [a full-time student] at least a part-time student and if enrolled making normal progress toward meeting a degree or certificate requirements as defined by the school.

9:9-1.2(a)4. Demonstrate financial need as determined by [Authority policy] educational and lending institution. The amount of the loan [requested] recommended plus other financial aid shall not exceed educational costs for the period stated.

Note: The current text of N.J.A.C. 9:9-1.3 is deleted and the following text adopted in place thereof:

#### 9:9-1.3 Loan amounts

(a) The maximum amount a full-time student may borrow for one academic year shall not exceed \$2,500.

(b) The maximum amount a part-time student may borrow for one academic year shall not exceed \$800.00.

(c) The total amount of loans to any one student shall not exceed \$7,500 for the undergraduate course of study or \$10,000 if graduate study is included.

(d) Loans are authorized for at least six academic years or the equivalent unless the \$10,000 maximum is reached prior to the expiration of the six-year period.

(e) A student who requests to borrow a second time for the same stated year in school as indicated on the previous loan application may be permitted to do so if the reason is caused by other than academic failure.

9:9-1.3 (f) The minimum amount the Authority will guarantee is \$200.00. All loan requests above this amount must be in \$50.00 multiples.

9:9-1.6 . . . new school certifying his [full-time] enrollment status.

4. No refunds will be issued after the application is approved.

6. File with the lender an affidavit; properly notarized, stating that any proceeds of a loan guaranteed by the Authority will be used solely for expenses related to attendance at the eligible institution the student intends to attend or is attending.

9:9-1.23(a)1. [In full-time enrollment] accepted or enrolled at least on a part-time basis.

9:9-1.26(b) . . . while the student is in full-time enrollment, half-time enrollment, . . .

9:9-1.27 (a) When a student ceases to be [in full-time enrollment] enrolled less than part-time at an eligible school, he must contact the lender [within 90 days] as soon as possible for the purpose . . .

(b) . . . ceases to be enrolled [full-time] less than part-time at an eligible institution.

9:9-1.28 (b) There is legal provision for the continuity of interest subsidy on eligible loans outstanding as of December 15, 1968 for those students serving in the Armed Forces, Peace Corps and VISTA for a maximum of three years. [The deferment of principal is an option of the lender and a policy encouraged by NJHEAA]. The deferment of principal ceases to be an option of the lender and is mandated on all eligible loans made after March 1, 1973. This proviso covers loans already . . .

9:9-1.29 (b) . . . copy of a statement or other correspondence at the time of occurrence.

9:9-1.30 [This agency is adequately staffed and prepared to render proper assistance in all cases] . . .

If the account remains unchanged 30 days after sending the notice, as reported by the lender, a second reminder . . . In the event both messages fail to bring the account current after 30 days from the sending of the second notice as reported by the lender, a third and final . . . [No response from the lender is necessary if delinquency is rectified, thus indicating satisfactory progress]

(b) If a lender suspects a student is no longer attending the institution stated on the most recent application, steps should be taken immediately to verify this data in one of several ways. The lender should communicate with the student, requesting written evidence of current status, or the lender could alert the Authority of suspected withdrawal.

9:9-1.36 (c) The Authority will in turn correspond with the student requesting written verification. Upon receipt of confirmation, the Authority will adjust its records and notify the lender of most recent data. If after 30 days from the sending of the inquiry no answer is received, the Authority will notify the lender to convert the loan to one of installment.

9:9-2.1 (a) [as Subchapter 2 of Chapter 9, Title 9 by reference].

(b) Higher Education Act of 1965 (P.L. 89-329) National Vocational Student Loan Insurance Act of 1965 (P.L. 89-287) as amended by:

1. P.L. 89-698 (October 29, 1966)
2. P.L. 89-752 (November 3, 1966)
3. P.L. 89-794 (November 8, 1966)
4. P.L. 90-460 (August 3, 1968)
5. P.L. 90-575 (October 16, 1968)
6. P.L. 92-318 (June 23, 1972)
7. P.L. 92-391 (August 19, 1972)

and 8. the Emergency Insured Student Loan Act of 1969 (P.L. 91-95) October 22, 1969, are also incorporated.

(c) Regulations governing the Guaranteed Student Loan Program appearing in the "Federal Register," Volume 38, No. 1, January 3, 1973, pages 24, 25, 26, are hereby incorporated.

An order adopting these revisions was filed and effective March 22, 1973, as R.1973 d.77 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Rule Concerning Student Health Requirements for Admission to New Jersey State Colleges

On March 20, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning student health requirements for admission to New Jersey State Colleges, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 43(a).

Full text of the adopted rule follows:

9:2-8.10 Health requirements for admission to New Jersey State Colleges

(a) Each State College board of trustees shall be responsible for determining health requirements for student admission to that institution.

(b) The colleges should consider for admission all handicapped students on a basis consistent with normal admission standards, except when the college clearly does not have special facilities that may be required by the handicapped student for the successful performance of his or her academic responsibilities.

An order adopting this rule was filed and effective March 22, 1973, as R.1973 d.78.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Community College Program  
Cost Accounting Procedures

On March 20, 1973, Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning the community college program cost accounting procedures, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 42(d).

Such rules may be cited as N.J.A.C. 9:4-3.70 et seq.

An order adopting these rules was filed and effective March 22, 1973, as R.1973 d.79.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to the  
Manual of Administration

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise certain portions of the Manual of Administration concerning the policies and procedures regarding continued absence in ADC, and legal responsibility of parents of a child born out of wedlock.

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

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

2281.2 c.(2)(b)(2) Every effort should be made to persuade the deserted applicant parent (or the parent person [applying] for the deserted child) to provide all known information about the deserting parent's whereabouts, and to sign an Affidavit of Desertion (Form PA-17). [either when the application is filed or at the time of receipt of initial payment, whichever is practicable.] [See 2200. Appendix IX for Sample Form PA-17.]

(3) If the deserted applicant parent (or the parent person [applying] for the deserted child) is unwilling or refuses [either] to give information which might lead to establishing desertion and the securing of financial resources through a support order, the needs of such person shall be deleted from the grant. (FAM 201e.2)(a) [or to sign an Affidavit of Desertion, such applicant may withdraw the application; otherwise the application shall be denied. [See 2113.5g.]

c) Notice to law enforcement officials

In every instance where eligibility for ADC is based on the factor "continued absence from the home" by reason of "desertion", Form PA-17A shall be sent to the county prosecutor concurrently with issuance of the initial assistance payment. It will rest with the judgment of the prosecutor to determine what action, if any, should be taken in response to the Notices received.

[Refer to 2200. Appendix X for Sample Form PA-17A to 2320. and [Budget Manual 500.] FAM 300. for policy on determination of absent parent's ability to support; and to 2953. for legal procedures.]

2281.2 c. 3) a) home and such absent parent is not exercising any responsibility as a member of the household, although he may be making some financial contribution to the family.

b) In certain cases there may be evidence that the absent parent is desirous of returning to the home, or of having the family join him or her in the previous or a new place of residence, but the person seeking assistance is resistive to the stated desire for reconciliation and resumption of familial responsibilities. If there is a support order already in effect against the absent parent this shall be deemed evidence of continuing absence to establish eligibility for ADC.

If there is no support order in effect, ADC shall be approved for an applicant who is otherwise eligible; however, to establish continuing eligibility the parent or parent person shall be required to provide information necessary to initiate non-support proceedings in order that the respective responsibilities of the parents may be determined. Should there be a refusal to give such information the needs of the parent or parent person shall be deleted from the grant. (FAM 201e.2)(a) [the applicant shall be required to file a complaint of non-support in the juvenile and domestic relations court within 30 days from the date of the initial assistance payment, in order that the respective responsibilities of the parties may be determined.]

In any such case CWB shall provide the court with any available pertinent information regarding the marital and home situation to assist the court in its determination as to whether or not the ADC recipient parent is justified in refusing reconciliation.

c) If the court enters an order of support against the absent parent, eligibility for ADC will continue subject to the factor of need. If the court, however, does not enter an order against the absent parent, on the ground that the behavior of the ADC recipient is the cause of the continued absence, then ADC may continue (if the recipient family is otherwise eligible) for not more than one month following the month in which the decision was entered.

Refer to 2320., 2953., and Financial Assistance [Budget] Manual [400. and 500.] 200. and 300., regarding support orders.

2287.2 Legal Responsibility of Parents

a. Parents of a child born out of wedlock are equally responsible for his support. To establish that this child is 'needy' the ability of both parents to support the child must be determined. [and] In proper circumstances, court action may be necessary to establish paternity of the

father, and to obtain such support from the parents. [See 2320 and 2952]

The possibility of court action shall be explained to the applicant during the application process.

b. Responsible parents of such a child as designated by law are:

- 1) Mother of the child,
- 2) Natural father when paternity has been established by filiation proceedings, and
- 3) Husband of the child's mother based on a legal presumption that he is the father of her child, unless and until otherwise determined by a court of competent jurisdiction.

.3 Reputed father

a. When the reputed father voluntarily admits paternity, the child's needs should be discussed with him and an effort should be made to have him assume the role of responsible parent. [Refer to 2952.4c]

2287.3 b. His financial capacity to contribute to the support of the child shall be evaluated. However, voluntary contributions by the reputed father do not of themselves establish paternity, nor can the continuance of such voluntary support be enforced in the absence of the legal establishment of paternity (filiation proceedings).

c. Where there is a voluntary admission of paternity, it is desirable to have the admission reduced to writing whenever possible. [(Refer to 2828. concerning written acknowledgment of paternity as establishing entitlement to OASDI benefits.)]

.4 Legal determination of paternity (filiation proceedings)

a. It is to the advantage of the child that paternity be legally established since:

- 1) His support by the father as well as the mother becomes legally enforceable;
- 2) It may have bearing on his right of inheritance from his father (in certain states other than New Jersey);
- 3) It may have bearing on such financial benefits as OASDI, servicemen's dependents' allowance, etc.;
- 4) His identity is established and every child has a right to know his full parental and familial background.

b. Therefore the basic policy shall be to initiate filiation proceedings in respect to every "out-of-wedlock" child except as noted below.

[See 2952. Filiation proceedings]

2287.6 Procedures

a. Unless the welfare board determines that an exception should be made, as provided in .5 above, filiation proceedings shall be initiated either by the mother or should she refuse by CWB as provided in 2952. The CWB shall fully inform the mother about the policy, [and] the reasons for it and shall secure all information available to her which she is willing to provide concerning the identity and whereabouts of the reputed father. [so that she may make one of the following decisions:

- 1) Having revealed all information available to her concerning the identity and whereabouts of the reputed father she wished to apply for ADC subject to initiation of filiation proceedings; or
- 2) Having refused to reveal such information she nevertheless wishes to apply for ADC subject to initiation of filiation proceedings by CWB, at which time the court may compel disclosure of the information; or
- 3) That she prefers to explore other means of providing for her child.]

b. When a mother whose application has been approved with the understanding that filiation proceedings are to be initiated later decides she prefers to have her case closed, her wishes shall be respected and no court action initiated.

c. If in an action brought by CWB the mother fails or

refuses to provide information leading to the identification of the reputed father to the extent that the court upon examination finds her to be in contempt, [she shall then be ineligible for ADC.] **the needs of the mother shall be deleted from the grant.** (FAM 201e.2) (a).

In any case when the mother of an out-of-wedlock child decides not to apply or requests case closing as in b. above, she shall be informed about other agencies in the community which may be able to help her make appropriate plans. Direct referral service should be offered to her. [See 2800, Social services]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

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

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to the Manual of Administration Concerning Incapacity

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to the Manual of Administration concerning incapacity.

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

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

2281.3 b. Incapacity defined

"Incapacity" is defined as the inability (by reason of a physical or mental defect, disease or impairment) to engage in [full-time] gainful employment (that is, at least 30 hours per week) [existent in the community] for which the parent has complete and/or inability to assume responsibility for homemaking and child care. "Incapacity" shall be interpreted as continuing during a reasonable period of convalescence, [or of part-time employment prior to resumption of full-time employment] (that is, not to exceed 30 days).

c. Determination of incapacity by CWB

[When the basis for "deprivation of support or care" of a child is the incapacity of a natural or adoptive parent, the "incapacity" must be determined on the basis of medical evidence. Such evidence shall be reviewed by CWB which shall determine whether incapacity exists except as indicated in 2281.3d. below. If during such review, the CWB is of the opinion that medical eligibility for DA may exist, the client shall be required to apply for DA.]

"Incapacity" shall be determined to exist by CWB only when the natural or adoptive parent is:

- 1) Currently eligible for Disability Assistance or Assistance for the Blind, or
- 2) Currently eligible for Disability Insurance Benefits under the Federal RSDI program, or

3) Receiving in-patient care in a public or private medical facility and the attending physician indicates in writing that such care shall be required for at least 30 days.

In all cases where eligibility is determined under the provisions of 2) and 3) above, forms PA-5 and PA-6 shall be forwarded immediately, but in no event later than 30 days from the date of application, to the Medical Review Team for an official determination of "incapacity", and possible medical eligibility for Disability Assistance.

2281.3 d. [Evidence accepted as conclusive

When the natural or adoptive parent has been found currently eligible for Disability Assistance, Aid to the Blind, Disability Insurance Benefits under the Federal RSDI program or is receiving care in a public or private medical facility, this is acceptable proof that "incapacity" exists.]

Determination of incapacity by medical review team

When the natural or adoptive parent is in the home and the provisions of c. above are not applicable, the determination of "incapacity" shall only be made by the medical review team on the basis of medical evidence provided by the CWB.

As promptly as possible Form PA-5 and PA-6 shall be forwarded to the medical review team for the official medical determination of "incapacity", and possible medical eligibility for Disability Assistance.

[e. Evidence accepted for validation

1) Parent at home (not currently receiving DA, AB or DIB)

When the natural or adoptive parent who is alleged to be incapacitated is in the home, a report from his regular treating physician, hospital or clinic physician will be necessary. This statement must include the medical diagnosis for which patient is being currently treated and the probable duration of the incapacity (a hospital or clinic report is acceptable). This can be accepted as evidence of "incapacity".

As promptly as possible, Form PA-5 and PA-6 shall be forwarded to the medical review team for official determination of "incapacity", and possible eligibility for DA.] [f.]

e. General criteria for determination of "incapacity"

The medical review team bases its determination of "incapacity" on the following criteria:

1) "Incapacity" as a factor in determining that a parent is unable to provide support or care for a child may result from a physical or mental defect, disease, or impairment of a temporary nature. [which is permanent, temporary or of indeterminate duration. The incapacity range in degree from total to partial (totally or partially incapacitated for full-time gainful employment, or for homemaking and child care). Permanent and total disability is not required for eligibility as an "incapacitated" parent in ADC.]

2281.3 e 2) [The incapacity may be of short or long duration. "Incapacity" shall be interpreted as continuing during a period of convalescence, or during an approved program of physical restoration and/or vocational training, or a period of part-time employment prior to resumption of full-time employment following an illness or injury.]

"Incapacity" relates to a medically determined disease, defect or impairment which is likely to persist for a minimum of 60 days including the period of convalescence.

3) The existence of a physical or mental defect, disease or impairment must be substantiated by current medical information (pertinent within the past three months).

- a) .....
- b) .....
- c) .....
- d) Reports from attending physicians, recognized spe-

cialists, hospital or clinic reports or abstracts, photocopies of hospital discharge diagnosis or summaries, objective physical findings, diagnostic studies, etc. [may be] are all acceptable as supporting material.

CHANGE 2281.3[g.] to 2281.3f.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

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

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Proposed Revisions to Financial Assistance Manual

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to revise certain portions of the Financial Assistance Manual concerning companion cases, income legally designated for a specific person in the eligible unit and earned income from self-employment.

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

#### 203. Companion cases

##### a. Adult programs

When husband and wife are both eligible for OAA, DA or AB, identical PA-3A forms are prepared for each one, based on the eligible unit of two, including the public assistance allowance and their total income. One half the adjusted allowance represents each person's monthly grant, as identified on each Form PA-3A.

The total of the two payments shall equal the total adjusted allowance rounded to the nearest dollar.

When only one spouse is in fact eligible, only one PA-3A form shall be prepared. (See Section 121.-b.)

##### c. AFWP Companion Cases

[Delete entire section]

An eligible family unit may include members eligible for AFWP and others eligible for one or more other categorical programs. In all such situations, the AFWP unit will be limited to children only.

In such companion cases, two (or more) PA-3A forms shall be prepared as follows, each showing a common case number with appropriate program designation.

- 1) The household size shall be identical on each PA-3A form.
- 2) The number in each eligible unit as entered on the PA-3A form shall be that number of members eligible for the appropriate program, i.e., AFWP (children only), ADC, or OAA.
- 3) The public assistance allowance for each eligible unit shall be determined from Schedule I or II, as applicable, and shall be entered on the appropriate PA-3A form.

- 4) When there is no income, earned or unearned, to any member of the eligible units, the amount of the allowance (subsection 3. above) shall represent that unit's monthly grant.
- 5) When there is income, earned or unearned, proceed as follows:
  - (a) Enter all applicable allowances as determined in subsection 3) above on each PA-3A form. The total of these allowances is the Total Allowance for the combined family unit.

233. Income legally designated for a specific person in the eligible unit

a. Monies legally designated for the exclusive use and benefit of a specific individual in the eligible unit, currently identified as only Social Security benefits received on behalf of a child or court ordered support payments, shall normally be recognized as income to that individual only. The financial need of such individual is his per capita share of the eligible unit's adjusted allowance, as determined without regard to such legally designated income.

- 1) If such individual is a minor living with a parent or parents, his financial need (to which his income is applicable) includes also his share of the need attributable to the natural or adoptive parent(s) caring for him. This is determined by dividing the parent's per capita share of the adjusted allowance by the number of children for whom the parent(s) is legally responsible.
- 2) When such individual is a family member in an AFWP companion case, the adjusted allowance of the combined eligible unit, as determined in Section 203.-c.-5) (d) is used for the computation of his financial need.

332. Earned income from self-employment

332.3 An individual who, in accordance with Section 131.1, Adults in boarding homes, is providing extensive personal services along with room and board accommodation to an adult other than a relative shall be considered self-employed. Any income from this arrangement in excess of the room and board cost figure as given in Section 332.2 shall be recognized as earned income.

(b) Total gross earnings of the combined family unit shall be used to compute the calculated earned income according to the procedure in Section 220.1. The amount of such calculated earned income shall be entered on each PA-3A form.

(c) All unearned income shall likewise be entered on each PA-3A form.

(d) Deduct total income from total allowance to determine the adjusted allowance for the combined family unit.

(e) Each eligible unit's monthly grant shall be that unit's per capita share of the adjusted allowance, rounded to a dollar amount. The total of the monthly grants shall equal the total adjusted allowance rounded to the nearest dollar.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

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

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

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to General Assistance Manual Concerning Service Payments

On March 1, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the General Assistance Manual concerning service payments, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 47(a).

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

An order adopting these revisions was filed and effective March 9, 1973, as R.1973 d.66.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to the Medical Assistance For the Aged Manual of Administration

On March 1, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Medical Assistance for the Aged Manual of Administration concerning hospital and medical benefits under Title XVIII of the Federal Social Security Act, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 46(a).

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

An order adopting these revisions was filed and effective March 9, 1973, as R.1973 d.67.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions Concerning Determination Of Legal Settlement

On March 1, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions concerning the determination of legal settlements, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 45(a).

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

An order adopting these revisions was filed and effective March 9, 1973, as R.1973 d.68.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

# INSURANCE

## THE COMMISSIONER

### Proposed Rules On Format of Filings

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1(c)-6(e), proposes to adopt new rules concerning filings of manual rules, rating plans, policy forms and endorsements.

Full text of the proposed rules follows:

#### CHAPTER 1. ADMINISTRATION

##### SUBCHAPTER 1. FILINGS

###### 11:1-2.1 Filings of manual rules, rating plans, policy forms and endorsements

(a) This regulation establishes requirements as to the format of filings pertaining to manual rules, rating plans, policy forms and endorsements and presents guidelines as to required supporting information.

(b) Such filings submitted to this Department for approval must be explicit and self-contained, must be supported by statistics where applicable, and must set forth the information upon which the filer relied in making the filing.

(c) The following applies to various categories of such filings.

###### 11:1-2.2 Filings of changes

(a) Filings containing changes in rules, plans and forms previously approved for the filer shall be presented in the following fashion:

1. A copy of the page or pages containing the passage for which a change is proposed shall be filed in such form that the text is self-contained without need to refer to material not included in the filing. Matter to be changed or omitted by the filing shall be identified, preferably by marking the passages to be changed with a marking pencil. Where matter is to be added, a mark (^) shall so indicate.

2. A memorandum shall be filed reciting the rule or section of form to be changed, properly referenced as to the manual or form, with newly added matter underlined and matter to be eliminated in brackets [ ].

(b) An explanatory note shall state the reason or purpose for the proposed change, including any statistical support, and a calculation or estimate of the effect of the change on premiums and/or losses shall be submitted.

###### 11:1-2.3 Adoption of rules and forms approved for other filers

(a) If a filer proposes to adopt rules, rating plans, policy forms or endorsements previously approved for other filers in New Jersey, the filing shall clearly identify such reference, including the name of the filer and the date such filing was approved in this State, including any amendments thereof. The Department staff will give reasonable assistance to a filer in obtaining such information to the extent that it is a public record.

1. Reference to filings of rating organizations or advisory organizations:

i. If the proponent wishes to adopt exactly and without any change filings approved for rating organizations or accepted for reference purposes on behalf of advisory organizations in New Jersey, the filing shall clearly identify such reference and shall not include a copy of the material referred to.

ii. If the proponent wishes to adopt filing material with some exceptions he shall follow the procedure outlined under Section A above, submitting only pages containing such exceptions.

2. Reference to filings of individual filers:

i. If the proponent wishes to adopt filings approved in New Jersey for other filers acting independently of rating organizations, the material made reference to must be filed, with any modifications identified as outlined under Section 2. above.

###### 11:1-2.4 New filings

Manual rules, rating plans and policy forms are rarely entirely new. Most such filings are built upon something previously or currently in use. Action on such filings will be expedited if they are identified as to their foundation. Filings shall not be identified as new filings if they properly fall under the categories discussed under Sections 2 and 3.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

Richard C. McDonough  
Commissioner  
Department of Insurance  
State and Montgomery Streets  
Trenton, New Jersey 08625

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

Richard C. McDonough  
Commissioner  
Department of Insurance

(b)

# INSURANCE

## THE COMMISSIONER

### Rules on Procedure for Regulation Of Consent to Higher Rate Filings

On March 22, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the procedure for the regulation of consent to higher rate filings, substantially as proposed in the Notice published September 7, 1972, at 4 N.J.R. 220(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

A summary of the substantive changes follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

The time limit for filing of applications with this Department has been changed from 15 work days to 20 work days.

With respect to Item #9 of the required information on filings pertaining to automobile insurance, the following provision was added with reference to the Abstract of Driving Record:

**The abstract is not required if the coverage applied for is excess coverage over the coverages and limits available under the New Jersey Automobile Insurance Plan.**

The last sentence of the same paragraph is changed as follows: In the case of fire insurance, an [accredited] inspection report based upon an inspection performed by a qualified person shall be submitted.

In the section "Premium Charges" the last paragraph is amended as follows:

If an insured eligible for insurance from these plans requests limits or amounts of insurance higher than available thereunder, [only] the excess portion may be written [under the Consent to Higher Rate Provision] at rates higher than produced by the company's rating system subject to the standards set forth above.

The last paragraph "Approval of Applications" is changed as follows:

If a filing is disapproved, the policy with respect to which the filing had been made [shall] may be cancelled [pro-rata] by the company on the basis of the premium that is applicable under the rating system approved for the company, (Normal Premium), but such cancellation must be on a pro-rata basis. However, if an approval is sustained upon [the] an appeal by the insured, cancellation shall be pro-rata on the basis of the "Premium Payable" as defined above. If the company wishes to continue the policy in force after the Consent to Higher Rate Filing was disapproved it may do so by charging the normal premium as of the policy's inception date.

The following is added after the last paragraph:

Nothing in this regulation shall prevent a company from filing a rate that produces a premium lower than that produced by the approved rating system, including the rating systems applicable under the New Jersey Automobile Insurance Plan, the Fair Plan, and the Crime Indemnity Plan.

The adopted rules may be cited as N.J.A.C. 11:4-7.1 et seq.

An order adopting these rules was filed March 23, 1973, as R.1973 d.82 to become effective April 15, 1973 with respect to automobile insurance and July 1, 1973 with respect to all other lines of insurance.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

**LABOR AND INDUSTRY**  
**DIVISION OF WORKPLACE STANDARDS**  
**BUREAU OF ENGINEERING AND SAFETY**

**Notice of Public Fact-Finding Hearing**

Take notice that James W. Conlon, Deputy Director of the Bureau of Engineering and Safety in the Division of Workplace Standards in the Department of Labor and Industry, has issued the following Notice of Public Fact-Finding Hearing:

The Bureau of Engineering and Safety, of the Division of Workplace Standards in the Department of Labor and Industry, hereby gives notice of a Public Fact-Finding Hearing relating to Article 6, Means of Egress, of Chapter 115, Building Code, of Title 12 of the New Jersey Administrative Code (N.J.A.C. 12:115).

Several mercantile employers have requested variances from the requirements of Section 610.5 of Chapter 115, which requires that locks and fastenings on exit doors shall be readily opened from the inner side without the use of keys, and further prohibits the use of draw bolts, hooks and similar devices on exit doors. It is the contention of these employers that internal theft by employees using unlocked exit doors is causing grave economic hardship and to prevent undue hardship they must lock exit doors in a manner prohibited by Chapter 115.

The Commissioner has the authority under Section 23 of the New Jersey Worker Health and Safety Act to grant

exceptions from the literal requirements of rules and regulations in order to prevent undue hardship or where existing conditions prevent compliance, but in no case may the Commissioner grant an exception unless he finds that reasonable protection of the health and safety of workers will be maintained.

The Bureau wishes to point out that it appears that the Federal Occupational Safety and Health Standards, Part 1910.36(b)(4) and 1910.37(k)(2) and Part 1910.37(k)(3) contain requirements similar to the State requirement and these Federal standards are applicable throughout the country in general industry, including mercantile employment. The Bureau wishes to further point out that the National Fire Protection Association Life Safety Code, known as NFPA No. 101-1970, contains similar provisions. Reference is made to Sections 2-1114; 5-2131; 5-2132 and 5-2171. The Life Safety Code is used as the basis for means of egress requirements in most building codes adopted in New Jersey municipalities.

The Bureau will hold a Fact-Finding Public Hearing for purposes of receiving information to be used in determining the need and desirability of variances from said requirements of Chapter 115, and establishing a record on which to base the terms and conditions of any such variance which may be granted.

The hearing will be held from 10:00 A.M. to 2:00 P.M. on Tuesday, May 15, 1973, in Room 1307, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey.

All testimony offered orally or in writing at the hearing will be considered, as will testimony received in writing prior to June 1, 1973. Written comments may be sent to the Bureau of Engineering and Safety, Post Office Box 709, Trenton, New Jersey.

This Notice is published as a matter of public information.  
Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

**LABOR AND INDUSTRY**  
**DIVISION OF WAGE AND HOUR**

**Listing of Prevailing Wage Rate Determination**

On March 7, 1973, Charles G. Yersak, Director of the Division of Wage and Hour in the Department of Labor and Industry, pursuant to authority of N.J.S.A. 34:11-56.25 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, filed a listing of the prevailing wage rate determination.

The listing includes the classification, hourly prevailing wage rates, benefits and overtime data for the entire State of New Jersey, as well as the craft, rates, benefits, hourly rates and overtime data for each of the 21 counties in New Jersey.

Copies of the full text of the listing may be obtained from or more available for review by contacting:

Charles G. Yersak  
Director, Division of Wage and Hour  
Department of Labor and Industry  
Post Office Box 875  
Trenton, New Jersey 08625

An order adopting this listing was filed March 7, 1973, as R.1973 d.61 as a document not subject to codification.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

**LAW AND PUBLIC SAFETY**

**DIVISION OF CONSUMER AFFAIRS**

**STATE BOARD OF MORTUARY SCIENCE**

**Proposed Rules On Record-Keeping  
And Itemization of Funeral Expenses**

Maurice W. McQuade, Executive Secretary of the State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38, proposes to adopt new rules concerning record keeping by practitioners of mortuary science and itemization of funeral expenses.

Full text of the proposed new rules follows:

**13:36-1.8 Record keeping by practitioners of mortuary science**

(a) All persons engaging in the practice of mortuary science shall be required to maintain full, accurate and current records of all funerals which they conduct or in which they participate in any manner.

(b) Such records are to be kept on a yearly basis and each funeral will be designated by a number assigned consecutively at the time funeral arrangements are made immediately preceding the conduct of funeral services.

(c) Such records are to include, but are not limited to, the following:

1. Name and last address of deceased;
2. Date and place of death;
3. Name and address of person making funeral arrangements;
4. Dates of viewing and date of burial;
5. Itemization of all goods and services provided as required by the rule entitled "Itemization of funeral expenses" promulgated in conjunction herewith but including in addition thereto the wholesale price of any merchandise provided in conjunction with the funeral service and the name and address of the person or company from which such merchandise was purchased. Merchandise provided in conjunction with funeral services is defined to include, but not be limited to, casket, vault or other outer enclosure, clothing, flowers, prayer cards, registration book, religious artifacts and any other item purchased by the practitioner for resale without substantial alteration.
6. Cemetery in which burial was made or name of crematorium where appropriate, and the charges made by the cemetery or crematorium;
7. The name and address of any church or temple and/or clergyman, minister or rabbi who participated in the funeral service in any manner and who received any payment or gratuity, and the amount thereof;
8. A specific enumeration of all services provided in conjunction with the rendering of funeral services.

13:36-1.9 Itemization of funeral expenses

(a) Any person engaged in the practice of mortuary science shall, at the time funeral arrangements are made, compile a specific itemization of the charges which will be made for such arrangements.

(b) Such itemization is to include the full name, last address and date of death of the deceased and five general categories as listed below.

(c) Each category must be further itemized at least to the extent indicated. If any category is not applicable, that item should be so marked.

1. Professional Services:
  - i. Preparation of deceased including embalming;
  - ii. Arrangements, supervision and conduct of funeral;
  - iii. Non-salaried assistants.
2. Use of facilities, specify charge per day and total;
3. Transportation:
  - i. Removal of remains to funeral home;
  - ii. Rental of hearse;
  - iii. Rental of limousine;
  - iv. Rental of flower car;
  - v. Other (specify).
4. Merchandise:
  - i. Casket;
  - ii. Vault or other outer enclosure (specify);
  - iii. Clothing;
  - iv. Other (specify).
5. Cash disbursements:
  - i. Cemetery or crematory;
  - ii. Gratuities;
  - iii. Newspaper notices;
  - iv. Death certificates and burial permit;
  - v. Pallbearers;
  - vi. Clergymen, rabbi or other;
  - vii. Other (specify).

(d) A copy of the "Itemization of funeral expenses" in writing shall be provided for the person making funeral arrangements immediately upon the conclusion of making the arrangements, and a copy shall be retained by the funeral director making such arrangements for at least five years thereafter.

(e) Each itemization shall bear a number corresponding to the funeral record number required by the funeral record-keeping rule promulgated herewith.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1973 to Maurice W. McQuade, Executive Secretary, Board of Mortuary Science, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

Maurice W. McQuade  
Executive Director  
State Board of Mortuary Science  
Division of Consumer Affairs  
Department of Law and Public Safety

(b)

**LAW AND PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

**Proposed Revisions For  
Motor Vehicle Race Tracks**

Raphael J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:7-14, proposes to revise the rules concerning motor vehicle race tracks.

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

13:22-4.1 (d) All safety belts must bear the date of manufacture and may not be in use for more than five years, except that vehicles of the stock, pure stock and super

(Continued on page 19)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

First publication and the initial update service has been distributed for the following eight Titles:

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

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

## RULES NOT YET PRINTED IN CODE

N.J.A.C. Citation		Document Citation	Notice of Adoption N.J.R. Citation
<b>AGRICULTURE — TITLE 2</b>			
2:1-2.3(a)1i	Adopt codified rules	R.1972 d.260	5 N.J.R. 31(a)
2:2-2.13	Conditions for quarantine release	R.1972 d.251	5 N.J.R. 3(d)
2:2-2.15(b)	Indemnification for brucellosis	R.1973 d.64	5 N.J.R. 102(b)
2:2-3.6	Indemnification for tuberculosis	R.1973 d.65	5 N.J.R. 102(c)
2:2-4.34	Indemnity for swine destroyed by hog cholera	R.1972 d.131	4 N.J.R. 180(c)
2:2-4.36	Swine consigned to livestock markets	R.1972 d.133	4 N.J.R. 180(a)
2:2-4.35	Health certificate to indicate swine free from brucellosis	R.1972 d.191	4 N.J.R. 260(a)
2:2-4.39	Authority of Secretary or his agents (Quarantines)	R.1972 d.242	5 N.J.R. 3(a)
2:2-9.1	Fees; Dr. Coggins Agar-gel test	R.1973 d.57	5 N.J.R. 102(a)
2:3-2.5	Quarantine of swine after treatment	R.1972 d.131	4 N.J.R. 180(c)
2:3-2.8	Importation of norses, mules and asses	R.1972 d.132	4 N.J.R. 180(b)
2:3-2.9	Imported breeding swine to conform to Federal regulations	R.1972 d.133	4 N.J.R. 180(a)
2:3-2.11	Quarantine of imported breeding swine	R.1972 d.133	4 N.J.R. 180(a)
2:3-3.4	Imported feeder swine to conform to Federal regulations	R.1972 d.134	4 N.J.R. 180(d)
2:3-3.6	Quarantine of imported feeder swine	P.1972 d.134	4 N.J.R. 180(d)
2:5-1.3	Hog cholera quarantine; Lakewood Township	R.1972 d.72	4 N.J.R. 86(a)
2:5-1.4	Termination of hog cholera quarantine; Lakewood Township	R.1972 d.96	4 N.J.R. 116(a)
2:5-1.5	Hog cholera quarantine; Evesham, Medford, Voorhees Twps.	R.1972 d.104	4 N.J.R. 115(c)
2:5-1.5(d) & (e)	Termination of hog cholera quarantine, Evesham, etc.	R.1972 d.144	4 N.J.R. 181(a)
2:5-1.6	Hog cholera quarantine; Burlington and Ocean Counties	R.1972 d.141	4 N.J.R. 180(e)
2:5-1.6(e)	Termination of hog cholera quarantine	R.1972 d.173	4 N.J.R. 230(a)
2:5-1.7	Swine embargo in New Jersey	R.1972 d.180	4 N.J.R. 230(b)
2:5-1.7(c)	Release of swine embargo in New Jersey	R.1972 d.208	4 N.J.R. 260(e)
2:5-1.8	Quarantine of swine, Gloucester County	R.1972 d.227	4 N.J.R. 298(b)
2:5-1.8(d) & (e)	Release of hog cholera quarantine	R.1973 d.51	5 N.J.R. 76(b)
2:5-1.8	Swine quarantine revisions, Gloucester County	R.1972 d.231	4 N.J.R. 299(a)
2:5-1.9	Hog cholera quarantine; Camden, Hunterdon, Middlesex and Mercer Counties	R.1972 d.235	5 N.J.R. 2(a)
2:5-1.10	Hog cholera quarantine; entire State	R.1972 d.237	5 N.J.R. 2(b)
2:5-1.10(d)&(e)	Hog cholera quarantine release—Burlington County	R.1973 d.21	5 N.J.R. 32(a)
2:5-1.11	Hog cholera quarantine; swine movement in State	R.1972 d.246	5 N.J.R. 3(b)
2:5-1.12	Continuation of Statewide quarantine	R.1972 d.259	5 N.J.R. 30(b)
2:5-1.13	Lifting of hog cholera quarantine	R.1972 d.263	5 N.J.R. 31(b)
2:5-1.14	Hog cholera quarantine; Egg Harbor Township	R.1973 d.4	5 N.J.R. 31(c)
2:5-1.14(d)&(e)	Release of hog cholera quarantine	R.1973 d.41	5 N.J.R. 76(a)
2:31-1.1 et seq.	Grades and standards of milk and cream	R.1972 d.194	4 N.J.R. 260(d)
2:48-5.4	Additional methods for determination of butterfat	R.1972 d.192	4 N.J.R. 260(b)
2:52-5.1 et seq.	Information supplied to Director	R.1973 d.39	5 N.J.R. 75(a)
2:53-1.4	Statement of indebtedness; settlement	R.1972 d.130	4 N.J.R. 181(b)
2:53-2.1 et seq.	Supplying equipment to customers	R.1972 d.250	5 N.J.R. 3(c)
2:53-4.1	Advertising; milk and milk products	R.1972 d.215	4 N.J.R. 298(a)
2:54-2.5	Amendments to Federal Order Number 4 (March 30, 1972)	R.1972 d.74	4 N.J.R. 88(a)
2:55-1.1 et seq.	School milk purchase regulations	R.1972 d.103	4 N.J.R. 116(b)
2:69-1.11	Commercial values	R.1972 d.193	4 N.J.R. 260(c)
2:71-1.1	Standards, grades and weight classes for shell eggs	R.1972 d.125	4 N.J.R. 181(d)

# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

Notes:

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

## BANKING — TITLE 3

3:8-3.1	Required reserve (Banks not members of Federal Reserve)	R.1972 d.223	4 N.J.R. 300(a)
3:8-3.2	Reports (Banks not members of Federal Reserve System)	R.1972 d.223	4 N.J.R. 300(a)
3:8-5.1	Reserves required (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:8-5.4	Reports (Savings banks)	R.1972 d.224	4 N.J.R. 300(b)
3:11-7.1 et seq.	Limitation on liability to a bank	R.1973 d.58	5 N.J.R. 103(b)
3:18-5.1 et seq.	Legal fees; mortgages	R.1973 d.32	5 N.J.R. 33(a)

## CIVIL SERVICE — TITLE 4

4:1-1.1 et seq.	Revisions to Commission's rules	R.1973 d.34	5 N.J.R. 33(b)
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## EDUCATION — TITLE 6

6:8-1.2(f) & (g)	Nonpublic school secular education	R.1972 d.207	4 N.J.R. 262(f)
6:8-1.3	Definitions (nonpublic school secular education)	R.1972 d.207	4 N.J.R. 262(f)
6:11-1.1 et seq.	Teacher education and certification	R.1972 d.189	4 N.J.R. 262(e)
6:11-3.26	Waiver of student teaching requirement	R.1973 d.55	5 N.J.R. 79(c)
6:11-8.6	Junior high school teaching certification	R.1973 d.19	5 N.J.R. 36(b)
6:11-12.20	Reading specialist certification	R.1973 d.20	5 N.J.R. 36(c)
6:21-1.2	Accident reporting (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-1.3	Remote defined (Pupil transportation)	R.1972 d.220	4 N.J.R. 302(a)
6:21-6.20(f)	Identification (School buses)	R.1972 d.188	4 N.J.R. 262(d)
6:21-6.24 et seq.	Lamps, signals, seats and drills	R.1973 d.73	5 N.J.R. 104(c)
6:21-7.2	Sale of school vehicle (State aid)	R.1972 d.220	4 N.J.R. 302(a)
6:21-7.3	State aid approval (State aid)	R.1972 d.220	4 N.J.R. 302(a)
6:21-11.5	Seat belts; driver	R.1972 d.188	4 N.J.R. 262(d)
6:21-18.1 et seq.	Pupil transportation—Small van-type vehicles	R.1973 d.18	5 N.J.R. 36(a)
6:27-1.4	Graduation (Secondary education)	R.1972 d.166	4 N.J.R. 213(a)
6:27-1.13	Definitions (Secondary education)	R.1972 d.166	4 N.J.R. 213(a)
6:28-4.1 et seq.	County boards of special services	R.1972 d.185	4 N.J.R. 262(a)
6:39-1.1 et seq.	Evaluation (Statewide assessment)	R.1972 d.187	4 N.J.R. 262(c)
6:39-1.1 et seq.	Statewide assessment	R.1973 d.72	5 N.J.R. 104(b)
6:46-4.1 et seq.	Private vocational schools	R.1973 d.71	5 N.J.R. 104(a)
6:68-3.1 et seq.	State Library assistance programs	R.1972 d.186	4 N.J.R. 262(b)

## TRANSPORTATION — TITLE 16

16:13-1.1 et seq.	Revisions for local government aid	R.1973 d.56	5 N.J.R. 94(a)
16:24-1.3(d)	Revise executor and distribution	R.1973 d.37	5 N.J.R. 58(b)
16:26-1.1 et seq.	Transportation operations	R.1973 d.76	5 N.J.R. 123(c)
16:27-1.1 et seq.	Traffic engineering	R.1973 d.76	5 N.J.R. 123(c)
16:62-1.1 et seq.	Contract administration rules now Chapter 65	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq. to			
16:64-1.1 et seq.	Reserved for rules of aeronautics	R.1973 d.28	5 N.J.R. 57(c)
16:62-1.1 et seq.	Special aircraft operating restrictions	R.1973 d.29	5 N.J.R. 58(a)

## TREASURY GENERAL — TITLE 17

17:1-1.1 et seq.	General administration of pensions	R.1972 d.214	4 N.J.R. 310(d)
17:2-1.1 et seq.	Public employees retirement system	R.1972 d.257	5 N.J.R. 23(a)
17:3-1.1 et seq.	Revisions to Teachers' Pension and Annuity Fund	R.1973 d.49	5 N.J.R. 95(b)
17:4-1.1 et seq.	Revisions to Police and Firemen's Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:5-1.1 et seq.	Revisions to State Police Retirement System	R.1973 d.26	5 N.J.R. 60(b)
17:6-1.1 et seq.	Revisions to Consolidated Police and Firemen's Pension Fund	R.1973 d.26	5 N.J.R. 60(b)
17:7-1.1 et seq.	Revisions to Prison Officers' Pension Fund	R.1973 d.45	5 N.J.R. 95(a)
17:8-1.1 et seq.	Revisions to supplemental annuity collective trusts	R.1973 d.46	5 N.J.R. 95(c)

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# INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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17:9-1.1 et seq.	Revise Health Benefits Program and supplemental annuity trusts	R.1973 d.8	5 N.J.R. 59(b)
17:9-3.1	Definitions (Dependents and children)	R.1972 d.200	4 N.J.R. 283(c)
17:9-6.1(e) & (f)	Retired employee (Definition)	R.1972 d.200	4 N.J.R. 283(c)
17:15A-1.1 et seq.	Use of state buildings and grounds	R.1972 d.183	4 N.J.R. 250(a)
17:15A-1.8	Distribution of written or printed material, deletion	R.1972 d.205	4 N.J.R. 284(a)
17:16-5.3	Static group (Classification of funds)	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.3	Static group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-5.3	Static group fund classifications	R.1973 d.70	5 N.J.R. 126(b)
17:16-5.5	Temporary reserve group	R.1972 d.143	4 N.J.R. 199(a)
17:16-5.5(a)	Revise temporary reserve group	R.1973 d.22	5 N.J.R. 60(a)
17:16-5.6	Trust group fund classification	R.1972 d.234	4 N.J.R. 311(b)
17:16-10.4(b)	Deleted	R.1972 d.182	4 N.J.R. 249(b)
17:16-17.1 et seq.	Revisions concerning permissible investments	R.1973 d.44	5 N.J.R. 94(b)
17:16-19.5	Qualifications of mortgage brokers	R.1972 d.182	4 N.J.R. 249(b)
17:16-19.6(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-20.5(a)6.	Qualifications of commercial banks	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.1(a)1.iii.	Permissible investments (Pension and annuity groups)	R.1972 d.182	4 N.J.R. 249(b)
17:16-26.2(c)	Limitations (Three party agreements; corporate)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.3(f)3.	Limitations (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-28.4(a)	Legal papers (Title II FHA insured mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-29.3	Legal papers (Title II FHA insured construction mortgages)	R.1972 d.182	4 N.J.R. 249(b)
17:16-32.2(g)	Permissible investments (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.8(a)1.iv.	Valuation of units (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-32.12	Limitations (Common Pension Fund A)	R.1972 d.229	4 N.J.R. 311(a)
17:16-33.7	Amend rule on county college capital projects	R.1973 d.9	5 N.J.R. 59(c)
17:16-36.2(f)	Permissible investments (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.8(a)1.iii.	Valuation of units (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:16-36.12	Limitations (Common Pension Fund B)	R.1972 d.229	4 N.J.R. 311(a)
17:19A-1.1 et seq.	Facilities for physically handicapped in public buildings	R.1972 d.218	4 N.J.R. 310(e)
17:20-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)
17:20-5.10	Agent's compensation	R.1973 d.80	5 N.J.R. 124(a)
17:21-1.1 et seq.	Daily lottery revisions	R.1972 d.238	5 N.J.R. 22(a)

## TREASURY-TAXATION — TITLE 18

18:5-2.3 et seq.	Revisions to computation of cigarette tax	R.1973 d.54	5 N.J.R. 96(a)
18:5-3.6	Purchase of stamps; credit basis	R.1972 d.108	4 N.J.R. 169(a)
18:10-21.3(c)	Emergency Transportation Tax return	R.1972 d.82	4 N.J.R. 142(c)
18:10A-1.1	Transportation Benefits Tax return	R.1972 d.83	4 N.J.R. 142(d)
18:12-4.1 et seq.	Revaluations of real property by appraisal firms	R.1972 d.179	4 N.J.R. 249(a)
18:17-1.5	Review of examination procedures	R.1973 d.60	5 N.J.R. 126(a)
18:20-24.1 et seq.	Accounting procedures for Sales Tax collections	R.1972 d.258	5 N.J.R. 23(b)
18:24-21.1 et seq.	Accounting procedures relating to collection of Sales Tax	R.1972 d.126	4 N.J.R. 197(d)
18:24-26	Revised list of District Supervisors for Inheritance Tax	R.1972 d.113	4 N.J.R. 168(a)

## IN ADDITION —

First publication—but no update service as yet—has been mailed for these ten additional Titles:

5. COMMUNITY AFFAIRS
7. ENVIRONMENTAL PROTECTION
8. HEALTH
9. HIGHER EDUCATION
11. INSURANCE

12. LABOR AND INDUSTRY (1st volume only)
13. LAW AND PUBLIC SAFETY
14. PUBLIC UTILITIES
15. STATE
19. OTHER AGENCIES

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

(Continued from page 15)

stock classes, used in acceleration and performance tests, are exempt from this subsection.

13:22-5.2 (d) All vehicles equipped with parachutes shall have a red streamer attached to the safety pin. The safety pin must be removed from the parachute before the starting lights are activated.

**SUBCHAPTER 8 SNOW MOBILE EVENTS**

**13:22-8.1 Definitions**

"Snowmobile" means an engine-driven motor vehicle designed primarily to travel over ice or snow of a type that uses sled-type runners, skis, an endless belt tread, cleats or any combination of these or similar means of contact with the surface upon which it is operated.

**13:22-8.2 Snowmobile racing event**

A snowmobile racing event is a race involving vehicles commonly known as snowmobiles, as defined in this Section, either on a circular or oval track, a road course involving curves and chicanes or a straight-ahead race against time or one other vehicle.

**13:22-8.3 Track construction**

(a) Construction of hub rails, fences and other safety devices for snowmobiles must comply in all respects with the provisions of Section 3, chapter 174 of the Laws of 1953 or in the alternative the owner or operator must have written authority for any changes from the administrator of the race track law.

(b) In all instances where the shape of the track, or the nature of the course, or the circumstances surrounding the event make it inadvisable, impossible or useless to construct hubrails, license will be issued contingent upon compliance with special regulations tailored to meet the special requirements of the situation.

**13:22-8.4 Safety requirements; vehicles and personnel**

(a) All participants in a snowmobile race must wear a full protective coverage helmet of the type approved by the Director of Motor Vehicles.

(b) Windproof, shatterproof goggles must be worn by operators of all vehicles not equipped with windshields.

**13:22-8.5 Exhaust system**

All exhaust systems shall be directed out of the cowl area and away from the operator.

**13:22-8.6 Snow flaps**

All machines shall be equipped with a rear snow flap designed and maintained to contain snow, water, mud, and the like at all speeds.

**13:22-8.7 Shut-off device**

A "shut-off" button must be affixed to the handlebars near the hand position. This button must be of the type to accomplish the purpose of stopping the motor immediately upon release or pressing of said button.

**13:22-8.8 Engine and transmission shielding**

All machines shall have sufficient engine and transmission shields to protect the driver or bystander from fragments in the event of disintegration.

Note: With the new Subchapter 8 being proposed, the current Subchapters 8 and 9 in Chapter 22, Title 13, are proposed to be changed to Subchapters 9 and 10 respectively.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1973, to:

Raphael J. Marini, Director  
Division of Motor Vehicles  
Department of Law and Public Safety  
25 South Montgomery Street  
Trenton, New Jersey 08625

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

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

(a)

**LAW AND PUBLIC SAFETY**

**VIOLENT CRIMES COMPENSATION BOARD**

**Proposed Rules On Maximum Weekly Benefits, Attorneys' Fees and Domestic Expenses**

The New Jersey Violent Crimes Compensation Board in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:4B-9, proposes to adopt rules concerning maximum weekly benefits, attorneys' fees and domestic expenses.

Full text of the proposed new rules follows:

13:75-1.12(a) . . . Attorneys' fees shall be computed on an hourly basis. Reimbursement shall not exceed a maximum of \$40.00 per hour.

**13:75-1.21 Loss of earnings or support**

Amounts awarded as weekly compensation for unreimbursed losses in earnings or support shall not exceed the highest prevailing weekly benefit payable under workman's compensation proceedings in this State at the time of the injury.

**13:75-1.22 Domestic help**

Maximum reimbursement for expenses arising out of the hiring of domestic help shall be \$30.00 per week per minor child or \$70.00 per week, whichever amount is less.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1973, to:

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

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

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

(b)

**LAW AND PUBLIC SAFETY**

**DIVISION OF MOTOR VEHICLES**

**Revisions Concerning Rule On Financial Responsibility**

On March 8, 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. 39:5-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, deleted in its entirety N.J.A.C. 13:19-10.9, Financial Responsibility, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 52(b).

An order adopting this rule was filed and effective March 8, 1973, as R.1973 d.63.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF PHARMACY

##### Revisions to Rules on Prescriptions and Pharmacies

On February 22, 1973, Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules on prescriptions and pharmacies, substantially as proposed in the Notice published August 10, 1972, at 4 N.J.R. 192(a), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

The revisions are reflected in N.J.A.C. 13:39-6.3, 13:39-6.5 and 13:39-8.16.

The inconsequential change affects N.J.A.C. 13:39-6.5 and adds a phrase to subsection (a) thereof. The new subsection (a) reads as follows:

13:39-6.5(a) A prescription written for medication which pursuant to State or Federal law may be sold, dispensed or furnished only upon prescription shall not be renewed without specific authorization of the prescriber but not after one year of the date of the original prescription, unless otherwise indicated by the prescriber (for example—6 Refills—2 Years).

An order adopting these revisions was filed and effective March 2, 1973, as R.1973 d.59.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

##### Rule Concerning Notification by Insurance Companies of Termination Of Insurance Coverage for Motor Vehicles

On March 8, 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. 39:3-4 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the notification by insurance companies of the termination of insurance coverage for motor vehicles, substantially as proposed in the Notice published February 28, 1973, at 5 N.J.R. 52(c), with only an inconsequential structural and

language change, in the opinion of the Department of Law and Public Safety.

This change is reflected only in subsection (a) and is indicated in boldface thus in the following:

13:18-6.1(a) An insurer shall issue a notice of termination (FS-4) to the Division of Motor Vehicles whenever a motor vehicle liability insurance policy is cancelled within six months of the original effective date.

The adopted rule may be cited as N.J.A.C. 13:18-6.1.

An order adopting this rule was filed and effective March 8, 1973, as R.1973 d.62.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

##### Notice of Hearing Concerning Restrictions of Electrical Supply

Take notice that the Board of Public Utility Commissioners has issued the following Notice of Public Hearing concerning an inquiry to determine restrictions of electrical supply to New Jersey customers:

The State of New Jersey today faces the probability that, within the next three years, there will be a critical shortage of electrical energy with the consequent need to ration the existing supply. Unless demand is restricted or the current limitations on construction of new electrical generation and transmission facilities are modified or lifted, New Jersey can anticipate brownouts in 1974 and blackouts in 1975.

Whether this shortage will be caused by artificially created national shortages of fossil fuels, by excessive and wasteful demand for service and/or by environmental restrictions on new facility construction, the fact remains that public utilities have a statutory requirement to provide service. No public utility has the privilege of restricting growth because fuels are unavailable, construction costs are too high or the customer's proposed use is too frivolous; N.J.S.A. 48:2-24.

Such determinations, however, can and must be made by responsible government officials. The Board of Public Utility Commissioners, Department of Public Utilities of the State of New Jersey, has broad regulatory powers over public utilities which encompass their service, rates, franchises, finances and the impact of their service upon the ecology and environment of the State, N.J.S.A. 48:2-13 and 48:2-23.

The electric companies have been virtually stopped from construction of facilities which would use nuclear fuel or pumped storage of water supply. Most existing generating plants depend on fossil fuels. There is barely enough fuel available with sufficiently low pollutant properties which meet exacting ecological standards to service existing plants, let alone new ones.

New Jersey, whose inhabitants and industries are large consumers of electric energy, has no known resources of fuel within its boundaries which can be used for the generation of electricity. Thus, the New Jersey electric companies must import the fuel which they require from other areas within the United States and from overseas sources.

Obviously, this Board has no regulatory jurisdiction over these distant sources of fuel supplies. Therefore it is hamp-

ered in the steps it can take to relieve the critical fuel shortage for the production of electricity within the State. Except for those states in which sources of coal, oil and natural gas are located the majority of states must rely upon the federal government to insure an adequate supply of these fuels.

Given the current restrictions on nuclear and hydro-electric power and recognizing that the Federal agencies are barely in the planning stages of a program to alleviate the national shortage of fossil fuels, this Board must, on its own initiative, begin planning for the time when needs and demands will overwhelm supply.

Therefore the Board hereby institutes this investigation for the purpose of determining what action, if any, may be taken to minimize the impact of electric shortages, brown-outs, and/or blackouts.

THURSDAY, APRIL 12, 1973, AT 10:00 A.M., ROOM 208, 1100 RAYMOND BOULEVARD, NEWARK, N.J., is the time and place set for the hearing, to consider:

- 1) Whether the Board should adopt regulations restricting, limiting or rationing electric service for customers whose use poses a potential threat to the availability of energy for essential services; and
- 2) Whether the Board should adopt regulations classifying various uses of electrical service as essential, luxury and non-essential and limiting some uses either directly or through pricing policies; and
- 3) Whether the Board should restrict the acceptance of new accounts in all or selected areas of the State; and
- 4) Whether the Board, in order to prevent area brown-outs from overloading of equipment, should require current customers to notify electric companies when new equipment and appliances are added; and
- 5) Whether the Board should require the filing of tariffs which would provide higher rates per unit as customers use an increasing amount of energy as opposed to existing rate schedules which provide for decreasing charges per unit as use increases.

The Board hereby orders the following electric utilities to appear before it on the date and at the place above mentioned and to submit information consistent with the purpose of this order through witnesses, exhibits and other appropriate methods:

Atlantic City Electric Company  
Glenwild Lake Company, Inc.  
Jersey Central Power and Light Company  
New Jersey Power and Light Company  
Public Service Electric and Gas Company  
Rockland Electric Company  
Sussex Rural Electric Cooperative  
Borough of Butler, Electric Light and Power Department  
Borough of Lavallette, Electric Department  
Borough of Madison, Water and Light Department  
Borough of Milltown, Electric Department  
Borough of Park Ridge, Electric Department  
Borough of Pemberton, Electric Department  
Borough of Seaside Heights, Electric Department  
Borough of South River, Board of Public Works  
City of Vineland, Electric Utility

The Board further orders its Secretary to notify and invite, as full participants in these hearings, the following parties and all other persons and entities with an interest in these deliberations:

The Honorable Richard Sullivan  
Department of Environmental Protection

The Honorable Ronald Heyman  
Department of Labor and Industry

The Honorable Lawrence Kramer  
Department of Community Affairs

The Management Committee of the Pennsylvania, Jersey, Maryland Interconnection

The New Jersey State Chamber of Commerce

The New Jersey Manufacturers Association

Representatives of the 21 County Planning Boards

The Board shall issue such orders and adopt such regulations as may be appropriate based upon the record made in this proceeding.

This Notice is published as a matter of public information.  
Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Notice of Hearing On Underground Extensions

Take notice that the Board of Public Utility Commissioners has issued the following Notice of Public Hearing concerning underground extensions:

Whereas this Board has adopted regulations 14:435 and 14:489 effective December 31, 1971, governing the installation of residential electrical underground extensions and residential telephone underground extensions and permitting electrical and telephone utilities to submit tariffs permitting recovery of the cost differential between overhead and underground extensions as applicable, and whereas the Board has reviewed the various tariff submissions as to their uniformity, complexity and reasonableness:

The Board, therefore, on its own motion, sets April 10 and 11, 1973, at 10:00 A.M., at its offices located at 1100 Raymond Boulevard, Newark, New Jersey, for the time and place of hearings as to whether the proposed tariff submissions properly reflect underground costs and are in the public interest and whether the Board's regulations 14:435 and 14:489 properly reflect and control said differential costs.

The utilities and other interested parties who wish to submit testimony and exhibits are directed to submit same in written form not less than ten days prior to the date set for the hearing and to serve a copy of same on each party noted below. Additionally, the electric utilities are directed to place a notice in the newspapers of general circulation in the areas served by them of the purpose and the time and place of hearing.

The testimony should be directed primarily to recommending a cost differential figure, limited to the following items, which would allow a full recovery of all differential costs:

1. A base charge per residence home, as, for example, located on a 50- by 100-foot lot.
2. A front-foot charge for front footage in excess of the average lot width included in the base charge.
3. A blasting and/or rock removal and/or pavement charge.

Note: Provision for permitting the builder or developer to have the option of doing or contracting for the trenching in this instance shall be considered.

4. A special condition provision limited to unusual and extraordinary situation(s), not usually encountered in residential development.

Any testimony submitted by the electric utilities should also take a position with supporting data on any reduction in maintenance cost experienced or anticipated with undergrounding.

The Board will entertain all relevant evidence, but is determined to focus this inquiry on the feasibility of establishing a simple, uniform, easily understandable tariff with associated costs that properly reflect the additional costs due to undergrounding.

This Notice is published as a matter of public information.  
Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rules Concerning Gas Safety

William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-13 et seq., proposes to adopt new rules concerning gas safety.

Full text of the proposed rules follows:

#### 14:6-1.4 Service line valves

An outside shut-off valve shall be installed on every new and every renewed service line.

#### 14:6-1.5 Sectionalization

Each gas utility shall provide a sufficient number of valves in its distribution system, and prepare pre-planned shutdown procedures, so that any section of its high-pressure distribution system can be shut down in an emergency.

#### 14:6-1.6 Gas detectors

(a) Combustible gas-detecting instruments shall be assigned to all service men and other personnel who may be involved in the detection of gas leaks. The instruments shall be properly maintained and periodically calibrated in accordance with the manufacturer's specifications. Records shall be kept of such calibrations.

(b) A combustible gas-detecting instrument shall be used by gas company personnel in conjunction with other means of detection in the investigation of any suspected gas leak. Any employee who may be called upon to investigate a suspected gas leak shall have adequate training in the use of gas-detection instruments as well as other methods of leak detection.

#### 14:6-1.7 Twelve-inch rule

No mechanical equipment of a type which could cause damage to a pressurized gas pipe or facility shall be used within 12 inches of that pipe or facility.

14:6-2.6 (b) The venting capacity of every service regulator shall be such as to protect the customer's appliances from an unsafe operating pressure. As an alternative, a separate pressure relief valve with a capacity such as to protect the customer's appliances from an unsafe operating pressure may be provided.

#### 14:6-2.9 Customer information

(a) All customers shall be supplied by the gas company, at the time the meter is turned on or a new account is opened, printed information concerning the odor of gas and its characteristics and action to be taken if gas is detected

(including a telephone number for the purpose of reporting such detection). The customer shall also be informed of the potential hazards of gas, the correct procedures for using gas appliances and how to keep them in safe operating condition. In addition, verbal instruction on the above matters shall be offered to the customer, if possible.

(b) The printed information shall be such that it can be easily understood and shall also be available in languages other than English which are spoken by a substantial number of non-English speaking people who reside in the company's service area.

(c) Additionally, each gas company shall periodically take steps to inform the general public in its service area of the odor of gas and its hazards, along with correct procedures to follow if gas is detected.

#### 14:6-2.10 Liaison with public officials

Each gas utility shall maintain liaison with the emergency personnel of each municipality in its service area and shall periodically make available information concerning the characteristics and hazards of natural gas which would be useful in handling an emergency in which natural gas may be a factor.

#### 14:6-2.11 Odor, leak and emergency calls

Each telephone where calls from customers or others reporting gas odors, leaks or emergencies are received shall be equipped with a mechanical recording device. Recordings of such calls shall be kept for a period of at least six months.

#### 14:6-2.12 Analysis and reporting of odor, leak and emergency calls

Each gas company shall maintain a log which shows the receipt and handling of each leak, odor or emergency report received. Information should be included concerning the time that the report was first received, that company personnel were first dispatched to the scene, that such personnel arrived and that the condition was considered safe. In addition, each gas company is required to analyze its performance in responding to such reports. Both the logs and the analysis shall be made available to the Board upon request. Summary reports shall be furnished to the Board monthly in a form specified by the Board.

#### 14:6-2.13 Emergency personnel

(a) Each gas company shall have available and equipped an adequate number of personnel to handle gas emergencies on a 24-hour a day, seven day a week basis. Emergency personnel must be able to reach all parts of the company's service area within 20 minutes of the time dispatched.

(b) Each employee who responds to a gas emergency shall have adequate training in the proper procedures for handling gas emergencies, including but not limited to emergency shutdown procedures.

#### 14:6-2.14 Training

Each gas company employee shall be adequately trained for the job to which he is assigned and shall have adequate knowledge of the characteristics and hazards of natural gas.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

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

A public hearing respecting the proposed action will be held on Monday, April 30, 1973, at 10:00 A.M. at the Board's offices in Room 208 at the above address.

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

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

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rules For Collection, Removal and Disposal of Solid Waste

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:13A-4, proposes to adopt new rules concerning the property, equipment and facilities used in the collection, removal and disposal of solid waste.

Full text of the proposed rules follows:

#### 14:9-4.2 Property, equipment and facilities

(a) All public utilities engaged in the business of solid waste collection or solid waste disposal shall own and have title to all property, equipment and facilities used and useful in providing safe, adequate and proper service.

(b) The solid waste utility may use property, equipment and facilities to which it does not have title provided it enters into an agreement (lease) and said agreement is filed with the Board. Such filing shall contain a statement therein whereby the lessor of the property, equipment and facilities to be used for utility purposes agrees that his interest in such property, equipment and facilities becomes subject to the jurisdiction and regulation of the Board for the term of said agreement.

(c) The Board may for good cause shown determine the extent of the property, equipment and facilities which may be used by the solid waste utility not having title thereto.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, to:

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

A public hearing respecting the proposed action will be held on Thursday, May 10, 1973, at 10:00 A.M. at the Board's offices in Room 208 at the above address.

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

Anthony J. Grossi  
Commissioner  
Board of Public Utility Commissioners  
Department of Public Utilities

(b)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rule On Rates Different than the Filed Tariffs

The Board of Public Utility Commissioners, pursuant to

authority of N.J.S.A. 48:2-13 et seq., proposes to adopt a rule concerning contracts or agreements with a customer for the sale of its service at rates different from the utility's existing tariffs on file.

Full text of the proposed rule follows:

#### 14:3-9.6 Rates; difference from filed tariffs

(a) In every instance where a utility, subject to the jurisdiction of the Board, enters into a contract or agreement with a customer for the sale of its service at rates different from those provided in the existing tariffs of the utility on file with the Board, it shall file four copies of such contract or agreement, with amendments and supplements, if any, not less than 30 days prior to the effective date thereof.

(b) The filing is to be accompanied by a detailed statement as to the:

1. Type of agreement—that is, firm or interruptible service;
2. Detail costs to the company associated with delivery and sale of the service;
3. Rates and other charges to the customer;
4. Effect on the company's income of such sale; and
5. Reasons for the contract or agreement.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, 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 this rule substantially as proposed without further notice.

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

(c)

## TRANSPORTATION

### TRANSPORTATION OPERATIONS

#### Revisions to Rules On Traffic Engineering

On March 20, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning traffic engineering, substantially as proposed in the Notice published October 5, 1973, at 4 N.J.R. 243(a), but with subsequent substantive changes not detrimental to the public in the opinion of the Department of Transportation.

A summary of these substantive changes follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBTITLE E. [DIVISION OF TRAFFIC ENGINEERING]

#### TRANSPORTATION OPERATIONS

Chapter 27 [Traffic Bureau] Bureau of Traffic Engineering  
Foreword

The basic principles concerning the design and usage of traffic control devices contained in this chapter are gov-

erned by the current "Manual On Uniform Traffic Control Devices for Streets and Highways", issued by the United States Department of Transportation, Federal Highway Administration, Washington, D.C.<sup>1</sup> This manual, adopted by the Federal Highway Administrator as a national standard for the application on all classes of highways, is adopted by reference herein.

<sup>1</sup>A copy of this Manual may be inspected at the office of the Division of Transportation Operations and Local Aid, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey during normal business hours.

16:27-4.5(a) 1. [(a copy of this Manual is available for inspection at the Division of Transportation Operations and Local Aid, 1035 Parkway Avenue, Trenton, New Jersey during normal business hours)]

An order adopting these revisions was filed and effective March 21, 1973, as R.1973 d.76.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### NEW JERSEY STATE LOTTERY COMMISSION

#### Revisions Concerning Agent's Compensation

On March 22, 1973, Ralph F. Batch, Executive Director of the New Jersey 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 agent's compensation.

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

17:20-5.10 Agent's compensation

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

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

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

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

(c) The Director may establish such sales incentive programs as he deems necessary or desirable for the operation of the State Lottery. The number, duration and form of such programs shall be within the discretion of the Director.

An order adopting these revisions was filed and effective March 22, 1973, as R.1973 d.80 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF PENSIONS

#### Proposed Revisions On Election of Member-Trustees

Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 43:15A-1 et seq., proposes to revise the portions of the rule of the Division of Pensions concerning the election of member-trustees of the Public Employees' Retirement System.

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

17:2-1.4 Election of member-trustees

(a) The election of the Board of Trustee members will include the use of nominating petitions.

1. This will entail the separate distribution of at least two forms for all active member employees of the State or of the counties or municipalities, as the case may be.

2. Public agencies will vote on the basis of whether they are State, county or municipal instrumentalities.

3. The first will be an Election Notice setting forth the rules for filing nominating petitions and other pertinent data.

4. The second will be the ballot, containing the names of the candidates who have been properly nominated as well as the rules governing the balloting.

5. Petition forms will be available at the office of the Public Employees' Retirement System.

(b) The rules concerning the election notice and petition are:

1. At least four months prior to the expiration of the term of each elected trustee, a notice will be prepared and distributed to the certifying agents of the State or of the counties or municipalities, as the case may be, advising them of the position to be voted upon (position and term), as well as the name and expiration of term of office of the present trustee.

i. The names of all other present trustee members of the Board of Trustees and the expiration of their terms will also be shown.

ii. The notice will also inform the members that petition forms are available at the office of the retirement system.

iii. The election notice will specify the time and place of the drawing by lot for position on the ballot. All petitioners will be invited to attend on the given date.

2. The petition will indicate to the members that the member to be nominated by this petition must be a member of the Public Employees' Retirement System and either a State, county or municipal employee, according to the position being voted upon. (State employee members may petition only for State employee candidates, county employee members only for county employee candidates, and municipal employee members only for municipal employee candidates).

3. The instructions will indicate that at least [300] 1,000 eligible State employee members, county members or municipal members as the case may be, must sign the petition in order for a candidate's name to be placed on the ballot.

4. Petitioners must indicate their employing agencies, in addition to printing and signing their names on the petition.

5. A member may sign a petition for only one candidate.

6. The candidate named on a petition must sign the peti-

tion in a designated space indicating that he is willing to be a candidate.

7. The instructions will indicate the closing date for the filing of such petitions and also indicate the fact that a ballot bearing the names of all candidates so nominated will be forwarded for each eligible voter.

8. The names of all properly nominated candidates will appear on the ballot in the order drawn by lot. The employing agency will also be shown after the name of each candidate.

(c) The rules concerning ballots are:

1. For each eligible voter there will be forwarded to the certifying agent, a ballot addressed by name.

2. The closing date of the election will be indicated.

3. The name of each candidate nominated by proper petition filed within the prescribed time will appear on the ballot.

4. Instructions supplied to the voter for the proper casting of the ballot (marking of the ballot, returning of such ballot through the postage paid return envelope and notice to sign such envelope) will be shown on the reverse side of the ballot or on a separate sheet.

5. The instructions will also indicate that the candidate receiving a plurality of the legal votes cast will be declared elected to the position.

(d) The rules concerning election notices are:

1. Election notices will be forwarded in bulk and in the appropriate number to the certifying agent or appropriate fiscal officer of such employing agency, together with instructions as to who are to receive the same.

2. A receipt and report will also be forwarded to each certifying agent or appropriate fiscal officer; such form is to be returned to this office and will indicate:

i. Receipt of the forwardings by the certifying agent or appropriate fiscal officer.

ii. The extent to which the certifying agent or appropriate fiscal officer has distributed the election notices.

(e) The rules concerning ballot distribution are:

1. The ballots, each bearing the name and register number of an eligible voter, will be forwarded to the payroll agents, together with instructions governing distribution.

2. State, county and municipal employee members' ballots and return envelopes will be differentiated by colored forms or by some other symbol.

3. A receipt and report form will also be forwarded to each certifying agent or appropriate fiscal officer. Such form will indicate:

i. Receipt of the forwardings by the certifying agent or appropriate fiscal officer;

ii. The extent of distribution of election ballots;

iii. Return of undelivered ballots and reason for same.

4. The returned ballot-bearing envelopes are to be examined for validity.

5. A record will be maintained to identify the registered numbers of the members who have voted.

6. The sealed ballots will then be deposited in a locked container.

7. Immediately prior to the counting of the ballots, the information identifying the individual voters will be separated from the still-sealed ballots in the presence of the election judges.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 25, 1973, 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 TAXATION

#### Proposed Revisions in Calculation of Fee Where Transfer Subject to Construction Mortgage

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 46:15-11, proposes to revise N.J.A.C. 18:16-4.7 which concerns the calculation of a fee where the transfer is subject to construction mortgage.

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

18:16-24 Calculation of fee where the transfer is subject to a construction mortgage

In determining the amount of consideration base upon which the realty transfer fee shall be computed in the case of a deed conveying real estate which is subject to a prior existing construction mortgage executed by the grantor, the amount due on the mortgage at the time the deed is recorded is measured by the sum total of advances which have been made on the mortgage prior to the date of the transfer [recording].

Interested persons may present statements or arguments in writing or orally in person upon appointment relevant to the proposed action on or before April 25, 1973, to:

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

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

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### DIVISION OF TAXATION

#### Notice Concerning Sale, Transfer or Assignment in Bulk

Take notice that the Division of Taxation in the Department of the Treasury desires that the following Notice be published as a matter of public information:

#### NOTICE OF SALE, TRANSFER OR ASSIGNMENT IN BULK

Purchasers of taxpaying business enterprises, or their agents, are reminded of the requirement to give notice to the Director of Taxation of the proposed sale, transfer or assignment in bulk, by registered or certified mail, ten

days prior to the sale pursuant to the bulk sale provisions of the following taxing statutes:

N.J.S.A. 54:11A-15 The Business Personal Property Tax Act

N.J.S.A. 54:11C-8(c) The Retail Gross Receipts Tax Act  
N.J.S.A. 54:32B-22(c) The Sales and Use Tax Act

The notice should be sent to the Division of Taxation, Bulk Sale Unit, Post Office Box 1717, Trenton, New Jersey 08625.

Forms C-9600, "Notification of Sale, Transfer or Assignment in Bulk", are available at all Taxation branch offices. In emergency cases, telephone (609) 292-7125.

Failure on the part of the purchaser to give the required notice makes him personally liable for payment to the State of any taxes determined to be due from the seller.

The statutes further provide that if the Director notifies the purchaser that a possible claim for taxes exists, the purchaser is forbidden to transfer to the seller the proceeds of the sale; that the State has a first priority right and lien for taxes determined to be due from the seller.

If the tax liabilities cannot be established prior to the date of closing, sufficient monies must be placed in escrow to cover the amount of any unpaid taxes. These escrow monies should not be released to the seller until such time as a tax clearance letter has been received by the purchaser from the Division of Taxation.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Rules on Review of Examination Procedures

On March 1, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:1-35.34 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the review of examination procedures, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 59(a).

The rules may be cited as N.J.A.C. 18:17-1.5.

An order adopting the rules was filed and effective March 2, 1973, as R.1973 d.60.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### STATE INVESTMENT COUNCIL

#### Revise Static Group Listing

On March 8, 1973, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the State Investment Council concerning the listing of the static group entities.

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

#### 17:16-5.3 Static group

(a) The static group shall include:

1. College of Medicine and Dentistry of New Jersey—Construction Grant Fund;
2. College of Medicine and Dentistry of New Jersey—Grant Fund;
3. [1.] College of Medicine and Dentistry of New Jersey Grant Fund B;
4. [2.] Eighteen Thirty-Seven Surplus Revenue Fund;
5. [3.] Rutgers Medical School-Grant Fund;
6. [4.] Trustees for the Support of Public Schools.

An order adopting these revisions was filed and effective March 12, 1973, as R.1973 d.70 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### OZZARD SAYS ELECTRICITY USE CURBS MAY BE NEEDED BY FALL

Some New Jersey residents and industries can expect limits imposed on their use of electricity as early as this fall to avoid "uncontrollable" blackouts in the State by 1975, Public Utilities Commission President William E. Ozzard warned last month.

Ozzard blamed the planned restrictions on the widening gap between New Jersey's increasing demand for electricity and the State's lagging capacity to provide it.

The PUC president said he expects the gap to widen by the fall to the point where at least new homeowners and new industries will be limited in their use of electricity to some degree.

He said the other possibility would be to restrict electricity in certain parts of the State.

Exactly what restrictions the PUC will impose will be determined after the commission conducts an investigation announced last month by Ozzard into what methods would best balance demand and capacity. (See Notice of Public Hearing at 5 N.J.R. 000, this issue.)

"The State of New Jersey today faces the probability that, within the next three years, there will be a critical shortage of electrical energy with the consequent need to ration the existing supply," said Ozzard.

"Unless demand is restricted or the current limitations on construction of new electrical generation and transmission facilities are modified or lifted," he warned, "New Jersey can anticipate brownouts in 1974 and blackouts in 1975."

The PUC investigation will take the form of public hearings beginning April 12.

Ozzard said New Jersey is the first state to investigate restrictive measures in advance of an electricity crisis.

Ozzard blamed the impending problem on Federal limitations for environmental reasons of construction of generating facilities, coupled with increasing demands.

Ozzard also disclosed publicly for the first time that New Jersey's electricity reserve—normally 17 per cent of the State's generating capacity—dropped as low as two per cent several times last summer.

Ozzard also said that at least twice last summer, voltage reductions of 1.5 per cent Statewide were imposed by electric companies.

Ozzard explained that voltage reduction is the first step to a blackout, with load-shedding—restrictions in the use of industrial electrical power—and brownouts in between.

He said the public would not notice a 1.5 per cent voltage reduction, but would begin to notice dim lights when voltage was reduced by three per cent.

## **PUC ORDERS HEARINGS INTO UNDERGROUND COSTS TO UTILITIES**

William E. Ozzard, President of the State Board of Public Utility Commissioners, announced that the Board will hold hearings April 10 and 11 on the cost differential between overhead and underground extensions of electric and telephone service. (See Notice of Public Hearing at 5 N.J.R. 000, this issue.)

On December 31, 1971, the PUC adopted regulations mandating the underground installation of residential telephone and electrical service extensions and permitting recovery by the utilities of the cost differential between overhead and underground service.

Ozzard commented that the tariffs since submitted by the various utilities "are very complex, have no uniformity and lead to a conclusion that they might not be reasonable. We therefore are inquiring as to whether these tariff submissions properly reflect underground costs and are in the public interest and whether the PUC regulations properly reflect and control the cost differentials."

Ozzard emphasized "the Board will entertain all relevant evidence but is determined to focus this inquiry on the feasibility of establishing a simple, uniform, easily understandable tariff with associated costs that properly reflect the additional cost due to undergrounding".

## **STATE CLAIMS OWNERSHIP OF EXTENSIVE RIPARIAN LANDS**

The State Department of Environmental Protection unveiled last month initial maps indicating that the State owns 1,200 acres of some 5,800 acres in the Hackensack Meadowlands as well as a "substantial" portion of the Newark-Elizabeth Meadowlands.

These "riparian lands" are defined by law as lands below mean high tide, according to Commissioner Richard J. Sullivan. He said the New Jersey Sports Authority will have to pay today's "fair market value" for the lands claimed by the State upon which the Authority wants to build.

The Hackensack Meadowlands maps of more than half of the proposed 750-acre sports complex in East Rutherford showed the State will press its claim to 245 acres at that site.

Sullivan noted that maps detailing how much of the remaining 13,800 acres in the Hackensack Meadowlands is owned by the State will be completed by Aug. 2.

Sullivan pointed out the State's ownership claim is based for the first time in New Jersey history on scientific evidence supporting the claim to "riparian" lands.

He explained that the court threw out an earlier map of riparian lands because it was not based on solid evidence.

The State, under the law, owns these riparian lands and must turn the proceeds of the sale or lease of such lands over to the State Public School Fund, which disburses its income yearly to defray the cost of public education.

Sullivan said homeowners in the area claimed by the State will likely pay a "nominal" fee to clear their titles, depending on how long they have claimed ownership to the land and paid taxes on it.

Part of Newark Airport also is on land the maps revealed are owned by the State and, according to Sullivan, the Port Authority of New York and New Jersey, which runs the airport, will be required to pay the State for airport land the State claims and which the Authority had not previously purchased from New Jersey.

The Commissioner said all the completed maps will embrace "hundreds of millions of dollars" worth of real estate.

Sullivan said he expected court tests of the new riparian land claims by those saying the State is claiming too much as well as by those claiming, on behalf of the School Fund, that the State is not claiming enough.

## **STATE PROPOSES AID TO FIRMS SEEKING CHEAPER GAS SUPPLIES**

The State Public Utilities Commission held hearings last month on a proposal setting a financial incentive for gas companies which engage in searches for cheaper gas sources—and penalizing those which do not.

A new uniform cost adjustment standard formulated by the PUC would permit controlled price increases to cover company production expenses incurred in the development of natural gas sources.

Companies not actively engaged in researching new reserves—in the face of diminishing natural gas supplies—will be denied price increases to cover the costs of high-priced synthetic gas, frequently used to supplement natural gas to customers.

"A company willing to risk stockholder capital to get cheaper supplies of gas will get a greater eventual economic benefit through the use of the adjustment costs, while a company reluctant to use stockholder capital—but relies on more expensive forms of gas—will be penalized," said PUC Commissioner George M. Wallhauser Jr.

"The purpose of these hearings is to see that New Jersey consumers have adequate gas supplies, present and future, and at the lowest possible cost," Wallhauser said.

A spokesman for the PUC said the developing shortage of natural gas reserves the last two years prompted the agency to move on an "incentive" plan to encourage development.

"Two years ago, it didn't matter since all companies brought in pipeline natural gas which was cheap and plentiful and met all their needs.

"Now, with the shortage, they can't lay back and just accept the more expensive synthetics," the spokesman said.

The PUC indicated it will permit up to a ten per cent mixture of synthetic gas with natural gases, with companies facing a rate-hike refusal if they exceed the standard and try to recover costs.

## **STATE ORDERS BLUE CROSS TO EXPAND HOSPITAL COVERAGE TO THOUSANDS**

State Insurance Commissioner Richard C. McDonough last month ordered the Hospital Service Plan of New Jersey (Blue Cross) to broaden substantially its protection to thousands of individuals it previously had refused to cover, and to provide full protection to many thousands now limited in coverage due to their physical conditions.

McDonough acted following a Blue Cross report that the end of 1972 showed the firm with an "unexpected" \$8.7 million surplus, rather than an earlier predicted deficit.

McDonough's actions will most benefit those New Jersey residents for whom Blue Cross coverage has been unavailable or restricted—those whose applications for hospitalization insurance have been refused or who have been granted only partial coverage.

McDonough ordered Blue Cross to schedule an "open enrollment" period in which it would be required to accept as subscribers persons whom it had rejected in the past because of such disabilities as heart disease, diabetes, high blood pressure, overweight, arthritis, sickle cell anemia, mental disorders and bleeding ulcers.

Blue Cross was ordered to submit its plan for open enrollment by May 1.

At the same time, the Commissioner ordered the elimination of "riders" for a number of other impairments. A "rider" means that the subscriber has general coverage but it will not apply for the specific disorder excluded. Some of the conditions for which he ordered riders removed are: hernia, hemorrhoids, varicose veins, eye problems, gastritis, ulcers, broken bones, female problems and back problems.

The elimination of riders will take effect July 1 and will cover all policies in effect for a year or more, he said.

### **SAFE AND CLEAN NEIGHBORHOODS PROGRAM IS INITIATED BY STATE**

Gov. William T. Cahill has signed into law the Safe and Clean Neighborhoods program, which will use \$12 million to aid the State's 24 largest cities.

Under the program, proposed by the Governor, the State will provide the funds on a dollar-for-dollar basis to be used to employ additional foot patrolmen for greater security in the cities, to clean streets and remove garbage and trash, or to initiate similar municipal projects.

Governor Cahill said: "We must act now to save our cities by making our streets safe for the resident, for the worker and for the shopper. We must make our neighborhoods clean and attractive. I believe this program is a practical first step in reversing the trend that has been destroying our cities as centers of habitation, of business and of culture."

To be eligible to participate in the program, a municipality must have received State Aid under last year's Urban Aid Act. No municipality can receive aid under this Act that would exceed the amount it received in State urban aid in 1972.

The maximum amount obtainable by any one municipality is \$1 million.

The funds are in addition to the regular urban aid allocation of some \$24.5 million that 24 municipalities will receive under the Urban Aid Act.

The program will be administered by the Commissioner of Community Affairs, after consultation with the Attorney General.

### **STATE TO PURCHASE 27 NEW BUSES FOR LEASE TO LOCAL COMPANIES**

Gov. William T. Cahill recently announced that the State will purchase 27 new buses at an estimated cost of \$1 million as part of the capital improvement program for the New Jersey bus industry.

"The new buses will be leased for nominal amounts to bus companies throughout the State," Cahill said, "to help assure the bus-riding public of continued and improved services."

Noting that the New Jersey bus industry carries over

1.2 million passengers on a typical weekday, Gov. Cahill declared: "I believe that the capital assistance program is indispensable to the gradual, but steady, replacement of aged bus fleets which cannot be accomplished by the companies involved without oppressive fare hikes."

The Department of Transportation has already received bids from manufacturers for 17 of the 30-passenger buses, five 45-passenger buses and five 51-passenger buses.

The Governor said the initial purchase of 27 new buses will serve as a pilot effort in the capital subsidy program and that the funds would come primarily from the 1968 transportation bond issue. He noted that substantial funds for the purchase of new buses had been included in another transportation bond issue rejected by voters last November, but he said the State would do all it can to carry on a program within its limited financial resources.

### **NOTES THAT STATE OPPOSES TAKEOVER OF BUS OPERATIONS**

Transportation Commissioner John C. Kohl has reaffirmed the administration's position opposing any State takeover of bus operations. He said the State favors continued operation of public transportation by private enterprise.

Kohl declared that a consultant's report released earlier by the Transportation Department "does not recommend a State takeover of bus services. It makes no recommendation at all". (See March 8 New Jersey Register.)

The State's position, expressed by Governor Cahill in his second annual message, is that State takeover "would involve a staggering outlay of taxpayer's money and commit the State to continue annual massive expenditures of public funds," Kohl pointed out.

The State, he noted, already is carrying out a program of assistance to private bus companies by providing new equipment purchased by the State. This program will improve both service and the financial stability of the operators, Kohl said.

"There has been no change in the administration's position," and the Commissioner said that the interim report by the consultants is merely the first part of an in-depth look at the entire bus situation.

### **PUC APPROVES TARIFF REVISIONS IN RATES CHARGED BY PUBLIC MOVERS**

The State Board of Public Utility Commissioners last month authorized the New Jersey Movers Tariff Bureau to file a revised tariff, designed to eliminate financial losses to member companies and increase competition in the industry.

The Tariff Bureau represents 449 of the 509 public movers holding PUC certificates for the transportation of household goods and special commodities within the State. Members of the non-profit corporation publish a common tariff containing standard terms, conditions and rules, which are applicable to all sections of the tariff except as otherwise provided in specific exceptions.

The joint tariff provides for 18 such exceptions and participating movers may choose any or all to apply to the charges and services rendered by their particular operations.

Testimony during the hearings indicated that due to the increase in wages, maintenance costs and other expenses most public movers would sustain operating losses if the present level of rates and certain rules and exceptions were to be continued.

## STATE NEWS OF PUBLIC INTEREST

Under the former tariff, hourly charges for the hiring of a van and three movers are selected by each company from a five-level table of rates, graduated at \$2.00 intervals between \$24.00 and \$32.00 per hour.

The Board approved the Tariff Bureau's proposal to increase the current charge at each level by \$2.00, but also ordered that two new levels of rates be included for those public movers who wish to charge the present hourly minimum or less. The revised schedule of hourly rates will now be comprised of seven levels with a bottom charge of \$22.00.

It is estimated that the new tariff will increase revenues by about 7.9 per cent or approximately \$1.7 million in the aggregate.

The PUC decision noted that "the establishment of seven levels of rates as compared to five levels . . . should be sufficient to enable the mover to meet his operating requirements. In turn, this should serve the public interest in that service to the public is available at rates which cover all existing rates and add a bottom rate that is \$2.00 per hour less than those shown in the current filed tariff."

"Customers can give consideration to the quality and reputation of service rendered by a mover. In effect, this will create a competitive atmosphere which will benefit the public and the industry."

A complete listing of the tariff revisions may be obtained from the Board's office, Room 208, 101 Commerce Street, Newark, N.J.

### ACTING COMMISSIONER OF EDUCATION NAMED BY GOVERNOR FOR INTERIM PERIOD

Gov. William T. Cahill announced that State Commissioner of Education Carl L. Marburger left that office March 30, and that Assistant Commissioner of Education Edward W. Kilpatrick is now the Acting Commissioner.

Dr. Kilpatrick is a veteran of 41 years service with the Department of Education. Since 1961, he has been Assistant Commissioner in charge of administration and finance and for ten years prior to that served as director of business services.

The Governor said he selected Dr. Kilpatrick, who is 66, as Acting Commissioner because of his long and valuable service to the Department and because he is not a candidate for appointment as Commissioner. He said the State Board of Education had reported to him that they have already interviewed a number of candidates for Commissioner and that interviews are continuing.

Dr. Kilpatrick, of New Providence, is a graduate of Lafayette College with graduate studies at New York University and Columbia University Teachers College. He has an honorary degree of Doctor of Letters from Jersey City State College.

### GARVEN, SULLIVAN ARE CAHILL'S CHOICES FOR SUPREME COURT JUSTICES

Gov. William T. Cahill last month formally nominated his chief counsel, Pierre P. Garven, and Hudson County Superior Court Judge Mark A. Sullivan to the State Supreme Court, with Senate approval following immediately.

In submitting the nominations, along with 17 other judi-

cial appointments and 12 appointments to various boards and commissions, Cahill moved to fill the two vacancies on the State's highest court.

Garven and Sullivan thus succeed Justices C. Thomas Schettino and John J. Francis, respectively, both of whom retired from the high court last September.

Other judicial appointments made by Cahill included five new members to the Superior Court, and one reappointment:

W. Thomas McGann of Moorestown to succeed himself.

Arthur W. Blake of Jersey City to succeed Theodore J. Labrecque.

Frank G. Hahn of Jersey City to succeed Thomas F. Carlin.

Frank A. Verga of Jersey City to succeed T. James Tumulty.

Arthur S. Meredith of Somerville to succeed Sidney Goldmann, and

Robert Muir of Mendham to succeed Alexander P. Waugh as a Superior Court judge.

### DIVISION OF MARINE SERVICES IS REVAMPED FOR BETTER ENFORCEMENT

A move to streamline the administration and enforcement of shore protection, wetlands and marine laws was taken last month with a reorganization of the Division of Marine Services in the Department of Environmental Protection.

As Commissioner Richard J. Sullivan issued an executive order making the changes, a spokesman commented: "This is something that was needed because of the new mission the Division has."

He noted that the agency is responsible for enforcement of the Wetlands Act and riparian land management, plus regulations ranging from ocean dumping to channel marking.

"It will be a big improvement," said Richard C. Goodenough, Director of the Division. "The reorganization aligns those agencies doing things most closely related, and the streamlined set-up will enable us to respond much quicker by shortening the chain of command."

According to Goodenough, the major structural revision is elimination of the Bureau of Navigation and redistribution of its various functions to other agencies within the Division.

And, without adding any new personnel, he said, an eight-man enforcement staff will be formed as marine lands inspectors to keep tabs on the development of wetlands and the State's riparian lands.

### NEW CHIEF NAMED FOR TRIAL SECTION OF CRIMINAL JUSTICE DIVISION

State Deputy Attorney General Kenneth P. Zauber of Deal has been moved from the number two spot to chief of the Criminal Justice Division's Trial Section, Director Evan William Jahos announced.

Zauber, one-time counsel to the State Commission of Investigation, replaced former Deputy Attorney General Richard B. McGlynn of Short Hills, who had served as section chief for more than two and a half years.

McGlynn has returned to private practice with his father's law firm in Newark.

Zauber recently presented the State's case against former Hudson County Democratic chairman and freeholder John J. Kenny, who was convicted of extortion and misconduct in office.

He joined the Division in 1970. In his new post he directs

a staff of 30, including 16 attorneys and 14 investigative personnel. The trial section includes the enforcement bureau and civil antitrust bureau.

As counsel to the SCI, Zauber represented the commission in contempt proceedings which led to the jailings of several alleged organized crime figures who refused court orders to testify before the commission.

From 1965 to 1969, Zauber was assistant U.S. Attorney and from 1967 until 1969, chief of the civil division of the U.S. Attorney's Office for New Jersey.

### **LOUGHERY NAMED DIRECTOR FOR HIGH SCHOOL EQUIVALENCY**

Joseph M. Loughery has been appointed Director of the State Department of Education's Office of High School Equivalency, according to John Rosser, Director of the Division of Field Services.

The Office serves the State's adults who do not have a high school diploma through a program of instruction, testing and certification.

Loughery, 33, had been acting director of the office since early last year. He joined the Department in 1969 as a field supervisor. Before that he had taught high school English and English as a second language.

Loughery is a graduate of Pennsylvania State University, received his master's degree from Temple Graduate School of Education and has done graduate work at Lehigh University and the University of Pennsylvania.

He is unmarried and lives in Stratford.

### **FORMER NEWSMAN IS NAMED TO TREASURY INFORMATION POST**

Thomas J. Hooper, former court reporter and editorial writer for the Newark Evening News, has been named as special assistant for public information to State Treasurer William Marfuggi.

Hooper replaced John R. Lacy Jr., who resigned to become executive director of the New Jersey Retail Merchants Association.

Hooper receives the same \$17,490 salary Lacy was receiving.

Hooper, 53, lives in Kearny.

### **STATE OFFERS COUNTIES COUNSELING AID FOR ALCOHOLICS**

The State Department of Health, in an effort to help county employees who have a drinking problem, has offered the services of a counselor to the county governments.

In a letter to all 21 Freeholder Directors, Dr. James R. Cowan, Commissioner of Health, said:

"Our objective is to help the sick alcoholic. The combination of a highly-skilled counselor and the resources available in the county offer a meaningful alternative to possible termination of employment for the employee with a drinking problem."

"Many of our counties have programs for the alcoholic employee, others do not. We hope to stimulate all of them to confront the problem and take the necessary steps to help the suffering alcoholic," Dr. Cowan said.

He said that the State would not be involved in treating or in-depth counseling.

"This counseling service will be of a screening nature for the purpose of referring employees to treatment services in their area," Dr. Cowan said.

### **APPROVE PLAN TO TAKE BELL TELEPHONES ALONG WHEN MOVING**

New Jersey Bell Telephone Co.'s "Take and Save" program which allows residential subscribers to take their phones with them when they move was approved last month by the State Board of Public Utility Commissioners.

The plan enables customers to simply snip the wire connecting the telephone to the wall and have the instrument reinstalled at their new residence.

This eliminates the need for a phone serviceman to make the disconnection and gives customers a \$5 credit on their subsequent bill.

Customers with desk-type, Princess or Trimline telephones may take advantage of the plan.

Those with wall phones, multibutton or panel sets, or PBX and Centrex equipment can't participate because of the complexity of the equipment, a Bell spokesman said.

### **STATE IS SIXTH TO GAIN FEDERAL APPROVAL FOR BROAD HEALTH PLANNING**

New Jersey has become only the sixth state in the nation to win Federal approval of comprehensive health planning that includes every section of the State.

This results from acceptance by the U.S. Department of Health, Education and Welfare of the grant application of the Central New Jersey Comprehensive Health Planning Council, Inc. This Council covers Hunterdon, Mercer, Middlesex, Monmouth, Ocean and Somerset Counties and is one of four such groups.

The only other states fully covered by Federally-approved comprehensive health planning programs are Arkansas, California, Maine, Massachusetts and Wisconsin.

As a result of the latest Federal action, areawide agencies now have been established to coordinate health planning in every section of New Jersey.

The areawide agencies are linked to the State Health Planning Council under the Federal Partnership for Health program. Joseph C. Kale, director of the Comprehensive Health Planning Agency of the State Department of Health, explained that this program is designed to develop an effective partnership between the public and private sectors of the economy to assure the broadest possible health service coverage at the lowest possible cost.

Special emphasis is placed upon avoiding both costly duplication of services and overbuilding of health facilities, Kale noted. Areawide agencies are funded on a 50-50 matching basis between Federal and local levels and the State Comprehensive Health Planning Agency and its advisory State Health Planning Council operate on a 75-25 Federal-State matching basis. Each agency has a majority of health consumers as opposed to providers.

### **SCHOOLS URGED TO FOLLOW 10-POINT PROGRAM FOR FURTHER DESEGREGATION**

The State Board of Education has approved ten recommendations to New Jersey's public schools to expand desegregation efforts.

Board officials at a recent meeting noted that the State Constitution and Federal and State laws and pronouncements all mandate equal educational opportunity. They added that the Board is required by law to deal with problems of racial imbalance without waiting for formal complaints.

Noting that the 88 local school districts identified in 1969 as having racially imbalanced schools have made gains, the Board called upon all districts, among other steps, to

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integrate teaching staffs, add studies of minority cultures and involve the community in desegregation planning.

The complete recommendations of the Board and Commissioner of Education Carl L. Marburger are that all school districts continue to make concerted efforts covering the following areas:

1. To bring about staff integration on all levels.
2. To integrate the study of minority cultures.
3. To bring about staff in-service training on the understanding and appreciation of minority contributions to American culture.
4. To involve the community in the planning of school desegregation.
5. To provide a variety of teaching strategies to meet needs of a changing pupil enrollment.
6. To provide evaluations of the effectiveness of school integration procedures on learning as it affects both academic achievement and attitudes and self-concepts of students.
7. To provide maximum feasible opportunities to students of ethnic groups to participate in decisions affecting operation of their schools.
8. To continue to develop and implement desegregation plans.
9. To assess continually their own situations and take actions eliminating racial imbalances before pressures cause community opinion to become polarized.
10. And, for all public school districts that have implemented desegregation plans, to continue efforts to avoid resegregation and polarization of students.

### STATE NOW CONFIRMS SPEEDOMETER READINGS ON CAR AND TRUCK SALES

Gov. William T. Cahill has announced tough new State regulations to protect consumers from fraudulent or misleading motor vehicle sales in New Jersey.

The Governor said that since Jan. 1 the State Division of Motor Vehicles has required that the mileage reading of any car or truck being sold or resold has to be recorded on the vehicle's title papers.

"This program will represent a great step forward in New Jersey consumer protection," Governor Cahill declared.

"A citizen should be entitled to complete information about the car he purchases," he stated. "A vehicle's mileage has significant bearing on its value and a purchaser should be able to determine the previous owners and the odometer reading at each change of ownership."

He said he had authorized State Motor Vehicle Director Ray J. Marini to proceed with the new system in coordination with the State Office of Consumer Affairs.

Under the new rule, the mileage reading of any motor vehicle titled in New Jersey must be recorded on the face of the title document. At the time of resale, the seller must list and certify the current mileage reading on the reverse side of the title. (See 4 N.J.R. 274(a)).

The program, Governor Cahill said, will be welcomed by consumer organizations and law enforcement agencies because it will deter attempts to roll back mileage readings and will aid in detecting and prosecuting dealers and individuals who have tampered with odometers.

The Governor said the new requirement will benefit legitimate auto dealers as well as the buying public. He noted that it would protect the dealer who might unknowingly purchase a vehicle with an odometer that had been rolled back by a previous owner.

Director Marini said until now it was difficult to detect and prove odometer roll-back violations. He said such cases that do develop now are disposed of only in municipal courts, frequently with small fines.

Marini reported that he and Director Irwin have developed coordinated administrative proceedings against violators of the new regulation. He noted that Consumer Affairs has the power to levy fines and that Motor Vehicles can suspend or revoke the licenses of auto dealers found guilty of odometer tampering.

Under the new system, the Division of Motor Vehicles will be able to provide a full history of any vehicle's ownership. Marini said certified copies of a vehicle's chain of title and odometer readings will be furnished by his Division at nominal cost.

### COMMISSIONER SULLIVAN ENDORSES USE OF NUCLEAR POWER STATIONS

State Environmental Commissioner Richard J. Sullivan recently endorsed the use of nuclear power generating stations to meet New Jersey's future energy needs.

Although many environmentalists have called for a ban on atomic energy facilities, Sullivan said the only way to double the State's output of electricity in the next 10 or 15 years is to "safely put nuclear power plants on the line".

However, in testimony Feb. 20 before the State Senate's ad hoc committee on energy and environment, Sullivan stressed that his Department has not yet given approval for construction of any proposed nuclear power plants.

But he added that the State has taken steps to hasten the completion of studies for such plants—which have been proposed for off the Jersey shore in Ocean County, at Oyster Creek, and on Newbold Island in the Delaware River—so final decisions can be made.

"Environmentalists have been given a lot of credit for slowdowns of these plants," Sullivan said. "Our information is that they are not the problem. The problem is caused by labor problems and delinquency in the delivery of equipment."

Throughout his detailed testimony, Sullivan dwelled on the electrical energy crisis, maintaining that while there is a shortage of home heating and industrial fuels, the real emergency "is most likely to manifest itself in electrical power generation".

In addition to finding new sources of electrical power, Sullivan said, it will be necessary to find ways of cutting back on the use of electricity in the future.

He proposed increased recycling, which he said could reduce by as much as one-fifth the use of energy now used to convert raw materials into metals.

Sullivan maintained that the present shortage of low sulfur fuels for home heating and industry has not reached "crisis" proportions.

When they are needed, he said, supplies are available.

State Sen. William Schluter (R-suburban Mercer, Hunterdon), chairman of the committee, disagreed with Sullivan, saying, "There is no question there is a crisis."

With the conclusion of the three scheduled public hearings, Schluter said the committee would now draft its recommendations to the Senate.

If any legislation is proposed, he said, it will be general because of the vast amount of information and opinion that has to be sorted.

**LIST OF LICENSED FARM DEALERS NEWLY PUBLISHED**

The listing of dealers licensed by the State Department of Agriculture to buy farm commodities from New Jersey farmers has been republished, with single copies available on request, according to Paul W. Schmetzer, chief of the Department's Bureau of Licensing and Bonding.

Licensing of dealers is required by State law for protection of the farmer. Proceeds of the surety bonds which are a requirement for licensing are used to settle producers' claims if a dealer fails to pay for farm products he has purchased.

Schmetzer says farmers may obtain a copy of the list of 464 properly-licensed dealers by writing: Department of Agriculture, P.O. Box 1888, Trenton, N.J. 08625. Ask for Circular 465, 1972-73 List of Licensed Agricultural Dealers.

**1972 BOUND VOLUME AVAILABLE**

The 1972 bound volume of the 12 monthly issues of the New Jersey Register is available for immediate shipment, according to Albert E. Bonacci, Director of Administrative Procedure.

The volume includes also an index of all rules adopted during the year and of rules proposed but not yet adopted, along with a similar cumulative index for 1971. along with a similar cumulative index for 1971.

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

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The two Titles yet to be published are indicated below by asterisks preceding Title numbers:

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