

# 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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# NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

## AGRICULTURE

### DIVISION OF MARKETS

#### Proposed Rules for Sire Stakes Program

The Board of Trustees of the Sire Stakes Program, whose programs are partially administered by the Department of Agriculture, pursuant to authority of N.J.S.A. 5:9-91, proposes to adopt the regulations of the United States Trotting Association as published in the latest edition of the "Guide for Stakes and Futurities" as the rules of the Sire Stakes Program.

Full text of the proposed rule follows:

#### CHAPTER 32. SIRE STAKES PROGRAM

##### SUBCHAPTER 1. GENERAL PROVISIONS

2:32-1.1 Adoption by reference; Racing guide for stakes and futurities

All rules and regulations utilized by the New Jersey Department of Agriculture in the administration of the Sire Stakes Program shall conform to the latest edition of the United States Trotting Association regulation, as published in "Racing Guide for Stakes and Futurities".

Copies of the most current regulations are available for inspection by contacting the Division of Markets, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey 08625.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1973, to Donald Bechamps, Secretary, New Jersey Sire Stakes Program, at the above address.

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

Charles I. Smith, Sr.  
Chairman, Board of Trustees  
Sire Stakes Program

(b)

## AGRICULTURE

### DIVISION OF DAIRY INDUSTRY

#### Revisions to Rules on Supplying Equipment

On March 28, 1973, W. W. Moffett Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and specifically N.J.S.A. 4:12A-20 and 4:12A-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules on supplying equipment, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 30(a).

Such revisions will be included in N.J.A.C. 2:53-2.1(a) and 2:53-2.3(b).

An order adopting these revisions was filed and effective March 28, 1973, as R.1973 d.87.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## AGRICULTURE

### STATE BOARD OF AGRICULTURE

#### DIVISION OF REGULATORY SERVICES

#### Revisions for Eggs and the Official State Seal

On March 29, 1973, Phillip Alampi, Secretary of Agriculture and Secretary of the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:10-18 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning eggs and the official State seal, substantially as proposed in the Notice published March 8, 1973, at 5 N.J.R. 74(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Agriculture.

These changes include the changing from 54 to 51 the standard at retail regarding Grade A, A quality or better in N.J.A.C. 2:73-2.5(b), changing from 8 to 6 the standard at retail regarding Grade A, B quality also in N.J.A.C. 2:73-2.5(b) and deleting entirely the classification of "Jumbo, 30 ounces" in the table in N.J.A.C. 2:73-2.5(c).

## 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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Subscriptions to the official New Jersey Administrative Code containing all State rules in loose-leaf, updated volumes are also available from the Division or by using the official order form on the last page.

The adopted revisions are included in N.J.A.C. 2:73-2.2 et seq.

An order adopting these revisions was filed March 29, 1973, as R.1973 d.88, to become effective March 30, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## AGRICULTURE

### DIVISION OF PLANT INDUSTRY

#### Special Exemption for Florida Tomato Plants

On April 10, 1973, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:7-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning the importation of Florida tomato plants grown below the established late blight quarantine line.

Full text of the adopted rule follows:

2:17-4.2(c) In order to control the movement into New Jersey of late blight (*Phytophthora infestans*) diseased tomato plants produced in greenhouse operations south of a quarantine line including all counties in Florida south of and including Pinellas, Hillsborough, Hardee, Highlands, Okeechobee and Indian River counties, the following temporary specifications for admission of tomato plants so produced into New Jersey are hereby established:

1. The requirements listed below are to be considered only as a temporary, partial waiver or variance of current regulations governing the movement into New Jersey of vegetable plants provided for the spring of 1973.

2. Production:

i. If soil or a soil-less mix is used in production or shipment of the plants, the soil or mix must be sterile.

ii. During production and packing of the plants, the relative humidity of the greenhouse atmosphere immediately surrounding (within inches) the foliage must be kept below 90 per cent for 23 hours of every 24 hours.

iii. From the time the seedlings produced their first pair of true leaves they are to be sprayed on a three-day fungicide schedule of one or more of the following materials: maneb, manganese-zinc coordination product such as Dithane-M-45, Difolatan or Bravo. The fungicide is to be thoroughly dry on the plants before the foliage is wetted by overhead watering or the like. A final spray of one of the above fungicides is to be applied as nearly before packing for shipment as its drying will permit.

iv. For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pesticide applications satisfactory to Florida State Department of Agriculture regulatory officials are to be made.

3. Inspection:

i. Starting with the time of first true leaf production, inspections of the developing plants are to be made at a regular interval (at least once a week, and daily if possible) by the official plant inspection service of the State of Florida, for detection and elimination of possible pest problems (especially late blight disease) and to assure proper care and development of the plants in all respects. The finding of any late blight within the greenhouse planting is to immediately disqualify all tomatoes in the entire greenhouse for New Jersey shipment.

ii. Starting at the same time as the above inspection, similar inspections of tomato plantings outside the green-

house concerned (including adjacent greenhouses) are to be conducted within a radius of at least one-quarter mile. The finding of late blight within the radius would require immediate discontinuation of the plant shipments and notification of, and consultation with, the Division of Plant Industry, New Jersey Department of Agriculture, whose decision would be final and binding. Permanent cancellation of the shipments could be required.

iii. The plants are to be inspected by the official plant inspection service of the State of Florida on the day of pulling. Any late blight found disqualifies all tomato plants from the greenhouse of origin for shipment into New Jersey.

iv. During the period of three to ten days after any tomato plant shipment, any tomato plants remaining in the greenhouse(s) from which tomato plants were shipped into New Jersey, and also tomato plants within the outside "one-quarter-mile radius" of the greenhouse operation concerned, are to be inspected at a regular interval (daily if possible) by the official plant inspection service of Florida for detection of possible late blight infection. Any such infection found is to result in immediate halt of further shipment of plants into New Jersey, and immediate notification of, and consultation with, the Division of Plant Industry, New Jersey State Department of Agriculture, whose decision is to be final and binding. Cancellation of all tomato shipments could be required.

4. Packing:

i. Packing of tomato plants is to be in such a place and in such a way as to satisfy the official inspection service of the State of Florida that the plants are not exposed to a greater risk of late blight infection than existed in the greenhouse during the growing period.

5. Notification of shipment (Registration):

i. Florida greenhouse growers concerned will notify the Division of Plant Industry of the New Jersey State Department of Agriculture as far in advance as is practical of the date and time of shipment, place of origin, expected date, time, and place(s) of New Jersey delivery, and details of contents of each shipment into New Jersey of greenhouse-produced tomato plants from below the quarantine line.

6. New Jersey farmers responsibilities:

i. In order to control the possible spread into New Jersey of the tomato late blight disease (*Phytophthora infestans*) from below New Jersey's quarantine line in Florida, the following understanding by the New Jersey farmer growing subject tomato plants is hereby established:

(1) The requirements listed below are to apply during the 1973 season only, and only for tomato plants produced under special regulations in greenhouses below New Jersey's quarantine line in Florida.

(2) The New Jersey farmer will grow the plants under the supervision of the Division of Plant Industry, New Jersey Department of Agriculture (Telephone: 609-292-5440) and the Department of Plant Biology, Rutgers-The State University.

(3) The plants will be sprayed with fungicide at least weekly using approved scheduling, fungicides and application rates. Complete records of the sprays should be maintained.

(4) The plants will be available for inspection and sampling during their entire growing season.

(5) If in the opinion of the New Jersey Department of Agriculture, or Rutgers, the late blight disease (*P. infestans*) is present in the planting, and constitutes a threat to other farmers, the New Jersey farmer, or if necessary, the New Jersey Department of Agriculture will take such



action as deemed necessary to eliminate the threat, including destruction of the entire planting(s) involved.

7. This special exemption is to apply for the year 1973 only.

An order adopting this rule was filed and effective April 11, 1973, as R.1973 d.101 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## BANKING

### DIVISION OF ADMINISTRATION

#### Proposed Rules On Mortgage Applicant's Birth Control Practices

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1B-2 and 17:11A-54(a), proposes to adopt new rules concerning mortgage applicant's birth control practices.

Full text of the proposed rules follows:

#### SUBCHAPTER 5. MORTGAGE APPLICANT'S BIRTH CONTROL PRACTICES

##### 3:1-5.1 Mortgages originated

No State-chartered bank, as defined in N.J.S.A. 17:9A-1 (1), savings bank, as defined in N.J.S.A. 17:9A-1(13), savings and loan association, as defined in N.J.S.A. 17:12B-5 (1), or secondary mortgage loan licensee, as defined in N.J.S.A. 17:11A-35(c) and 36, may require, accept or consider, directly or indirectly, information as to a mortgage applicant's birth control practices or information otherwise bearing on such applicant's intention or capacity to have children in determining the applicant's credit worthiness or eligibility for a mortgage or in computing the amount of such mortgage.

##### 3:1-5.2 Mortgages purchased

No State-chartered bank, as defined in N.J.S.A. 17:9A-1 (1), savings bank, as defined in N.J.S.A. 17:9A-1(13), savings and loan association, as defined in N.J.S.A. 17:12B-5 (1), or secondary mortgage loan licensee, as defined in N.J.S.A. 17:11A-35(c) and 36, may discount, buy, invest in, hold or otherwise negotiate a bond or note secured by a mortgage or secondary mortgage which mortgage has been approved after the requirement, acceptance or consideration of information as to the mortgage applicant's birth control practices or of information otherwise bearing on such applicant's intention or capacity to have children.

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

Richard F. Schaub  
Commissioner  
Department of Banking  
Trenton, N.J. 08625

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

Richard F. Schaub  
Commissioner  
Department of Banking

(b)

## BANKING

### DIVISION OF BANKING

#### Revisions on Approval to Exceed Ten Per Cent Limitation

On April 26, 1973, Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9-62H and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 3:11-1.1 concerning the approval to exceed ten per cent limitation, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 77(a).

An order adopting these revisions was filed April 26, 1973, as R.1973 d.116 to become effective May 1, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Civil Service Personnel Manual For Local Jurisdictions

On April 19, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedure rules which constitute the Civil Service Personnel Manual for Local Jurisdictions.

The 63-page manual interprets Civil Service rules and describes related procedures that are used by the Department of Civil Service and the appointing authorities of the State. The manual deals with definitions, hearings, position classification and reclassification, examinations and applications, examination scoring, noncompetitive and labor appointments, eligible lists, certification and appointment, working test period, provisional and temporary appointment, assignments and transfers, separations and demotions, leaves of absence, hours of work, payroll certification, performance evaluation and employee training and employer-employee relations as they relate to local jurisdictions.

Due to the prohibitive cost, this manual is distributed free only to appointing authorities and employee groups representing State or local employees. Individual subparts, however, are distributed to any individuals on specific request. The entire manual is available to the public for reading at the office of the Department of Civil Service in Trenton or at State libraries.

An order adopting this manual was filed April 23, 1973, as R.1973 d.107 (Exempt, Procedure Rule) to become effective May 1, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## CIVIL SERVICE

### CIVIL SERVICE COMMISSION

#### Civil Service Personnel Manual for State Service

On April 19, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedure rules which constitute the Civil Service Personnel Manual for State Service.

The 142-page manual interprets Civil Service rules and describes related procedures that are used by the Department of Civil Service and the appointing authorities of the State. The manual deals with definitions, hearings, position classification and reclassification, compensation, examinations and applications, examination scoring, non-competitive and labor appointments, eligible lists, certification and appointment, assignments and transfers, separations and demotions, leaves of absence, hours of work, performance evaluation and employee training, awards programs and employer-employee relations as they relate to State service.

Due to the prohibitive cost, this manual is distributed free only to appointing authorities and employee groups representing State or local employees. Individual subparts, however, are distributed to any individuals on specific request. The entire manual is available to the public for reading at the office of the Department of Civil Service in Trenton or at State libraries.

An order adopting this manual was filed April 23, 1973, as R.1973 d.108 (Exempt, Procedure Rule) to become effective May 1, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions Concerning School Social Worker Certificates

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38, proposes to revise the rules concerning school social worker certificates.

Full text of the proposed, revised rules follows:

#### 6:11-12.10 School social worker (visiting teacher)

(a) This certificate is required for service as a school social worker (visiting teacher) in any school district in the state.

(b) The requirements are:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;
2. Three years of successful teaching experience or three years of approved social work experience or a combination of both, or a master's degree from an accredited school of social work;
3. Twenty-four semester-hour credits distributed within the following areas, including some study in each area:
  - i. Psychology, including educational psychology, general

psychology, psychology of adolescence, child growth and development, and psychology of the atypical child;

ii. Education, including philosophy of education, history of education, principles and methods of teaching, and curriculum study;

iii. Sociology and social problems, including courses dealing with delinquency, poverty, interracial and intercultural problems;

iv. Social case work, introductory and advanced, including principles and practices in social case work, interviewing, and methods and skills in diagnosis;

v. Mental hygiene and social psychiatry, including dynamics of human behavior and psychopathology;

vi. Medical information, including the function of the social worker in health problems;

vii. Community organization and public welfare services, including a study of the present legislation dealing with the care and protection of dependent, neglected, handicapped and delinquent children and adults.

4. A master's degree in social work from an accredited institution be accepted as meeting the study requirements indicated above.

#### 6:11-12.18 School social worker (effective July 1, 1976)

(a) This certificate authorizes service as school social worker in elementary, secondary and vocational schools.

(b) School social workers serve as agents to bring about a productive liaison among school, home and community to aid the child in his school adjustment.

(c) The requirements are:

1. Option A:

i. A master of social work degree from an accredited graduate school of social work:

(1) Completion of the required course work in the area of educational information as specified for the certificate program;

(2) Evidence of orientation to a school setting by reason of a supervised field experience on an undergraduate or graduate level, or by a semester's seminar in school social work, or through professional employment in a school setting.

ii. One year of full-time successful paid experience in a social agency or related field in which cooperative functioning with social work agencies took place.

2. Option B:

i. A master of education or master of arts degree from an approved graduate certificate program:

(1) Completion of a graduate certificate program of a minimum of thirty-six semester-hour credits, including the supervised field experience, approved by the New Jersey State Department of Education as meeting the requirements for this certificate;

(2) The approved supervised social work field experience will consist of a minimum of 450 clock hours. Semester-hour credit will be granted. Approximately one half of this field experience shall be in a school setting and one half in a social agency other than a school specializing in direct services, group experience, or community planning.

ii. Two years of full-time successful paid experience in a social work agency or related field in which cooperative functioning with social work agencies took place.

(d) Approved programs for the preparation of school social workers in accredited colleges and universities shall include graduate study chosen from the three following content areas, with completion of at least four courses listed under paragraph 2 and four courses listed under paragraph 3 below.

1. Environmental and developmental information:

i. Social welfare policy and programs;

ii. Problems of urban, suburban, and rural areas;

- iii. The family as a basic institution;
- iv. Dynamics of behavior, individual and group;
- v. Medical and psychiatric information;
- vi. Multiple factors in human growth and development.
- 2. Educational information:
  - i. School administration and school law;
  - ii. Introduction to learning disabilities;
  - iii. Structure and planning of curriculum;
  - iv. Theories of learning;
  - v. Psychological tests and measurements.
- 3. Social work methods and application:
  - i. Beginning social casework;
  - ii. Advanced social casework;
  - iii. Social group work;
  - iv. Community organization process;
  - v. Methods of social work research.

(e) Concerning supervised field experience in the graduate certificate program, a field experience of a minimum of 450 clock hours, under the supervision of an approved social worker, of which approximately one half shall be in an approved school setting other than the place of employment, and one half in a social work agency other than a school.

(f) Take notice that:

1. Provisional certification may be granted when all requirements have been fulfilled, except completion of the educational information courses. Persons previously employed with provisional certification may qualify for a standard certificate for school social work by fulfilling the requirements specified at the time the provisional certificate was granted, provided the holder has completed at least four credits each year chosen from areas required for the standard certificate.

2. Any applicant who begins his studies after September 1, 1973, will be required to complete the new regulation.

(g) Guidelines for the supervised field experience for school social workers in the graduate certificate program are:

1. The requirement for the field experience is a minimum of 450 clock hours of supervised social work practice in approved social agency placements, of which approximately one half shall be in a school setting other than the place of employment and approximately one half in a social agency other than a school.

2. The supervised social work field experience shall be taken under the direction of an accredited college or university as part of a program for the preparation of school social workers.

3. Supervision in the school placement shall be provided by a person holding a standard New Jersey certificate as a school social worker, with a minimum of three years of successful social work experience in a school setting.

4. An approved agency, college, or university field supervisor shall provide the supervision and act as liaison between the classroom and field training units.

5. The setting providing the supervised field experience shall be equipped with adequate office space for the student. Records shall be made available to the student for study and guidance.

6. The student shall receive experience and instruction and demonstrate competence in the following areas:

- i. Social case studies of the child in home, school, and community;
- ii. Differential diagnosis in social casework;
- iii. Formulation of behavioral objectives;
- iv. Report writing and recording;
- v. Team participation in evaluation and assessment of handicapped pupils;
- vi. Collaboration with instructional, pupil personnel, and administrative staff;

- vii. Contacts with community agencies on behalf of child and family;
- viii. Casework techniques (interviewing and counseling) with pupils and parents in problem solving;
- ix. Group dynamics and group process;
- x. Methods of program evaluation;
- xi. Principles of pupil and parent advocacy;
- xii. Human and intercultural relations within the classroom, school, and community.

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education

(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Proposed Revisions In Requirements For Drivers of School Buses

Edward W. Kilpatrick, Acting Commissioner of Education and Acting Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to revise N.J.A.C. 6:21-11.1(a) concerning the requirements for drivers of school buses.

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

6:21.11.1(a) To be eligible for employment as a regular or substitute bus driver, an applicant shall be a reliable person of good moral character and shall [be not less than 21 years of age.] **have a minimum of three years previous driving experience, be physically fit and [He] shall [hold] possess a [special school] valid bus driver's license issued by the Department of Law and Public Safety, Division of Motor Vehicles.**

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

Edward W. Kilpatrick  
Acting Commissioner of Education  
Acting Secretary, State Board of Education



(a)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Rules on Procedures for School Bus Drivers At Railroad Grade Crossings

On April 5, 1973, Edward W. Kilpatrick, Acting Commissioner 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 rules concerning the procedures for school bus drivers at railroad grade crossings, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 78(b).

Such rules may be cited as N.J.A.C. 6:21-11.6 et seq.

An order adopting these rules was filed and effective April 9, 1973, as R.1973 d.98.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## EDUCATION

### STATE BOARD OF EDUCATION

#### Revisions to Rules on Library Incentive Grant Programs

On April 5, 1973, Edward W. Kilpatrick, Acting Commissioner of Education, pursuant to authority of N.J.S.A. 18A:74-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning library incentive grant programs, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 79(b).

Such revised rules may be cited as N.J.A.C. 6:68-2.10 et seq.

An order adopting these revisions was filed and effective April 9, 1973, as R.1973 d.99.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES FISH AND GAME COUNCIL

#### Proposed 1973-1974 Game Code

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 et seq., proposes to adopt a Game Code for the 1973-74 hunting season.

The Code, if adopted, will be included in Subchapter 5, Chapter 25, Title 7 in the New Jersey Administrative Code. The proposed code states when, under what circumstances, in what localities, by what means and in what amounts and numbers game birds, game animals and furbearing animals may be pursued, taken, killed or had in possession.

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

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

Interested persons may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held Tuesday, June 12, 1973, at 8:00 P.M. in the State Museum Cultural Center, West State Street, Trenton, New Jersey. Written statements or arguments relevant to the proposed action may be presented on or before June 12, 1973, to the Fish and Game Council at the above post office address.

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

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

(d)

## ENVIRONMENTAL PROTECTION

### NOISE CONTROL COUNCIL

#### Notice of First Annual Public Hearing

Notice is hereby given that, pursuant to the provisions of N.J.S.A. 13:1G-1 et seq. and in accordance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), the Noise Control Council of the Department of Environmental Protection will hold its first annual public hearing. The question to be explored is:

#### COMMUNITY NOISE—YOUR CONCERN AND PRIORITIES

The hearings will be as follow:

Session 1 May 8 County College of Morris, Dover.

Route 10, between Center Grove Road and Dover Chester Road. Auditorium/Student-Community Center Building. Parking in Lot 6 near Dover Chester Road.

Session 2 May 15 Georgian Court College, Lakewood.  
Route 9 into Lakewood, west on 9th Street to college entrance. Little theater.

Session 3 May 22 Glassboro State College, Sewell.

Route 322, Glassboro. Wilson music building, room 101  
Residents of New Jersey are invited to all of the sessions.  
Time for registration is 9:00 A.M., and for presentations, 10:00 A.M. to 4:00 P.M.

#### PURPOSE OF HEARINGS

The State of New Jersey enacted the Noise Control Act of 1971 to insure an environment free of unnecessary noise for residents of the State. This history-making Act created a Noise Control Council in the Department of Environmental Protection to assist and advise the Department in the implementation of the Act.

You are cordially invited to participate in the first annual public hearing conducted by the Noise Control Council. In an effort to establish the current state of the art and the technical capabilities and limitations in community noise control (excluding all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment) the Council invites all concerned persons to present their recommendations and suggestions for implementation of this legislation.

All interested persons are invited to attend and participate at the session geographically most convenient. Any person wishing to submit recommendations is requested to

advise Edward DiPolvere (P.O. Box 1390, Trenton, N.J. 08625) of the Department of Environmental Protection of the session selected and the subject to be presented. So that presentations can be scheduled for maximum continuity and to conserve waiting time, it is requested that a copy of the presentation be submitted in advance of the hearings.

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

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Proposed Extension of Wetlands Order To Certain Portions of Gloucester County

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

Full text of the proposed rule extending coverage to portions of Gloucester County follows:

7:7A-1.1(a) 11. Gloucester County—(The following Wetlands Maps are filed in the office of the County Recording Officer—Woodbury): 315-1800, 315-1806, 322-1794, 322-1800, 329-1800, 329-1806, 329-1818, 329-1824, 336-1788, 336-1794, 336-1800, 336-1806, 336-1812, 336-1818, 343-1782, 343-1788, 343-1794, 343-1800, 343-1806, 350-1794, 350-1800, 350-1806, 350-1818, 350-1824, 350-1830, 350-1842, 350-1848, 350-1854, 357-1794, 357-1800, 357-1806, 357-1812, 357-1818, 357-1824, 357-1830, 357-1836, 357-1842, 357-1848, 364-1806, 364-1812, 364-1818, 364-1824, 364-1830, 364-1836, 364-1842, 364-1854, 364-1860, 364-1878, 371-1848, 371-1854, 371-1872, 371-1878, 378-1866

A public hearing respecting this proposed action will be held on June 13, 1973 at 1:00 P.M. and continuing into the evening, if necessary at:

Glassboro State College  
Wilson Music Building, Room 101  
Glassboro, New Jersey

This hearing will be held in accordance with the provisions of the Wetlands Act of 1970, Chapter 272, P.L. 1970.

All testimony offered to the Department of Environmental Protection orally or in writing at that hearing will be considered. Also, interested persons may present statements or arguments in writing relevant to the proposed action on or before July 13, 1973, to:

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection  
Labor and Industry Building  
John Fitch Plaza  
Trenton, New Jersey 08625

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

Richard J. Sullivan  
Commissioner  
Department of Environmental Protection

(b)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Conservation Order For Oyster and Shellfish Beds

On March 28, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency conservation order concerning oyster and shellfish beds.

Full text of the order follows:

7:25-7.3 Conservation Order (March 28, 1973)

(a) Whereas, there exists a depleted condition in the oyster beds in the area below what is commonly known as the Southwest Line (described in N.J.S.A. 50:3-7) in the Delaware Bay, and the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain oyster beds in the said waters that are now open be closed, and I am satisfied that the recommendations of the aforementioned are accurate and correct and that it would be in the best interests of conservation to close the same, pursuant to the powers vested in me by the statutes in such case made and provided, it is hereby ordered that the beds opened by order of September 1, 1971, shall be closed at 3:00 P.M., March 28, 1973, and shall remain closed until further notice.

(b) Whereas, the Maurice River Cove Section of the Shell Fisheries Council and the Oyster Research Laboratory have recommended that certain of the Shellfish beds in the tidal waters of the Delaware River, Delaware Bay and tributaries can be opened to the taking of shellfish without harmful effects on conservation, and pursuant to the recommendations of the aforementioned, which I have examined and feel to be correct and in the best interests of conservation, and pursuant to the powers vested in me by the statutes in such case made and provided, it is hereby ordered that, beginning 7:00 A.M., March 19, 1973, the following beds be opened for the taking of oysters and shall remain open until further notice, not to exceed June 30, 1973:

1. Maurice River, from its source, up to a point commonly known as the Summer Line, better described in N.J.S.A. 50:3-14.
2. Back Creek beds at the mouth of Back Creek and Back Creek from the mouth thereof to the south bank of the mouth of Tweed Creek.

(c) Each working day shall open at sunrise and close at sunset, Eastern Standard Time or Eastern Daylight Time, whichever prevails.

(d) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(e) This order shall take effect March 28, 1973.

An order adopting this conservation order was filed and effective March 28, 1973, as R.1973 d.85 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State



(a)

## ENVIRONMENTAL PROTECTION

### DIVISION OF FISH, GAME AND SHELLFISHERIES

#### Conservation Order Opening Certain Oyster Beds

On March 28, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency conservation order concerning the opening of certain oyster beds.

Full text of the order follows:

7:25-7.4 Conservation Order effective May 14, 1973

(a) Whereas, the Director of the Division of Fish, Game and Shellfisheries, in the Department of Environmental Protection and the Maurice River Cove Section of the Shell Fisheries Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection have recommended that the oyster beds in the tidal waters of the Delaware River, Delaware Bay and their tributaries can be opened without harmful effect on the conservation thereof; and whereas I have examined the recommendations, findings and conclusions heretofore referred to and find them to be correct and in the best interest of the conservation of the said seed oyster beds; now therefore, pursuant to the powers vested in me by the statutes in such case made and provided, it is hereby ordered that all the natural seed oyster bed areas above what is commonly known as the Southwest Line shall be opened for the taking of seed oysters beginning 7:00 A.M. eastern daylight time on Monday, May 14, 1973, and shall remain open until further notice.

(b) Physical tests of all areas opened by this order shall be made each Thursday after May 14, 1973. If these tests indicate that any or all beds should be closed because of possible harmful effects, those areas shall be closed on the Friday immediately following the tests at the conclusion of the working day.

(c) It is further ordered that an advisory committee shall be appointed by the Commissioner of the Department of Environmental Protection to make these tests, and it shall be composed of two members of the Maurice River Cove Council, two members of the Oyster Research Laboratory, and the Director of the Division of Fish, Game and Shellfisheries or his designate.

(d) It is further ordered that the decision of the committee to close any or all beds shall be made in accordance with that which in the committee's judgment appears to be best for the future development and rehabilitation of each bed. If the tests indicate any or all beds should be closed, the bed or beds shall be closed in accordance with the aforementioned schedule.

(e) The following areas are to be excluded from this order and shall remain closed:

1. The mouth of the Cohansey River (inside Tonger's Line);
2. New Beds Sanctuary;
3. Shell Rock Sanctuary;
4. The Old Cohansey Sanctuary;
5. Bennies (including sanctuary);
6. Below a line drawn from Fortescue Light to Buoy No. 31 (includes strip at Southwest Line, Egg Island Bed and the Ledge Bed);
7. Above a line drawn from Stow Creek to Buoy No. 42 (includes Arnold's and Round Island).

(f) It is further ordered that there shall be a strict enforcement of N.J.S.A. 50:2-7 and 50:2-8, commonly known as the Rough Cull Law.

(g) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(h) This order shall take effect May 14, 1973.

An order adopting this conservation order was filed March 28, 1973, as R.1973 d.86 (Exempt, Emergency Rule), to become effective May 14, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## ENVIRONMENTAL PROTECTION

### SHELLFISHERIES COUNCIL

#### Opening of Shellfish Beds

On April 2, 1973, J. A. Price, Secretary of the Shellfisheries Council, Atlantic Coast Section, in the Department of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule opening certain shellfish beds within the tidal waters of Little Egg Harbor Bay.

Full text of the emergency rule follows:

7:25-9.1(g) The area hereinafter described shall be opened to the taking of shellfish and remain open until further notice; such area being described as follows:

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

An order adopting this rule was filed and effective April 2, 1973, as R.1973 d.94 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## ENVIRONMENTAL PROTECTION

### THE COMMISSIONER

#### Conservation Order For Mullica River

On April 12, 1973, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency Conservation Order concerning oyster beds in the tidal waters of the Mullica River and its tributaries.

Full text of the Order follows:

7:25-7.5 Conservation order; Mullica River

(a) It is hereby ordered that the following bed in the

Atlantic Coast Section be opened for the taking of shellfish, beginning May 14, 1973, at 7 A.M., and remain open until further notice, not to exceed May 31, 1973:

1. REEF BED.

(b) It is further ordered that this bed shall be opened daily from 7 A.M. until 3 P.M., eastern daylight time, except any time on Sunday.

(c) Nothing in this order shall be construed to affect any existing regulations concerning areas condemned for the taking of shellfish by the State of New Jersey.

(d) This order shall take effect May 14, 1973, at 7 A.M.

An order adopting this Conservation Order was filed April 12, 1973, as R.1973 d.102 (Exempt, Emergency Rule) to become effective May 14, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## HEALTH

### THE COMMISSIONER

#### Proposed 1973 State Plan for Hospitals And Related Health Care Services

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 the 1973 State Plan for Hospitals and Related Health Care Services covering all public and private institutions.

The proposed plan is a revision and updating of the 1971 State Plan, which is now in effect and which is used by the State Health Planning Council, the Commissioner of Health and the Health Care Administration Board as guidelines and standards for the issuance of certificates of need.

A copy of the proposed 1973 State Plan of approximately 500 pages is on file with the agencies listed below and available to anyone wishing to review it during business hours:

Comprehensive Health Planning Council of  
Northern New Jersey  
265A Route 46  
Totowa, New Jersey 07511  
See A. Fiori

Hospital and Health Planning Agency of  
Metropolitan New Jersey  
2 Park Place  
Newark, New Jersey 07102  
See William Lowery

New Jersey State Department of Health  
Health-Agriculture Building  
Trenton, New Jersey 08625  
See Hill-Burton Program Director

Comprehensive Health Planning Council of  
Southern New Jersey  
409 Delsea Drive  
Westville, New Jersey 08093  
See Mansoor Sedarat

The 1973 State Plan, if adopted, will be included in Chapter 32 in Title 8 of the New Jersey Administrative Code.

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

Arthur E. Brown  
Assistant Commissioner for 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 the plan substantially as proposed without further notice.

James R. Cowan  
Commissioner  
Department of Health

(b)

## HEALTH

### THE COMMISSIONER

#### Proposed Fees for Annual Licensure Of Health Care Facilities

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 fees for the annual licensure of health care facilities.

Full text of the proposed rules follows:

#### 8:31-5.2 Annual licensure fees; health care facilities

(a) The schedule of annual licensure fees of health care facilities is as follows:

1.	1 to 99 beds	\$ 50.00
2.	100 - 199 beds	\$100.00
3.	200 - 299 beds	\$150.00
4.	300 - 399 beds	\$200.00
5.	400 - 999 beds	\$250.00

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

Arthur E. Brown  
Assistant Commissioner for 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 these fee rules substantially as proposed without further notice.

James R. Cowan  
Commissioner  
Department of Health

(c)

## HEALTH

### THE COMMISSIONER

#### Proposed Revisions Concerning Criteria for Mixed Obstetric And Gynecologic Floors in Hospitals

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 revisions to the criteria for mixed obstetric and gynecologic floors in licensed private general hospitals.

The proposed revisions will replace current criteria as outlined in Appendix C of the Manual of Standards for Hospital Facilities, previously adopted by the Department of Institutions and Agencies. The Department of Health now has jurisdiction over such areas.

Such revisions, if adopted will be included in Chapter 35 of Title 8 in the New Jersey Administrative Code.

The revisions concern qualifications for participating



hospitals, selection of gynecologic and approved female surgical patients and rules governing their stay on the maternity floor, rules governing hospital care of patients, definitions, specific methods and reporting.

Copies of the full text of the proposed revisions totaling 13 pages may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 30, 1973, to Arthur E. Brown, Assistant Commissioner of Health Facilities, at the above address.

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

James R. Cowan  
Commissioner  
Department of Health

(a)

## HEALTH

### DIVISION OF CONSUMER HEALTH SERVICES

#### Revisions on Licensing of Food and Cosmetic Manufacturing and Wholesale Establishments

On March 29, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:15-13 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions on licensing of food and cosmetic manufacturing and wholesale establishments, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 81(b).

Such revisions will be included in N.J.A.C. 8:21-9.1 and 8:21-9.2.

An order adopting these revisions was filed and effective March 30, 1973, as R.1973 d.89.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## HEALTH

### HEALTH CARE ADMINISTRATION BOARD

#### Amendment Concerning Preliminary Financial Feasibility Studies

On March 29, 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 an amendment to the rule concerning preliminary financial feasibility studies, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 82(a).

This amendment will be included in Part V, Facility Planning, of the table located in N.J.A.C. 8:33-2.2(a).

An order adopting this amendment was filed and effective March 30, 1973, as R.1973 d.90.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Revisions to Manuals For State-Supported County Colleges

The Department of Higher Education proposes that the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq. and 18A:64A-1 et seq., adopt revisions to the Uniform Manual of Accounts for State-supported County Colleges and the General Accounting and Procedures Manual for State-supported County Colleges.

The proposed revisions update the existing manuals by reflecting the creation of the Department of Higher Education and by reflecting updated accounting practices. These policies, which are in the form of regulations, have the force of law and of standards which specify good practice.

Copies 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 May 30, 1973, to 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  
Department of Higher Education  
Secretary, Board of Higher Education

(d)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Refiling of Emergency Rules on Tenure Policies for Community Colleges

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq. and N.J.A.C. 15:15-4.20, proposes to afford the public an opportunity to comment on the emergency rule adopted by the Board of Higher Education on November 29, 1972, as R.1972 d.240—the full text of which was published in the January 4, 1973, issue of the New Jersey Register at 5 N.J.R. 9(a)—concerning tenure policies in Community Colleges. Such rules are currently cited as N.J.A.C. 9:4-6.1 et seq.

Interested persons may present statements or arguments in writing relevant to the adopted rule on or before May 30, 1973, to:

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

Thereafter, the Board of Higher Education may refile said rules in accordance with N.J.A.C. 15:15-4.20 without further notice.

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

(a)

## HIGHER EDUCATION

### BOARD OF HIGHER EDUCATION

#### Proposed Refiling of Emergency Rules On Tenure Policies

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq. and N.J.A.C. 15:15-4.20, proposes to afford the public an opportunity to comment on the emergency rule adopted by the Board of Higher Education on November 29, 1972, as R.1972 d.239—the full text of which was published in the January 4, 1973, issue of the New Jersey Register at 5 N.J.R. 8(e)—concerning tenure policies in State Colleges. Such rules are currently cited as N.J.A.C. 9:2-9.1 et seq.

Interested persons may present statements or arguments in writing relevant to the adopted rule on or before May 30, 1973, to:

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

Thereafter, the Board of Higher Education may refile said rules in accordance with N.J.A.C. 15:15-4.20 without further notice.

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

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rule On Patient Referral

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt a new rule governing reimbursement to those hospitals rendering obstetrical services to persons eligible under the New Jersey Health Services Program.

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

Full text of the proposed rule follows:

All hospitals participating in the New Jersey Health Services Program are to refer all Medicaid eligible obstetrics cases out of the hospital clinic to private physicians, unless it can be shown by the hospital, that it can assign a full-time physician to the individual clinic patient during the pre-partum, intra-partum and post-partum period. Failure to assign a full-time physician will result in non-payment of the hospital claim.

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

Division of Medical Assistance and Health Services  
Administrative Analyst  
324 East State 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 the rule substantially as proposed without further notice.

Robert L. Clifford  
Commissioner  
Department of Institutions and Agencies

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions for Hearing Aid Batteries

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise Section 204.2 of the Hearing Aid Manual concerning the provision for hearing aid batteries under the New Jersey Health Services Program.

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

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

Section 204.2 Repairs and replacement of parts  
Batteries

[Replacement batteries require prior authorization and are provided as a three-month supply. They do not, however, require a signed and dated prescription by the prescribing physician.]

Replacement batteries shall be provided as a three-month supply and billed directly to the contractor. Batteries do not require a signed and dated prescription by the prescribing physician.

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

Administrative Analyst  
Division of Medical Assistance and Health Services  
324 East State 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

(d)

## INSTITUTIONS AND AGENCIES

### DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Revisions For Orthodontic Services

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to Section 233.7 in the Health Services Program Dental Provider Manual regarding orthodontic services in the health services program.

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

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

233.7 Orthodontic services

D4 NOTE: All diagnostic aids [except the models], will be returned to the orthodontist, but must be made available upon the request of the Medicaid dental director. It is suggested that models be duplicated before submission to enable you to retain a set in your office, in the event of loss or breakage in transit.



F.1.a. The contractor and provider copies of the dental claim (MC-10) with x-rays and photos and models will be returned to the orthodontist with the proper authorization.

F.1.d. Find records similar to diagnostic aids described in D4 above taken at termination of treatment, must be submitted together with the last claim (MC-10) to: Dental Director, Division of Medical Assistance and Health Services, P.O. Box 2706, Trenton, New Jersey 08625. The models will be returned to the provider.

F.2. The contractor and provider copies of the dental claim (MC-10), will be returned to the orthodontist with the x-rays and photos and models. The orthodontist would then obtain the patient's signature on the MC-10, sign Item 16 and submit the contractor copy to Prudential Insurance Co. for payment of the assessment examination and those diagnostic services previously performed.

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

Administrative Analyst  
Division of Medical Assistance and Health Services  
324 East State 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 MEDICAL ASSISTANCE AND HEALTH SERVICES

#### Proposed Rules for Fair Hearings Under Health Services Program

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules for fair hearings under the New Jersey Health Services Program.

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

Full text of the proposed rules follows:

#### A. Definitions

1. "Applicant" means any person who has made application for purposes of becoming a "Qualified Applicant".

2. "Qualified Applicant" means any person who is determined to be eligible to receive benefits in accordance with Chapter 413, P.L. 1968, and amendments thereto.

3. "Provider" means any person, public or private institution, agency or business concern lawfully providing medical care, services, goods and supplies authorized under Chapter 413, P.L. 1968, and amendments thereto, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies, and who has executed an Agreement of Participation with the Department.

4. "Recipient" means a person who is a resident of this State and is determined to need medical care and services under Chapter 413 and amendments thereto, and falls within the eligibility criteria set forth in Chapter 413.

5. "Claimant", when used within the regulations, means applicant, qualified applicant or recipient as defined above.

B. Informing Individuals of Their Rights. Every claimant will be informed in writing at the time of application and at the time of any action affecting his claim.

1. Of his right to Fair Hearing;
2. Of the method by which he may obtain a hearing;
3. That he may be represented by legal counsel or by a relative, friend or other spokesman, or he may represent himself; and
4. Of legal services within the community from which he may receive legal aid.

#### C. Opportunity for Fair Hearing

1. An opportunity for Fair Hearing may be granted to any provider requesting a hearing on any complaint or issue arising out of the claims payment process.

a. Such issues shall include but not be limited to denials of prior authorization and denial of claims submitted for payment.

b. Such requests for hearing must be made within 15 days of the agency action giving rise to said complaint or issue.

2. An opportunity for a Fair Hearing will be granted to any claimant requesting a hearing because his claim for medical assistance is denied or is not acted upon with reasonable promptness, or because he is aggrieved by any other agency action affecting receipt, termination, reduction or suspension of such assistance. Under this requirement:

a. A request for hearing is defined as any clear expression (oral or written) by the claimant (or someone authorized to act on behalf of the claimant) to the effect that he desires the opportunity to present his case to higher authority.

b. The freedom to make such a request shall not be limited or interfered with in any way and Departmental emphasis shall be on helping the claimant to submit and process his request and in preparing his case if needed.

c. The claimant shall have 15 days from the date of receipt of notice of Departmental action in which to request a hearing.

d. The Fair Hearing shall include consideration of:

(1) Any Departmental action, or failure to act with reasonable promptness, on a claim for medical assistance, which includes undue delay in reaching a decision on eligibility, suspension of assistance, or denial of such assistance in whole or in part;

(2) The Department's interpretation of the law and the reasonableness and equitableness of the policies promulgated under the law if the claimant is aggrieved by their application to his situation.

(3) Departmental decision regarding:

(a) Eligibility for medical assistance in both initial and subsequent determinations;

(b) Amount of medical assistance or change in such assistance;

(c) The manner and form of assistance; and

(d) Conditions upon which such assistance was premised.

(e) 1. The Department may respond to a series of individual requests for Fair Hearings by conducting a single group hearing. A consolidation of cases by the Department is allowable only in cases which the sole issue involved is one of withdraw from the group hearing in favor of an individual hearing.

2. If a group hearing is requested by individuals on a policy issue, the Department must grant it.

3. In all group hearings, whether initiated by the Department or by the claimants, the policies governing Fair Hearings shall be followed. Thus, each individual claimant must be permitted to present his own case and be represented in accordance with the provisions of B3.

(f) The Department shall not deny or dismiss a request for a hearing except where it has been withdrawn by claimant in writing or abandoned.

1. For purposes of these regulations, the right to a hearing is considered abandoned if the claimant or his representative fails to appear at a scheduled hearing and, within five days after the receipt of an inquiry as to whether he desires any further action on his request, no reply is received. Refusal of acceptance of a registered letter inquiring into contemplated further action by the claimant shall constitute abandonment effective the date of refusal.

D. Advance Notice of Intent to Terminate, Reduce or Suspend Assistance. In cases of any proposed action to terminate, reduce or suspend assistance:

1. The Department shall give timely and adequate advance notice detailing the reasons for the proposed action. Under this requirement:

a. "Timely" means that the notice is received at least ten days before the action is to be taken;

b. "Adequate advance notice" means a written notice that includes details of reasons for the proposed Departmental action, explanation of the recipient's right to conference, his right to request a Fair Hearing and the circumstances under which assistance is continued if a Fair Hearing is requested.

2. If, within the advance notice period, the recipient responds by indicating his wish for an agency conference, an opportunity is provided for the recipient (or his representative) to discuss his situation with agency staff, obtain an explanation of the reasons for the proposed action and present information to show that the proposed action is incorrect. Under this requirement:

a. During the conference, the recipient shall be given the opportunity to speak for himself or be represented by legal counsel or by a friend, relative or other spokesman;

b. The opportunity for a conference shall not in any way diminish the recipient's right to a Fair Hearing.

3. In cases in which there is a request for a Fair Hearing within the advance notice period:

a. Assistance shall be continued until a decision is rendered and through a period consistent with the State's established policies for issuance of payments when the issue involved in the determination is one of fact or judgment relating to the individual case, including a question of whether the Department's rules or policies were correctly applied to the facts of the particular case. Assistance shall not be continued when the issue involved is one of policy of the Department or the Federal or State law serving as a basis of such policy;

b. The Department promptly informs the recipient in writing if assistance will be discontinued, based on the Department's determination.

E. Convenience of the Claimant Considered. The hearing shall be conducted at a time, place and date convenient to the claimant, and adequate preliminary written notice shall be given.

F. Impartiality of Official Conducting the Hearing. The hearing shall be conducted by an impartial official (or officials) of the Department. Under this requirement, the hearing officer must not have been involved in any way with the action in question.

G. Recipient's Right to Different Medical Assessment. When the hearing involves medical issues, such as those concerning a diagnosis or an examining physician's report, or the medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at De-

partmental expense from a source satisfactory to the claimant and made part of the record if the hearing officer or appellant considers it necessary.

H. Rights of Claimant During Hearings. The claimant, or his authorized representative shall have adequate opportunity:

1. To examine all documents and records used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;

2. At his option, to present his case himself or with the aid of others, including legal counsel;

3. To bring witnesses;

4. To establish all pertinent facts and circumstances;

5. To advance any relevant arguments without interference;

6. To question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

I. Prompt, Definitive and Final Action. Prompt, definitive and final administrative action shall be taken within 60 days from the date of the request for a Fair Hearing, except where the claimant requests a delay in the hearing.

J. Notification to Claimant. The claimant shall be notified of the decision, in writing, in the name of the Department and, to the extent it is available to him, of his right to judicial review.

K. Action Upon Favorable Decision to Claimant. When the hearing decision is favorable to the claimant or when the Department decides in favor of the claimant prior to the hearing, the Department shall make corrective payments retroactively to the date the incorrect action was taken or such earlier date as may be provided under State policy.

L. Basis for Hearing Officer's Recommendation and Opportunity to Examine Official Record. Recommendations of the hearing officer or panel shall be based exclusively on evidence and other material introduced at the hearing. An official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the recommendations of the hearing officer will constitute the exclusive record for decision by the hearing authority and will be available to the claimant at a place accessible to him or his representative at any reasonable time.

M. Hearing Decision. Decisions by the hearing authority, rendered in the name of the Department, shall specify the reasons for the decision and identify the supporting evidence. They shall be binding on the Department. Under this regulation, no person who participated in the local decision being appealed will participate in a final administrative decision on such a case; the Department is responsible for seeing that the decision is carried out promptly.

N. Accessibility of Hearing Decisions to Local Agencies and the Public. The Department will establish and maintain a method for informing, at least in summary form, all local agencies of all fair hearing decisions by the hearing authority and the decisions will be accessible to the public (subject to the provisions of safeguarding public assistance information).

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

Administrative Analyst

Division of Medical Assistance and Health Services

324 East State 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 rules 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 in Manual of Administration Concerning Military Service**

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 Section 2281.2c.(7) of the Manual of Administration concerning military service.

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

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

#### **2281.2c. [(7) Service in the armed services**

The fact that a person is geographically separated from his family because of service in the armed forces is not to be construed as "continuously absent from the home." At the same time there may be situations where a parent may be found to be "continuously absent" notwithstanding the fact that he is in military service. Some examples are:

- a) When desertion occurred before he entered the armed forces;
- b) His whereabouts are unknown (AWOL);
- c) He is incarcerated while in the armed forces; and
- d) Although his income is sufficient to meet all or part of the needs of his family, he refuses to contribute toward their support. In this situation the parent shall be considered to have deserted the family. (Refer to 2281.2 c. 2) for procedures to be followed.)]

#### **(7) Military service**

A parent who is separated from his family because of military service shall be considered "continuously absent from the home" when:

- (a) The nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care or guidance for the child; and
- (b) The known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

The fact that a parent is living away from home temporarily or part-time because commutation to his place of employment is not practical, or is away from home seeking employment, is not to be construed as "continuously absent from the home."

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

**(b)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

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

On March 30, 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 certain portions of the financial assistance manual (i.e., Sections 122, 123, 133, 234, 251, 352, 353.2 and 430), as proposed in the Notice published March 8, 1973, at 5 N.J.R. 83(a).

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

An order adopting these revisions was filed and effective April 3, 1973, as R.1973 d.95.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(c)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

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

On March 30, 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 certain portions of the financial assistance manual (i.e., Sections 114, 117, 201 and 213), as proposed in the Notice published March 8, 1973, at 5 N.J.R. 82(c).

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

An order adopting these revisions was filed and effective April 3, 1973, as R.1973 d.96.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

**(d)**

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF PUBLIC WELFARE**

#### **Rules Concerning Use of Form GA-19**

On March 30, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-8 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted procedural rules concerning Form GA-19 and the instructions for use of such form in the computation of eligible unit's grant and record of payments.

Such rules are included in the General Assistance Budget Manual to be reflected in Subtitle L of Title 10 in the New Jersey Administrative Code.

Full text of the text of the instructions follows:

## INSTRUCTIONS FOR USE OF FORM GA-19:

### COMPUTATION OF ELIGIBLE UNIT'S GRANT AND RECORD OF PAYMENTS

Form GA-19 shall be used to compute the eligible unit's grant and to record payment(s) for medical care and other payments such as child care, homemaker service, travel for health care, emergency assistance and funeral expenses, in accordance with Sections I through X.

1. On the top line, enter name, case number and date when the grant as computed on this GA-19 is effective.

2. Enter number in household and number in eligible unit. Left hand column (front side):

3. Under INCOME, compute Total Income according to Section IV. For persons with earned income, initial eligibility must be established when such person(s) first applies (Section IV-3).

a. When no initial eligibility exists, computation may need to be completed in order to determine income available for medical payment. In such situations, computation is made without subtracting one-third of the remainder.

4. Under ALLOWANCE(S), enter the Maximum Allowance from Schedule I or II, or other allowances based on client's need as determined by the Municipal Welfare Department so long as total of such other allowances does not exceed the Maximum Allowance.

5. From Total Allowance, subtract Total Income (paragraph 3.). The deficit is the amount of the regular monthly grant and is to be entered at the top of the form. If Total Income exceeds Total Allowance, there is a surplus.

a. When a surplus occurs, the individual or unit is not eligible for a regular monthly grant but may be eligible for payment for medical care (see paragraph 8.).

Center column (front side):

6. Under ACTION, check the appropriate box and give reason for action in space provided.

Right hand column (front side):

7. For each commitment month in which commitment for medical care is made, complete one of the MEDICAL PAYMENT blocks. Enter date of commitment month and date payment is actually made.

a. When a surplus has resulted from the computation in the left hand column, enter this surplus in the space provided. Subtract the surplus from the total medical costs to determine the amount of payment to be made.

Reverse side of Form GA-19:

8. Use additional MEDICAL PAYMENT blocks as needed.

9. Record all additional payments other than medical in spaces provided under OTHER PAYMENTS, in accordance with Section VIII (Emergency Assistance), Section IX (Service Payments), and Section X (Funeral and Burial Expenses).

New form:

10. A new Form GA-19 shall be prepared when:

a. There is a change in the regular monthly grant, regardless of whether or not all MEDICAL PAYMENT blocks have been completed; or

b. All MEDICAL PAYMENT blocks on both sides of the form have been completed; or

c. The case is terminated.

Note: Although Form GA-19 was also adopted, it is not reproduced here due to space limitations.

An order adopting these rules was filed and effective on April 3, 1973, as R.1973 d.97.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Manual of Administration On Incapacity

On April 26, 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 Manual of Administration concerning incapacity and the deprivation of parental support or care, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 110(a).

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

An order adopting these revisions was filed and effective April 26, 1973, as R.1973 d.111.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Manual of Administration

On April 26, 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 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, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 109(b).

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

An order adopting these revisions was filed and effective April 26, 1973, as R.1973 d.112.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## INSTITUTIONS AND AGENCIES

### DIVISION OF PUBLIC WELFARE

#### Revisions to Financial Assistance Manual

On April 26, 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 Sections 203, 233 and 332.3 of the Financial Assistance Manual, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 111(a).

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

An order adopting these revisions was filed and effective April 26, 1973, as R.1973 d.113.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State



(a)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Rules on Provider Participation**

On March 26, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning provider participation in the Health Services Program, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 43(c).

Such rules are applicable under Chapter 1 of all Health Services Program provider manuals under Section 116.

The adopted rules will be included in Subtitle I of Title 10 in the New Jersey Administrative Code.

An order adopting these rules was filed and effective April 2, 1973, as R.1973 d.91.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Revisions Concerning Transportation Services**

On March 26, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to certain rules concerning services under the New Jersey Health Services Transportation Services Manual, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 44(b).

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

An order adopting these revisions was filed April 2, 1973, as R.1973 d.92 to become effective on May 1, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Rules on Outstanding Checks**

On March 26, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on outstanding checks, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 43(b).

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

An order adopting these rules was filed and effective April 2, 1973, as R.1973 d.93.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Revisions in Health Services Program Manual**

On April 5, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the health services program manual concerning benefits payable under the New Jersey Automobile Reparation Reform Act, as proposed in the Notice published March 8, 1973, at 5 N.J.R. 82(b).

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

An order adopting these revisions was filed and effective April 17, 1973, as R.1973 d.105.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(e)

## **INSTITUTIONS AND AGENCIES**

### **DIVISION OF YOUTH AND FAMILY SERVICES**

#### **Rule Governing Granting of Certificates Of Approval to Child Care Centers**

On March 23, 1973, Frederick A. Schenck, Director of the Division of Youth and Family Services in the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 18:20A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule governing the granting of the certificate of approval to child care centers.

Full text of the emergency rule follows:

10:120-1.2 Certificate of approval to child care centers

(a) A certificate of approval of a child care center or facility may be denied, suspended or revoked if, after a physical inspection of the premises and a hearing performed, conditions are found which are hazardous and which, if not corrected or abated, would endanger the health, safety and well-being of the children and/or occupants of the child care facility.

(b) If such conditions are found to exist, the Commissioner, or his designated representative, shall order an immediate correction or abatement of any and all violations that present an imminent hazard to the health, safety and well-being of the children and/or occupants of the center or facility, or, upon good cause, may request the premises to be vacated until such time as the safety and well-being of the occupants has been secured.

An order adopting this rule was filed and effective March 23, 1973, as R.1973 d.83 (Exempt, Emergency Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(f)

## **INSURANCE**

### **THE COMMISSIONER**

#### **Proposed Revisions To Educational Requirements**

Richard C. McDonough, Commissioner of Insurance,

pursuant to authority of N.J.S.A. 17:1-8.1 and 17:22-6.6, proposes to revise a portion of N.J.A.C. 11:2-1.1(a) regarding the hours of classroom instruction required for an automobile physical damage insurance agent's license.

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

#### AUTOMOBILE PHYSICAL DAMAGE INSURANCE

Part	Hours of Classroom Instruction
I General Information	[9] 7
II Automobile Physical Damage Insurance	[19] 15
III Review and Examination	2
<b>TOTAL CLASSROOM HOURS</b>	<b>[30] 24</b>

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

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

The Department of Insurance, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice. It is presently intended that these revisions will become effective June 1, 1973, unless intervening circumstances deem otherwise.

Richard C. McDonough  
Commissioner  
Department of Insurance

(a)

## INSURANCE

### THE COMMISSIONER

#### Proposed Amendments to Rules on Identification Insurance Cards

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e), proposes to adopt amendments to the rules on identification insurance cards.

Full text of the proposed amendments follows:

11:3-6.1(b)4.xii. Assignment of form number IV2A(2/73) which is to be shown in the upper, left corner of the card; 11:3-6.1(b)4.xiii. Inclusion of an unlabeled block directly above the title to be used by the motor vehicle examiner for insertion of the license plate number for insurance verification.

Note: The color of the card is being changed from buff to pink. Until current supplies are exhausted, cards with either color will be in use for a limited time.

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

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

The Department of Insurance, upon its own motion or at

the instance of any interested party, may thereafter adopt these amendments substantially as proposed without further notice.

Richard C. McDonough  
Commissioner  
Department of Insurance

(b)

## INSURANCE

### THE COMMISSIONER

#### Proposed Rules on Rating Information Pertaining to Automobile Insurance On Private Passenger Cars

Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:18-1 and 17:1C-6(e), proposes to adopt new rules concerning rating information pertaining to automobile insurance on private passenger cars.

Full text of the proposed rules follows:

#### SUBCHAPTER 9. RATING INFORMATION FOR AUTOMOBILE INSURANCE ON PRIVATE PASSENGER CARS

##### 11:3-9.1 Rating information form

(a) Every automobile insurance policy providing coverage for a private passenger car and/or any motor vehicle rated as a private passenger car delivered in the State of New Jersey shall be accompanied by rating information setting forth all rating criteria applicable to the premium determination. If the declaration page or extension certificate or similar document to the insured identifies the insured car by a code number, the rating information may be supplied by a rating information form that interprets the code number. (A sample of such form pertaining to the 217 class plan and used in another state is attached. See Editor's Note.)

(b) Every company shall develop a rating information format adapted to the classification system approved for and used by the company in this State. Such format shall be submitted to the Commissioner of Insurance for approval initially within 30 days of the effective date of this regulation, and subsequently within 15 days of any revision of the classification system approved for the company. Filings of the rating information format by a rating organization shall be applicable to members and subscribers of such organization unless such companies deviate from the rating organization's classification system.

##### 11:3-9.2 Information on individual driver classification plans

(a) The Safe Driver Insurance Plan of the Insurance Services Office and other individual driver classification plans in use in this State provide that accidents shall not be chargeable under certain circumstances, usually enumerated as exceptions to the plan rule. Whenever a surcharge or points charge is to be made on the basis of accident involvement, the company shall inform the insured of the provision under which the accident would not be chargeable by furnishing the insured with an appropriate questionnaire corresponding to the exception provisions of the plan. (An example of such questionnaire fashioned after the Safe Driver Insurance Plan of ISO is attached. See Editor's Note.)

(b) A questionnaire shall be sent to the insured sufficiently in advance of the renewal date so that the proper information is available to the company for the renewal



premium quotation. In the case of new business, the questionnaire shall be sent to the insured within ten work days after receipt of the application if the application states accident involvement, or within ten work days after the company had obtained knowledge of an accident involvement that could affect the premium determination. The questionnaire shall specify a period of not less than 15 days within which the insured shall respond, and only if the insured does not respond within such period shall a surcharge be levied on the basis of the available record.

Editor's Note: Examples of the rating information listing and questionnaire noted above are not reproduced herein due to space limitation, but copies of these may be obtained as noted below.

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

(a)

## LABOR AND INDUSTRY

### DIVISION OF WAGE AND HOUR

#### Notice of Clarification Concerning Listing of Prevailing Wage Rate Determination

Take notice that, in the Notice published April 5, 1973, at 5 N.J.R. 114(b) concerning the listing of prevailing wage rate determination adopted by the Department of Labor and Industry and having the document citation of R.1973 d.61, such listings pertain only to classifications for construction workers on public works projects.

This Notice is published to clarify the scope of such listing.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Rules On Deceptive Mail Order Practices

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt rules concerning deceptive practices in the mail order or catalog business.

#### CHAPTER 45A. ADMINISTRATIVE RULES OF THE DIVISION OF CONSUMER AFFAIRS

##### SUBCHAPTER 1. DECEPTIVE PRACTICES IN MAIL ORDER OR CATALOG BUSINESS

##### 13:45A-1.1 General provisions

(a) Without limiting any other practices which may be

unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., this rule makes unlawful thereunder some specific practices in the mail order or catalog business.

(b) It is a deceptive practice in the sale or offering for sale of consumer goods for a person (including any business entity) conducting a mail order or catalog business in or from the State of New Jersey or advertising a State of New Jersey mailing address to accept money through the mails from a consumer for merchandise ordered by mail or telephone and then permit six weeks to elapse without:

1. Delivering or mailing the merchandise order; or
2. Making a full refund; or
3. Sending the customer a prior letter or notice advising him of the duration of an expected delay or the substitution of merchandise of equivalent or superior quality, and offering to send him a refund within one week if he so requests. If the vendor proposes to substitute merchandise, he shall describe it in detail, indicating how it differs from the merchandise ordered; or
4. Sending the consumer substituted merchandise of equivalent or superior quality, together with:

i. A written notice offering, without reservation, to accept the return of the merchandise at the seller's expense within 14 days of delivery, and enclosing a business reply label, and a notice that the consumer may return the merchandise by resealing it, affixing the label and mailing it to the seller without postage; and

ii. A postage-paid letter or card on which the consumer may indicate whether he wishes the purchase price to be refunded or credited to his account within 14 days of receipt of the merchandise by the seller. The customer's request entered on such a letter or card, must be honored by the seller.

(c) For purposes of paragraphs 3. and 4. in subsection (b) of this Section, merchandise may not be considered of "equivalent or superior quality" if it is not substantially similar to the goods ordered or not fit for the purposes intended, or if the seller normally offers the substituted merchandise at a price lower than the price of the merchandise ordered.

(d) Subsection (b) of this regulation does not apply:

1. To merchandise ordered pursuant to an open-end credit plan as defined in the Federal Consumer Credit Protection Act or any other credit plan pursuant to which the consumer's account was opened prior to the mail order in question and under which the creditor may permit the customer to make purchases from time to time from the creditor or by use of a credit card; or

2. When all advertising for the merchandise contains a notice, (which, in the case of printed advertising, shall be in a type size at least as large as the price) that delay may be expected of a specified period. In such cases, one of the events described in subsection (b) of this Section must occur no later than one week after expiration of the period specified in the advertisement; or

3. To merchandise, such as quarterly magazines, which by their nature are not produced until a future date and for that reason cannot be stocked at the time of order; or

4. To installments other than the first of merchandise, such as magazine subscriptions, ordered for serial delivery.

(e) It is a deceptive practice in the sale or offering for sale of consumer goods for a person (including any business entity) conducting a mail order or catalog business in or from the State of New Jersey or advertising a State of New Jersey mailing address to fail to disclose in all advertising or other promotional materials containing a post office box address including order blanks and forms, the legal name of the company and the complete street address from which the business is actually conducted.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1973 to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

George F. Kugler Jr.  
Attorney General  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### Proposed Rule Concerning Motor Vehicle Advertising Practices

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning motor vehicle advertising practices.

Full text of the proposed rules follows:

#### CHAPTER 45A. GENERAL PROVISIONS

##### SUBCHAPTER 2. MOTOR VEHICLE ADVERTISING PRACTICES

###### 13:45A-2.1 Definitions

"Advertisement" means any advertisement as defined by N.J.S.A. 56:8-1(a) of any motor vehicle, such definition to include any statement, written or otherwise, in words, symbols or otherwise, on radio or television, or in a newspaper, periodical, pamphlet, circular, telephone directory, or other publication or paper, or any sign which reveals the existence of or gives any information about any advertiser.

"Advertiser" means any person as defined by N.J.S.A. 56:8-1(d) who in the ordinary course of business is engaged in the sale of motor vehicles or who in the course of any 12-month period offers more than three motor vehicles for sale or who is engaged in the brokerage of motor vehicles whether for sale, lease or rental, and who directly or indirectly initiates, requests or causes an advertisement to be made for motor vehicles; provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser.

"Extra cost option" means optional equipment, regardless of its place of installation on the motor vehicle, the price of which would not be included in the manufacturer's suggested retail price for the basic vehicle.

"Motor vehicle" means any vehicle driven or drawn otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"Price advertisement" means any advertisement in which a specific price is stated or in which the price, though not expressly stated, is indicated as being a given amount of dollars below the list price or above the advertiser's cost.

"Price reduction advertisement" means any advertise-

ment which in any way suggests that any motor vehicle is being offered for sale at a price less than the price range such motor vehicles are usually offered for sale by the advertiser or in the business area of the advertiser.

"Sale" means sale as defined by N.J.S.A. 56:8-1(e) of any motor vehicle.

"Warranty advertisement" means any advertisement in which any warranty or guaranty for any motor vehicle or part thereof is offered in connection with the sale of such motor vehicle.

###### 13:45A-2.2 Unlawful motor vehicle advertising practices

(a) Without limiting any other practices which may be unlawful under the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., the following motor vehicle advertising practices shall be unlawful thereunder:

###### 1. Bait and switch:

i. The use of a price advertisement as part of a plan or scheme not to sell the motor vehicles advertised or not to sell same at the advertised price;

ii. Without limiting other means of proof, the following shall be prima facie evidence of a plan or scheme not to sell a motor vehicle as advertised or not to sell same at the advertised price:

(1) Refusal to show, display or sell the motor vehicle advertised in accordance with the terms of the advertisement, except that an advertiser shall not be required to provide a road test of a motor vehicle unless so stated in the advertisement;

(2) The disparagement by act or word, either before or after the sale of the advertised motor vehicle, or of the guaranty, warranty, credit terms, availability of service, repairs or parts or of anything in any other respect a material fact connected with the advertised motor vehicle;

(3) The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised motor vehicles to meet reasonably anticipated demands, unless the advertisement expressly states that supply is limited or is available only at designated outlets;

(4) The refusal to take orders for advertised motor vehicles or the taking of orders at a price greater than the advertised price;

(5) The failure to submit orders to the manufacturer or other source used in the ordinary course of business, for the advertised motor vehicles;

(6) The showing, demonstrating or delivery of any advertised motor vehicle which is known to be or should have been known to be defective, unusable or unsuitable for the purpose represented or implied in the advertisement;

(7) Accepting a deposit for an advertised motor vehicle, then switching the purchaser to a higher-priced motor vehicle, except when the purchaser has initiated the switch as evidenced in writing to that effect and signed by the purchaser;

(8) The failure to make a delivery of the advertised motor vehicle within the promised delivery period, unless such failure is caused by reasons beyond the control of the advertiser;

(9) The use of a sales plan or method of compensating or penalizing salesmen designed to prevent or discourage them from selling the advertised motor vehicle or from selling same at the advertised price. However, this provision shall not apply to a sales plan or method of compensation whereby a salesman realizes a fixed percentage rate of the gross amount of his sales made within a specified time period nor to salesman bonus plans designed primarily to encourage or reward salesmen for selling motor vehicles other than the advertised motor vehicle.



2. Price advertisements:

i. The use of a price advertisement to offer any motor vehicles unless the advertiser has at least one of the motor vehicles, as advertised, in stock and unless the exact quantity of available advertised motor vehicles at each advertised place of business and delivery dates for advertised motor vehicles not in stock are expressly stated in the advertisement;

ii. The failure in any price advertisement to disclose any of the following:

(1) The year, make and model, and the series if such advertised motor vehicles have a designated series;

(2) Whether the motor vehicle is new or used;

(3) Whether the motor vehicle has been used as a demonstrator, executive, police or fire vehicle, or passenger vehicle for lease, rental or hire, when such prior use is known or should have been known by the advertiser;

(4) The bona fide odometer reading of any specifically advertised demonstration, executive or used motor vehicle. The advertiser may rely on his seller's affidavit or certification as to mileage at the time the advertiser took possession of the motor vehicle provided such reliance is in good faith.

iii. In a price advertisement bearing a price less than actual cash price, the failure to clearly and conspicuously disclose that such price is offered with reference to a trade-in allowance or other means of price set-off.

iv. The failure in any price advertisement of a new motor vehicle to disclose whether the advertised price includes or excludes transportation, freight, shipping, dealer preparation or licensing costs, or any other additional costs except for tax costs.

v. In any price advertisement of a new, demonstrator or executive motor vehicle:

(1) The listing or naming of any equipment other than extra-cost options included in the advertised price;

(2) The failure to state that any listed equipment is an extra-cost option;

(3) The failure to expressly state that there are no extra-cost options;

(4) The failure to expressly state that there are no extra-cost options other than those listed.

3. Certain credit advertisements:

i. The advertising of credit, including but not limited to such terms as **easy credit** or **one day credit**, other than that actually transacted by the advertiser on a regular basis in the ordinary course of business.

4. Price reduction advertisements:

i. In price reduction advertisements:

(1) The use of a former price, whether expressed or implied, which was not offered by the advertiser to the public on a regular basis for a reasonably substantial period of time preceding the offer of a price reduction;

(2) The use of the term **sale**, **discount**, **savings**, **price cut** or any other term suggesting a price reduction when the price reduction being offered is insignificant in relation to the total price of any motor vehicle or when no price reduction is in fact being offered.

(3) The use of the term **low prices**, **lowest prices**, **lower than anyone else** or of any other term suggesting that the prices offered are lower than those usually offered in the business area of the advertiser when in fact the prices offered are not reasonably below those usually offered in the business area of the advertiser.

(4) The use of list, factory or manufacturer's price to suggest a price reduction when such prices are not in fact the prices at which such motor vehicles are generally sold in the business area of the advertiser.

5. Warranty advertisements:

i. In any warranty advertisement, other than one stating that the warranty or guaranty is a manufacturer's or factory warranty or guaranty, the failure to disclose the following:

(1) Limitation of warranty or guaranty as to duration, inclusion or exclusion of service or labor charges and characteristics or properties of the motor vehicle or part thereof included or excluded by the warranty or guaranty;

(2) The fact that the warranty or guaranty is not a manufacturer's or factory warranty;

(3) Whether the warranty or guaranty will be performed by repair, replacement, refund or any other means and whether such manner of performance is at the option of the advertiser;

(4) Limitation of warranty or guaranty as to percentage ratio of cost or pro rata share to be assumed by the advertiser.

6. Guaranteed satisfaction, discount and quality claims:

i. In any advertisement:

(1) The use of the term **satisfaction** or **your money back**, **free trial period** or any other similar term when the advertiser cannot or does not intend promptly to make full refund or fails to make full refund within a reasonable period of time; except when the advertiser has clearly and conspicuously stated any conditions or limitations on such offer and the purchaser has failed to comply with such conditions or limitations.

(2) The use of the term **guaranteed discount**, **guaranteed lowest prices**, or any other similar term unless the advertiser clearly and conspicuously discloses the manner in which such guarantee will be performed and any conditions or limitations controlling such performance.

(3) The use of any guaranty, warranty or any other representation regarding the quality of a motor vehicle or part thereof which creates a false impression of the quality, durability, maintainance needs or any other material fact concerning any motor vehicle or part thereof.

7. General:

i. The use of difference in type, size, style, location, lighting or color as to obscure or make misleading any material fact in any advertisement.

ii. In any advertisement, the use of deception, fraud, false pretense, false promise or misrepresentation as to the size, inventory or nature of the advertiser's business, as to the expertise of the advertiser, his agents or employees, or as to the ability or capacity of the advertiser to offer price reductions or price savings.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1973, to Millicent H. Fenwick, Director, Division of Consumer Affairs, 1100 Raymond Boulevard, Newark, New Jersey 07102.

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

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

**(a)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **Proposed Rules for Retail Sale of Meat**

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 56:8-4, proposes to adopt new rules concerning the retail sale of meat.

Such rules, if adopted, will be cited as N.J.A.C. 13:45A-3.1 et seq.

The proposed rules concern definitions, labeling and advertising requirements, exemption for certain meats, exemption for meat inspected under United States Department of Agriculture regulations, name in addition to the species and primal cut, advertising when additional name used, use of United States Department of Agriculture grading terms in general and for pork, labeling or advertising when certain United States Department of Agriculture grading terms are used, labeling of certain meat food products, fabricated steak, supply of meat advertised, frozen meat, sanctions and meat charts.

Copies of the full text of 19 pages of the proposed rules may be obtained from:

Millicent H. Fenwick  
Director, Division of Consumer Affairs  
1100 Raymond Boulevard  
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1973, to the Division of Consumer Affairs at the above address.

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

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

**(b)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **STATE BOARD OF DENTISTRY**

#### **Proposed Rules on General Anesthesia And Reports**

Joseph L. Konzelman, D.D.S., Secretary of the New Jersey State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1, et seq., proposes to adopt new rules of the State Board of Dentistry concerning general anesthesia.

Full text of the proposed rules follows:

#### **SUBCHAPTER 8. GENERAL ANESTHESIA AND REPORTS**

##### **13:30-8.1 General provisions**

(a) The New Jersey State Board of Dentistry under its seal on the annual registration certificates shall authorize a dentist licensed in the State of New Jersey to administer an anesthetic agent or agents for the purpose of inducing

general anesthesia, if the applicant offers certified proof that he:

1. Has completed a minimum of one year of advanced training in anesthesiology in an accredited program beyond the undergraduate dental school level; or

2. Is a certified member of a specialty board and meets the minimum requirement in anesthesiology as recommended by the American Board of Oral Surgery; and

3. Has a properly equipped office for administration of general anesthesia and the capability for handling any accidents or emergencies incident thereto; and

4. Such capability must be demonstrated to and certified by the Board. The capability shall consist of engaging properly trained office personnel to assist in the administration of general anesthesia.

##### **13:30-8.2 Definitions; prior history**

"General anesthesia" means surgical or the third stage of anesthesia. The use of an anesthetic agent for introduction of analgesia (first stage) or amnesia is not to be construed as the practice or use of general anesthesia. In all cases, prior to administration of analgesia a complete history of previous medications, allergies and sensitivities must be obtained. Accurate and current records must be kept in this area.

##### **13:30-8.3 Reports**

Licensees engaged in the active practice of dentistry in the State of New Jersey must submit a complete report within a period of ten days to the State Board of Dentistry of any serious injuries or deaths occurring in respective offices during or as an aftermath of dental procedures.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before May 31, 1973 to:

New Jersey State Board of Dentistry  
150 East State Street  
Trenton, New Jersey 08608  
Telephone: (609) 292-5416.

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

Joseph L. Konzelman, D.D.S.,  
Secretary  
New Jersey State Board of Dentistry  
Department of Law and Public Safety

**(c)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **STATE BOARD OF DENTISTRY**

#### **Proposed Revisions In Examinations for Licensure**

The State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-3, proposes to revise its rules concerning examinations for licensure.

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

##### **13:30-1.1 Qualifications of applicants**

(a) All persons desiring to practice dentistry in New Jersey must secure a license from the Board.



(b) To qualify as a candidate for dental licensure, an applicant must present satisfactory evidence that he has completed required professional education.

[(c) To secure a license to practice dentistry, the candidates must pass the licensing examination.]

(c) To obtain a license to practice dentistry, the candidate must pass the Northeast Regional Board Examination or a simultaneous examination (same in content as the former) of the New Jersey State Board of Dentistry.

#### 13:30-1.2 Application procedure

(a) An application for examination shall be obtained from the secretary of the Board of Dentistry; or the secretary of the Northeast Regional Board; or from the dean of the respective dental school.

[(b) The application shall be completed in detail, including:

1. Certificate of graduation from dental school;
2. Two photographs, one certified (by dean of dental school attended);
3. Notarized photocopy of birth certificate (to be kept on file in the Board office);
4. Two character references; and
5. Notarized completed application.]

(b) Candidate has the option of taking the Northeast Regional Board Examination in which case the assigned examiners are from the region, and in accord with the rules of the respective Boards will permit licensure in any or all participating states; or a simultaneous examination in which case examiners are members of the New Jersey State Board of Dentistry and in accord with rules will permit licensure in New Jersey only.

[(c) A completed application shall be filed with the Secretary of the Board, not later than 45 days preceding the examination, together with a certified check or money order for \$50.00 made payable to the State of New Jersey.]

(c) The completed and properly executed application with required fee must be returned to the secretary of the Northeast Regional Board not later than 45 days preceding the examination or in the case of simultaneous examination it must be returned by the indicated date to the secretary of the New Jersey State Board of Dentistry.

(d) Examination and reexamination fee for the Northeast Regional Board Examination is determined by and payable to N.E.R.B. Upon successful completion of the N.E.R.B. examination, the fee for licensure in New Jersey is \$50.00. The fee for the simultaneous examination and licensure in New Jersey is \$50.00. The fee for the simultaneous reexamination is \$20.00. All simultaneous fees are payable to the State of New Jersey, in care of the New Jersey State Board of Dental Examiners.

#### 13:30-1.3 National Board Certification

(a) After January 1, 1967, the qualifications of applicants for the New Jersey State Board Simultaneous Examinations for Licensure in Dentistry shall include along those incorporated in this Subchapter, the possession of a National Board certification showing that the applicant has successfully passed all phases of the National Boards of Dentistry.

(b) Candidates for licensure who have graduated on or after January 1, 1967 must possess National Dental Board certification before being [permitted to take the clinical examinations, namely operative, prosthetics, oral diagnosis and treatment planning.] Granted a license. No exceptions to this rule will be considered.

(c) Candidates who have graduated prior to January 1, 1967, must take and pass successfully the written comprehensive examination of the New Jersey State Board of Dentistry, [along with the clinical examinations in operative, prosthetics, oral diagnosis and treatment planning.] No exceptions to this rule will be considered.

#### 13:30-1.5 Professional education

(a) A candidate must have been graduated with a dental degree from a dental school, college or department of a university approved by this Board. A list of schools approved by this Board is available upon request.

(b) Graduates of foreign colleges must present evidence of satisfactory completion of preliminary education equivalent to that required for entrance by approved [American] dental colleges and may [at the discretion of the Board] be accepted as candidates for examination after [completing the last two years in a dental school approved by this Board] having been graduated in course with a dental degree from said approved dental school.

(c) Evaluation of all education qualifications should be obtained before entering the approved [American] dental school.

#### 13:30-1.7 Application fees: [photographs] for simultaneous examination

(a) Applicants must file the completed application 45 days in advance of scheduled examinations.

(b) In the [June] spring examination when the clinical examinations are given in more than one place, a slip designating where the applicant wishes to take the clinical examinations should accompany the application. Requested assignments can be made only insofar as facilities permit.

(c) The fee of \$50.00 (check or money order) payable to the State of New Jersey must accompany the application. If for any reason the application is refused, the fee will be returned.

(d) As a means of identifying applicants for examination for licensure in this State two unmounted, finished (not proofs) four-inch by six-inch photographs (facial features large and distinct) of each applicant must be submitted. One shall be certified to by the dean of the dental school attended (a form is supplied with the application blank) and both forwarded to this office with the application. One photograph will be marked with the application number and will be returned to the applicant with his examination schedule. Each applicant must bring the photograph so numbered to all clinical and written examinations. Should a candidate lose his photograph, he must forward another without delay to the Board office and the proper form will be affixed, certification made, and it will be returned to the applicant for use at the examinations. The photographs shall also be used in event of re-examination.

#### 13:30-1.8 Schedule of examination

(a) A schedule giving the day, place and hour of each examination will be sent [15 days before] prior to the examination to each candidate for examination or re-examination.

(b) Please bring the schedule to the examination.

(c) A permanent schedule of examinations cannot be announced at this time. Examination dates will be published in the Journal of the American Dental Association and will be sent to approved schools.

(d) Simultaneous examinations will be scheduled at least twice a year.

Note: N.J.A.C. 13:30-1.10 as presently constituted is deleted in its entirety and the following is proposed in its stead:

#### 13:30-1.10 Examination subjects

The format of the New Jersey State Simultaneous Examination is the identical examination of the Northeast Regional Board.

(Continued on page 28)

# 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 all Titles.

First publication and update services have been distributed for 17 of the 19 Departmental Titles, excepting only Title 10—Institutions and Agencies and Title 12—Labor and Industry.

Since the most recent update, these 17 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)1.i.	Functions of Departmental units	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)
2:2-4.39	Authority of Secretary or his agents	R.1972 d.242	5 N.J.R. 3(a)
2:2-9.1	Fees; immunodiffusion test	R.1973 d.57	5 N.J.R. 102(a)
2:5-1.7(c)	Release of embargo	R.1972 d.208	4 N.J.R. 260(e)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.231	4 N.J.R. 299(a)
2:5-1.8	Quarantine; Gloucester County	R.1972 d.227	4 N.J.R. 298(b)
2:5-1.8(d)&(e)	Release of quarantine	R.1973 d.51	5 N.J.R. 76(b)
2:5-1.9	Quarantine; various counties	R.1972 d.235	5 N.J.R. 2(a)
2:5-1.10	Quarantine; entire State	R.1972 d.237	5 N.J.R. 2(b)
2:5-1.10(d)&(e)	Release of quarantine	R.1973 d.21	5 N.J.R. 32(a)
2:5-1.11	Quarantine; swine movement	R.1972 d.246	5 N.J.R. 3(b)
2:5-1.12	Quarantine continued, entire State	R.1972 d.259	5 N.J.R. 30(b)
2:5-1.13	Lifting of quarantine	R.1972 d.263	5 N.J.R. 31(b)
2:5-1.14	Quarantine; Egg Harbor Township	R.1973 d.4	5 N.J.R. 31(c)
2:5-1.14(d)&(e)	Release of quarantine	R.1973 d.41	5 N.J.R. 76(a)
2:17-4.2(c)	Special exemption for Florida tomato plants	R.1973 d.101	5 N.J.R. 135(a)
2:52-5.1 et seq.	Information required of applicants	R.1973 d.39	5 N.J.R. 75(a)
2:53-2.1 et seq.	Rules on refrigeration equipment	R.1972 d.250	5 N.J.R. 3(c)
2:53-2.1	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-2.3	Amendment to equipment rules	R.1973 d.87	5 N.J.R. 134(b)
2:53-4.1 et seq.	Advertising milk and milk products	R.1972 d.215	4 N.J.R. 298(a)
2:73-2.2 et seq.	State Seal program for eggs	R.1973 d.88	5 N.J.R. 134(c)
<b>BANKING — TITLE 3</b>			
3:8-3.1	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)
3:11-1.1	Approval to exceed ten per cent limitation	R.1973 d.116	5 N.J.R. 136(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)
<b>CIVIL SERVICE — TITLE 4</b>			
4:1-1.1 et seq.	Revisions to Commission's rules	R.1973 d.34	5 N.J.R. 33(b)
<b>COMMUNITY AFFAIRS — TITLE 5</b>			
5:10-9.9	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:10-9.9	Safety glazing requirements	R.1972 d.197	4 N.J.R. 261(c)
5:11-1.1 et seq.	Relocation assistance program	R.1972 d.190	4 N.J.R. 261(a)
5:16-1.1 et seq.	Amendments to Plumbing Code	R.1972 d.149	4 N.J.R. 182(a)
5:19-1.7	Safety glazing materials	R.1972 d.196	4 N.J.R. 261(b)
5:19-1.7	Safety glazing memorandum	R.1973 d.50	5 N.J.R. 78(a)
5:20-1.1 et seq.	Uniform Standards Code for Mobile Homes	R.1972 d.248	5 N.J.R. 7(a)



## 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)
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## IN ADDITION —

First publication—but no update service as yet—has been completed for the two final Titles in the Code, namely, 10—Institutions and Agencies and 12—Labor and Industry.

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



(Continued from page 23)

Note: N.J.A.C. 13:30-1.11 is deleted in its entirety and the following is proposed in its stead:

**13:30-1.11 Simultaneous reexamination: fees; eligibility**

(a) The completed reexamination application (obtained from the Secretary of this Board) must be filed with the Secretary at least 15 days before the beginning of the examination.

(b) The fee for the reexamination is \$20.00 (certified check or money order). This fee must accompany the completed application and must be sent directly to the Secretary, New Jersey Board of Dentistry.

(c) Eligibility of the candidates for reexamination will be determined after receipt of the application by the Secretary.

(d) Failing candidates are required to stand reexamination only in those sections of the examination in which they sustained failure. If a candidate fails his first examination, he may take a reexamination in the subject(s) which he has failed. If he fails again, he may take a second reexamination in the subject(s) he has failed. Reexaminations must be taken within three years of the original examination. If he fails his second reexamination, he must make application as a new candidate and retake all parts of both the clinical and written examination.

(e) Once a candidate is accepted for an examination, he is expected to appear. If he is unable to appear, because of illness or other good cause, he must notify the Secretary either before or within 20 days after the examination, and explain the reason for his absence. In the event of illness, a report from a physician must accompany the explanation. If the absence from the examination is excused by the Board, the fee will be applied toward the next examination (or a future examination within the eligible period at the request of the candidate. If the absence is not excused, the fee will not be applied to a future examination. The candidate will be required to submit an additional fee of \$20.00 on a future examination. Neither an excused nor an unexcused absence from an examination constitutes a failure in any or all parts of the examination.

Note: N.J.A.C. 13:30-1.12 Licensure of Candidates. is deleted in its entirety and the following is proposed in its stead:

**13:30-1.12 Licensure of candidates**

(a) All licensing of the candidates who appear before the Northeast Regional Board is done by the individual states. N.E.R.B. is not a licensing agency.

(b) Throughout the northeast region certain requirements are routine. However, there may be variations in the detailed requirements of each individual state. For this reason it is suggested that each candidate make an early inquiry to the secretary of the specific state board(s) in which licensure will be sought. Such inquiries may precede the actual N.E.R.B. examination.

(c) One may file an application for license in any of the participating states. Each state will probably require:

1. National Board scores;
2. Northeast Regional Board scores;
3. The State's license fee;
4. Any specific state's requirements (some states may require citizenship, or other affidavits).

(d) The New Jersey State Board of Dentistry requires:

1. National dental board certification for graduates on or after January 1, 1967. Graduates prior to January 1, 1967 need not possess national board certification but must pass the written comprehensive examination of the State Board of Dentistry.

2. Passing scores of the Northeast Regional Board ex-

amination or successful completion of simultaneous examination.

3. State licensing and examination fee which is \$50.00 (the latter pertains only to those electing to take the simultaneous examination). License fee to practice dentistry in New Jersey through the N.E.R.B. examination is \$50.00 payable to the State of New Jersey. Those electing to take the Northeast Regional Board examination pay the examination fee directly to N.E.R.B.

(e) The participating states of the Northeast Regional Board will give a waiver of performance testing to all successful candidates for a period of five years. After five years, acceptance of the N.E.R.B. certificate is optional with the state, depending upon the record of the candidate in continuing education and ethical practice. It shall be the decision of the individual board then as to whether the candidate shall retake the performance test or have it waived based on this evidence.

(f) Candidates will receive a fingerprint card with their application from the Board. The completed fingerprint card is required by all candidates for licensure. Candidates may have their fingerprints taken at local or state police stations. The completed fingerprint card must accompany the completed application for licensure.

(g) Acceptance of grades of Northeast Regional Board shall be retroactive to May 1, 1973. No exceptions to this rule will be permitted.

Note: N.J.A.C. 13:30-1.13 and 1.14 as presently constituted are deleted in their entirety.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before June 11, 1973, to:

New Jersey State Board of Dentistry  
150 East State Street  
Trenton, N.J. 08608  
Telephone: (609) 292-5416

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

Joseph L. Konzelman  
Secretary  
New Jersey State Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

### STATE BOARD OF DENTISTRY

#### Proposed Revisions In Examinations For Licensure to Practice Dental Hygiene

The State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-37, proposes to revise its rules concerning examinations for licensure to practice dental hygiene.

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

#### 13:30-2.1 Qualifications of applicants

(a) All persons desiring to practice dental hygiene in New Jersey must first secure a license from the Board.

[(b) To secure a license to practice dental hygiene, the candidate must pass the licensing examination.]

(b) To obtain a license to practice dental hygiene, the candidate must pass the Northeast Regional Board Examination or a simultaneous examination (same in content as the former) of the New Jersey State Board of Dentistry.

(c) To qualify as a candidate for a license to practice dental hygiene, the applicant must first present satisfactory evidence of the completion of the requirement in preliminary and professional education.

(d) Applicants for licensure to practice dental hygiene in New Jersey must possess National Dental Hygiene Board Certification. No exception to this rule will be considered.

#### 13:30-2.2 Application procedure

(a) An applicant shall obtain an application [and file such application with] from the secretary of the Board of Dentistry; or the secretary of the Northeast Regional Board; or from the director of the respective dental hygiene school [together with a fee of \$20.00 not later than 45 days preceding examination. If for any reason the application is refused, the fee will be returned.]

[(b) The following data shall be included with the application:

1. New Jersey Qualifying Certificate;
2. Certification of graduation from an accredited dental hygiene school by signature of a proper official and attested by the seal of the school;
3. Certified photographs; and
4. A certified copy of birth certificate in lieu thereof, a certified copy of baptismal register or affidavit of physician in attendance, that the candidate is 18 years of age.]

(b) The application shall be completed in detail.

(c) Candidate has the option of taking the Northeast Regional Board examination in which case the assigned examiners are from the region, and in accord with rules will permit licensure in any or all participating states; or a simultaneous examination in which case examiners are members of the New Jersey State Board of Dentistry and in accord with rules will permit licensure in New Jersey only.

(d) The completed and properly executed application with the required fee must be returned to the secretary of the Northeast Regional Board by the required date. In the case of the simultaneous examination, the properly executed application and the required fee must be returned to the Secretary of the New Jersey State Board of Dentistry no later than 45 days preceding the examination.

(e) The examination fee for the Northeast Regional Board examination is established by and payable to the N.E.R.B. The fee for the simultaneous examination and licensure in New Jersey is \$20.00. The fee for simultaneous reexamination is \$10.00. The simultaneous examination, reexamination and licensure fee is payable to the State of New Jersey, in care of the New Jersey State Board of Dentistry.

#### 13:30-2.3 Qualifying certificate

(a) A New Jersey qualifying certificate must accompany the application. The certificate is procured from the [Bureau of Credentials] Bureau of Teacher Education and Academic Credentials, State Department of Education, Division of Field Services, P.O. Box 2019, Trenton, New Jersey 08625. The applicant shall request his high school to send an official transcript of his record directly to the [Bureau of Credentials] Bureau of Teacher Education and Academic Credentials. The applicant shall send a fee of \$5.00 (certified check or money order) to the Bureau, made payable to the Commissioner of Education, with a letter stating that the record will be sent directly by the high school.

(b) Students entering dental hygiene school who intend to practice in New Jersey shall obtain the qualifying certificate before entering dental hygiene school.

(c) Such certificate will be kept on file by the school and made available for the Board upon graduation.

Note: N.J.A.C. 13:30-2.7 as presently constituted is deleted in its entirety and the following is proposed in its stead:

#### 13:30-2.7 Reexamination

(a) Candidates will be permitted to take one examination and upon failure to pass, may appear for two reexaminations in conditional subjects over a period of three years.

(b) Candidates for simultaneous reexamination may be reexamined upon payment, to the Secretary of the New Jersey Board of Dentistry, of a fee of \$10.00. The fee and a completed reexamination application must be submitted and approved not less than 15 days prior to the reexamination date. Such date is available on request to the Secretary of the Board.

(c) N.E.R.B. reexamination will be permitted upon application to and approval by the Northeast Regional Board under terms and conditions as set forth above.

(d) Upon failure to pass, the candidate may make application as a new candidate under the same conditions governing the original application.

Note: N.J.A.C. 13:30-2.8 as presently constituted is deleted in its entirety and the following is proposed in its stead:

#### 13:30-2.8 Schedule of examinations

(a) A schedule giving the day, place and hour of each examination and instructions will be sent prior to the examination or reexamination.

(b) This schedule should be brought to the examination.

(c) Candidates, once they are accepted, are expected to appear at the next examination.

(d) No excuse other than illness can be considered.

(e) In the case of illness a notice of inability to be present, together with a physician's certificate, should be forwarded to the Secretary's office prior to but not later than 20 days after the examinations.

(f) The format of the New Jersey State simultaneous examination in dental hygiene is the identical examination of the Northeast Regional Board and the same rules shall prevail.

Note: N.J.A.C. 13:30-2.9 is deleted in its entirety and the following is proposed in its stead:

#### 13:30-2.9 Licensure of candidates in dental hygiene

(a) All licensing of the candidates who appear before the Northeast Regional Board is done by the individual states. N.E.R.B. is not a licensing agency.

(b) Throughout the northeast region certain requirements are routine. However, there may be variations in the detailed requirements of each individual state. For this reason it is suggested that each candidate make an early inquiry to the secretary of the specific state board(s) in which licensure will be sought. Such inquiries may precede the actual N.E.R.B. examination.

(c) One may file an application for a license in any of the participating states. Each state will probably require—

1. National Board scores;
2. Northeast Regional Board scores;
3. The State's license fee; and
4. Any specific state's requirements (some states may require citizenship, or other affidavits).

(d) The New Jersey State Board of Dentistry requires:

1. National Dental Hygiene Board certification. Candidates that have graduated on or after January 1, 1973 must possess National Dental Hygiene Board certification. Candidates that have graduated prior to January 1, 1973 need

not possess National Dental Hygiene Board certification but must successfully complete the written comprehensive examination of the New Jersey State Board of Dentistry in addition to the Northeast Regional Board or simultaneous examination.

2. Northeast Regional Board scores or successful completion of simultaneous examination.

3. State licensing fee and examination fee (the latter pertains only to those electing to take the simultaneous examination). Those electing to take the Northeast Regional Board Examination pay the examination fee directly to N.E.R.B.

4. Qualifying Certificate from Commissioner of Education.

5. Citizenship or declaration of intention.

(e) The participating states of the Northeast Regional Board will give a waiver of performance testing to all successful candidates for a period of five years. After five years, acceptance of the N.E.R.B. certificate is optional with the state, depending upon the record of the candidate in continuing education and ethical practice. It shall be the decision of the individual board then as to whether the candidate shall retake the performance test or have it waived based on this evidence.

(f) Failing candidates are required to stand reexamination only in those sections of the examination in which they sustained failure.

(g) Candidates will receive a fingerprint card with their application from the Board. The completed fingerprint card is required by all candidates for licensure. Candidates may have their fingerprints taken at local or state police stations. The completed fingerprint card must accompany the completed application for licensure.

(h) Acceptance of grades of Northeast Regional Board shall be retroactive to May 1, 1973. No exceptions to this rule will be permitted.

Note: N.J.A.C. 13:30-2.10, 2.11, 2.12 and 2.13 as presently constituted are deleted in their entirety.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before June 11, 1973, to:

New Jersey State Board of Dentistry  
150 East State Street  
Trenton, N.J. 08608  
Telephone: (609) 292-5416

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

Joseph L. Konzelman  
Secretary  
New Jersey State Board of Dentistry  
Department of Law and Public Safety

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

### STATE BOARD OF MEDICAL EXAMINERS

#### Proposed Rules Relating to Internships

Anthony J. Balsamo, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2, proposes to adopt the following new rules to set standards for approved post graduate medical training and education.

Note: Proposed rules setting standards for approved

post graduate medical training and education were published in the January 4, 1973 New Jersey Register at 5 N.J.R. 17(a). However, following receipt of statements and arguments in connection therewith, the Board substantively revised the proposed internship rules and now proposes the following in place thereof.

Full text of the proposed rules:

#### SUBCHAPTER 7. INTERNSHIP STANDARDS

##### 13:35-7.1 Internship programs

(a) All proposed internship programs must be approved by the Board of Medical Examiners prior to their institution. Hospitals offering such internships shall be approved by the Joint Commission on Hospital Accreditation or by the American Osteopathic Hospital Accreditation Agency.

(b) Internships training programs approved by the American Medical Association and the American Osteopathic Association, may, upon application to the Board of Medical Examiners, be approved by the Board.

(c) Internship training programs approved by the Board shall be limited to general hospitals having a capacity of at least 150 beds, exclusive of bassinets, and having a minimum of 5,000 annual admissions, excluding the newborn. The training program shall provide supervised practice in internal medicine and at least one of the following: surgery, pediatrics, obstetrics and gynecology, pathology, radiology and experience in an active, well-organized out-patient department.

##### 13:35-7.2 Rotating internship

(a) A rotating internship may consist of as few as two services or as many as five. Simultaneous integration of the intern's activities or other services shall be limited.

(b) The time allotted to internal medicine may not be less than four months. No other assignment shall be less than two months in duration, and in such cases the two months assignment shall be consecutive.

(c) A concurrently approved residency program is not a requirement for the approval of a rotating internship.

(d) A certificate by one of the specialty boards shall be acceptable in lieu of the rotating internship.

##### 13:35-7.3 Straight internship

(a) A straight internship is one which provides experience on a single service. Straight internships approved by the Board shall include those in internal medicine or a related subspecialty, or surgery, pediatrics, obstetrics and gynecology, pathology and radiology.

(b) To offer a satisfactory straight internship, a hospital must be approved for residency training in the specialties involved.

(c) The Board shall require one year of experience in the single service providing the hospital is properly accredited for residency training in the corresponding specialty.

##### 13:35-7.4 Effective date

(a) The proposed rule shall take effect on July 1, 1976. Until such date, the present State approved internship training programs which require a M.D. or D.O. degree, and in the case of foreign graduates, proof of having passed the E.C.F.M.G. examination in addition to such degree, shall continue. It is the further intention of the Board not to limit the Fifth Channel Pathway Clinical Clerkship Program.

(b) On the effective date, all rules and parts of rules inconsistent with any of the provisions of this rule are superseded to the extent of such inconsistencies.



Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before May 31, 1973, to:

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

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

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

**(a)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **STATE BOARD OF PHARMACY**

##### **Proposed Amendments For Prescription Department Employees, Pharmacist-in-Charge And Change of Ownership**

The State Board of Pharmacy, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to adopt amendments concerning prescription department employees, pharmacist-in-charge and change of ownership.

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

##### **13:39-8.4 Change of ownership**

Whenever there are any changes whatsoever in ownership, [except] **including a change of ownership of more than ten per cent of the stock [of stockholders]** in an existing and continuing corporation, it shall be necessary for the new ownership to apply in advance of the change of ownership on a form prescribed and furnished by the Board for a new permit, the fee for which is [\$25.00] **\$50.00**.

N.J.A.C. 13:39-2.1 is deleted in its entirety and the following is proposed in its stead:

##### **13:39-2.1 Prescription department employees**

(a) **Unregistered employees shall be confined to performing clerical functions in a prescription department; unregistered employees shall not become involved in the dispensing of prescription medication.**

(b) **There shall be no more than one unregistered employee for each registered pharmacist of this State on duty and present in the prescription department. An intern is considered to be a registered employee but may prepare, compound or dispense medication only under the direct personal supervision of a registered pharmacist who has been certified as a preceptor in pharmacy by the New Jersey Board of Pharmacy.**

##### **13:39-8.14 Pharmacist-in-Charge [New pharmacist]**

(a) Whenever there is a new registered pharmacist in charge of a pharmacy, he will be required to take a new inventory of all [drugs and narcotics] **controlled substances as defined in N.J.S.A. [24:18.2] 24:21-5 thru 24:21-8.**

(b) **Whenever a registered pharmacist assumes the duties of a pharmacist-in-charge of a pharmacy (manager of a prescription department), he shall so advise the Board by completing the "Notice of Change of Pharmacist-in-**

**Charge"** form provided by the Board. The pharmacist-in-charge will be responsible for the following:

1. **Employing and supervising of personnel in the prescription department;**
2. **Maintenance of accurate records of all prescription medication received and dispensed;**
3. **Ensuring that medication dispensed is in conformance with the prescription received;**
4. **Maintaining the security of the prescription department and its contents;**
5. **Ensuring that only pharmacists provide professional consultation with patients and/or physicians;**
6. **Ensuring that only pharmacists or interns accept telephoned prescriptions and/or renewal authorizations;**
7. **Ensuring that all dispensed medication is properly labelled;**
8. **Ensuring the use of prescription labels naming the pharmacist-in-charge;**
9. **Ensuring the posting of the name of the pharmacist-in-charge on the entrance to the pharmacy in such a way as to be visible from the outside;**
10. **Prohibiting the presence of misbranded drugs in the pharmacy;**
11. **Operating the prescription department in an orderly manner;**
12. **Ensuring the delivery of a complete service to the community;**
13. **Ensuring that the prescription department is operated in conformance with good pharmaceutical practices;**
14. **The advertising utilized by the pharmacy;**
15. **Notifying the Board when his duties as pharmacist-in-charge terminate;**
16. **Ensuring compliance with the provisions of the Pharmacy Act, rules of the Board of Pharmacy and the Controlled Dangerous Substances Act.**

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before June 12, 1973, to:

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

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

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

**(b)**

## **LAW AND PUBLIC SAFETY**

### **DIVISION OF CONSUMER AFFAIRS**

#### **STATE BOARD OF PHARMACY**

##### **Proposed Amendments to Requirements for Permit for Pharmacy In Facilities Other Than Hospitals Where Medical Care is Provided**

The State Board of Pharmacy, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to adopt new rules concerning requirements for permit for pharmacy in facilities other than hospitals where medical care is provided.

Note: Proposed rules on conducting a pharmacy in a nursing home were published in the September 7, 1972, New Jersey Register at 4 N.J.R. 222(c). However, following public hearing and in accordance with

statements and arguments offered, the Board has revised the aforementioned rules and proposes the following rules in place thereof.

**Full text of the proposed new rules:**

**13:39-7.19 Requirements for permit for pharmacy in facilities other than hospitals where medical care is provided**

(a) Certificate of need for a pharmacy from the State Department of Health where required by the Department of Health.

(b) The area devoted to the storage of bulk prescription drugs shall be contiguous to and accessible from the prescription medication dispensing area, both areas in combination to provide adequate secure space to enable the proper servicing of the home (at least 200 square feet is recommended).

(c) There shall be a prescription counter on which to work containing adequate area to permit the compounding and dispensing of prescription medication to service the needs of the facility in which the pharmacy is to be located. This surface area must be kept clear at all times for the compounding and dispensing of prescription medication.

(d) The free floor space behind the prescription counter shall be not less than three feet in width.

(e) There shall be provided in the pharmacy, easily accessible to the prescription counter and at workable height, an adequate sink equipped with hot and cold running water. This sink shall be for the exclusive use of pharmacy personnel.

(f) There shall be sufficient shelf, drawer or cabinet space for proper storage of a representative stock of labels, an assorted stock of prescription containers, an adequate stock of prescription drugs, the required chemicals and the required equipment.

(g) Equipment required to be in every pharmacy shall be stored so as to be readily available and shall be kept in a clean condition. The Board will supply with applications for permits or at any other time upon request a list of such required equipment.

(h) Applicants for pharmacy permits shall prove to the satisfaction of the Board that all required balances, scales, weights and measuring devices have been duly inspected by the Department of Weights and Measures of either the municipality, county or State in which such pharmacy is located, and that such balances, scales, weights and measuring devices have been properly sealed by the applicable authority.

(i) The pharmacy shall be staffed by a registered pharmacist whenever the pharmacy is open. The pharmacy shall be kept locked during the absence of the pharmacist; and only a pharmacist may have access to the pharmacy except in an emergency. Entrance into the pharmacy by anyone not a pharmacist in the absence of the pharmacist, except in an emergency, shall be a basis for the revocation of the permit issued in accordance with these requirements:

1. Entrance into the pharmacy in an emergency shall be limited to the registered nurse designated as the "Head Nurse" during the evening hours the pharmacy is not staffed by a registered pharmacist. The nurse must place on the prescription counter a copy of the medication order showing the name of the patient, the name and strength of the drug ordered, the name of the prescriber and the name of the nurse obtaining the ordered medication. The nurse shall place on the copy of the medication order the container from which the medication was removed. The nurse shall remove from the pharmacy only sufficient

medication to satisfy the order until the pharmacist comes on duty, which must be within 24 hours of the removal of the medication.

2. A record (log) of entries into the pharmacy by other than the pharmacist shall be maintained for two years and shall be made available for inspection by the Board of Pharmacy.

3. The pharmacist-in-charge shall monitor the record of entries made during his absence and indicate such monitoring by signing the record (log) when he comes on duty, indicating the time and date of signature and by countersigning the requisition for the drugs removed.

(j) The hours of operation of the pharmacy shall be posted on the door to the pharmacy.

(k) The name of the pharmacist-in-charge, his address and telephone number shall be posted in the administrator's office and at every nursing station.

(l) With each application for a permit to conduct a pharmacy, there shall be submitted for approval three copies of the home's "Pharmaceutical Service Policy and Procedure Manual".

(m) Duties of the pharmacist-in-charge shall include the responsibility for the operation of the pharmacy and the distribution of drugs in the institution in keeping with good pharmaceutical practice. He shall be responsible for insuring that:

1. Accurate records are maintained of all medication received and dispensed, including the maintenance of a "patient profile" record system.

2. The Board is advised immediately of changes in registered pharmacist personnel, including the pharmacist-in-charge, and/or the closing or expansion of the institution's pharmacy, the changing of the location of the pharmacy or the remodeling of the pharmacy.

3. The pharmacy is at all times kept in a clean, orderly and sanitary condition.

4. There is not placed in stock for reuse or resale any prescription medication which has left the pharmacy area, except prescription medication dispensed in unit-of-use packages.

5. All medications are dispensed only on the basis of a direct order from the prescriber and the labeling affixed to the container shall be typewritten and shall contain the name of the patient, location of the patient in the institution, name and address and telephone number of the pharmacy, date dispensed, prescription number, name of the prescriber, directions for use and the name and strength of the medication dispensed. All medication dispensed shall be exactly as ordered by the prescriber; no deviation will be permitted without the specific authorization of the prescriber.

6. Drugs, devices, hypodermic syringes and needles are properly stored, safeguarded, accounted for and disposed of after use.

(n) The pharmacist-in-charge shall be a voting member of the facility's Pharmacy and Therapeutics Committee and of its Utilization Review Committee.

(o) All medication dispensed shall be properly stored in the facility, as follows:

1. A medicine cabinet, closet, storeroom or cart of sufficient size for the proper storage of all dispensed medication is conveniently located and provided with illumination adequate for easy reading of labels.

2. Medicine cabinets, closets, storerooms or carts are kept locked, the key being under the control of the qualified, licensed individual on duty responsible and assigned to administer medication.

3. Each patient's medication is kept separate within the cabinet, closet, storeroom or cart.

4. Medication requiring refrigeration is kept properly

labeled in a refrigerator used exclusively for the storage of medication.

5. Narcotic, stimulant and depressant drugs (controlled substances) are kept in a locked box or cabinet fastened within the general medicine cabinet, closet, storeroom or cart. Schedule II drugs are to be kept separate from Schedule III and IV drugs. No other drugs or articles are to be kept in the controlled substances box or cabinet, said medication being accessible only to the qualified licensed individual in charge and the key to the controlled substances cabinet being kept on her person. The qualified licensed individual in charge shall be responsible for maintaining proper records of all controlled substances administered.

(p) No drugs are disposed of in any manner whatsoever that may cause them to become a health hazard. All medication (except for controlled substances) provided by a physician or pharmacist on prescription of a physician is to be destroyed when the physician orders that its use be discontinued or when the patient has been discharged or is deceased, with the physician writing an order if he wishes medication to be sent home or transferred with the patient. The pharmacist-in-charge shall participate in the destruction of the medication with the institution's director of nursing service or its consulting pharmacist (approved by the New Jersey Board of Pharmacy). Supplies of residual controlled substances are to be surrendered to the regional director of the Federal Bureau of Narcotics and Dangerous Drugs. All records reflecting these activities are to be retained for a period of five years.

(q) Definition of health care facilities (facilities other than hospitals where medical care is provided). Health care facilities shall be understood to include nursing homes, convalescent centers, extended care facilities, intermediate care facilities, boarding homes, maternity homes, rest homes and any other establishment which the Board of Pharmacy may so deem.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before June 12, 1973, to:

Paul A. Pumpian, Secretary  
New Jersey State Board of Pharmacy  
1100 Raymond Boulevard  
Newark, New Jersey 07102

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

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF NURSING

##### Proposed Revisions In Education Requirements For Practical Nursing

Richard E. David, Executive Director of the State Board of Nursing in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:11-27, proposes to revise subsection (c) of

N.J.A.C. 13:37-9.2 (Nursing school course) regarding equivalent practical nursing school education requirements.

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

13:37-9.2(c) Applicants who are not graduates of an approved school of practical nursing shall be eligible for examination provided they submit evidence of having completed [one year of clinical nursing in an approved school of professional nursing] **courses in all areas of nursing, such as in medical nursing, surgical nursing, obstetrical nursing, pediatric nursing and psychiatric nursing which is equivalent to a preparation in an approved curriculum of practical nursing or one year of training and experience of a nursing nature satisfactory to the Board in the armed forces of the United States.**

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

Richard E. David  
Executive Director, State Board of Nursing  
1100 Raymond Boulevard  
Newark, New Jersey 07102

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

Richard E. David  
Executive Director  
State Board of Nursing  
Department of Law and Public Safety

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Proposed Revisions In Motor Fuels Use Tax Act

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. 54:39A-8 and 54:39A-24, proposes to repeal the current rules governing the administration of and compliance with the Motor Fuels Use Tax Act of 1963 (formerly entitled Motor Carriers Road Tax Act of 1963) and to adopt in place thereof new rules governing that area. The current and proposed rules are cited as N.J.A.C. 13:18-4.1 et seq.

The proposed rules concern scope of the regulation, definitions, user registration, identification cards and markers, permits, tax reports and evidence of timely filing, tax reports' contents, annual tax reports in lieu of quarterly ones, motor fuels tax credits and refunds, required records, field audits, assessments and refund claims, desk audits' assessments and demand for payment.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 31, 1973 to the Division of Motor Vehicles at the above address.



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.

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

(a)

## LAW AND PUBLIC SAFETY

### DIVISION OF MOTOR VEHICLES

#### Rules on Special Road Crossing Permits

On April 4, 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. 39:3-26.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on special road crossing permits, substantially as proposed in the Notice published March 8, 1973, at 5 N.J.R. 90(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

The substantive changes concern the shape of warning signs. The adopted rules mandate the warning sign's shape to be diamond with black letters and border and a yellow background, rather than a rectangular sign with black letters and white background as originally proposed. Such changes were necessary to comply with Federal Department of Transportation standards.

These rules may be cited as N.J.A.C. 13:21-17.1 et seq. and will constitute the new Subchapter 17 as was originally proposed.

An order adopting these rules was filed and effective April 12, 1973, as R.1973 d.103.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF PHARMACY

##### Rule on Regulation of Prescription Departments

On April 25, 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. 45:14-36.1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning permits and prescription departments in mercantile establishments, substantially as proposed in the Notice published August 10, 1972, at 4 N.J.R. 191(b), with only inconsequential structural or language changes, in the opinion of the State Board of Pharmacy.

This rule should be cited as N.J.A.C. 13:39-9.14, rather than the citation of N.J.A.C. 13:39-8.17 indicated in the original Notice of proposal.

An order adopting this rule was filed and effective April 26, 1973, as R.1973 d.115.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## LAW AND PUBLIC SAFETY

### DIVISION OF CONSUMER AFFAIRS

#### STATE BOARD OF DENTISTRY

##### Revisions Concerning Foreign Graduates

On March 21, 1973, J. L. Konzelman, Secretary-Treasurer of the State Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:30-1.5(b) concerning graduates of foreign colleges, as proposed in the Notice published February 8, 1973, at 5 N.J.R. 51(a).

An order adopting these revisions was filed and effective April 26, 1973, as R.1973 d.114.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Proposed Rule On Requirements for Performance Bond for Solid Waste Utilities

William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:13A-4 and 48:13A-8, proposes to adopt a rule prescribing the requirements for the furnishing of performance bonds by every utility engaged in the solid waste collection and/or disposal business.

Full text of the proposed rule follows:

14:9-4.3 Requirements for performance bonds

(a) All public utilities engaged in the business of solid waste collection or solid waste disposal shall furnish to the Board copies of all performance bonds required to be furnished under specifications prescribed for competitive bidding on all municipal contracts for service. Performance bonds shall not be required in excess of the amount bid unless the Board approves a higher sum.

(b) All collectors or disposal operators who render service pursuant to a tariff on file with the Board shall furnish a copy of a performance bond issued on an annual basis and file same with the Board in a sum equal to the total annual operating revenue of the utility in the preceding calendar year (estimate for 12-month period for operators new in the business) to guarantee performance of the service for which a charge is made within the territory being served. Any requirement for a performance bond that exceeds the annual operating revenues shall be subject to the approval of the Board.

Historical Note

Formerly Administrative 14:507

A public hearing will be held Thursday, June 7, 1973, at 10:00 A.M. in Room 208, 101 Commerce Street, Newark, New Jersey respecting the proposed action, at which time any person may present statements or comments relevant to the proposed action.

Interested persons may present statements or comments in writing relevant to the proposed action on or before May 30, 1973, to the Board of Public Utility Commissioners 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 this rule substantially as proposed without further notice.

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

(a)

## PUBLIC UTILITIES

### BOARD OF PUBLIC UTILITY COMMISSIONERS

#### Rules for Electrical Inspection Authorities

On April 12, 1973, William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:7-14 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning electrical inspection authorities, substantially as proposed in the Notice published June 8, 1972, at 4 N.J.R. 134(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

The adopted regulations include a new subsection (N.J.A.C. 14:5-4.5) entitled counties, cities and municipalities. Pursuant to this subsection no county, city or municipality within New Jersey shall designate or appoint an individual electrical inspection authority as its exclusive agent, but shall accept determinations resulting from inspections made by all certified inspection authorities.

Additionally, those counties, cities or municipalities which had conducted electrical inspections with their own inspectors prior to June 24, 1971, shall be granted a certificate upon filing a written application. Such county, city or municipal inspection authorities shall be subject to these regulations and shall not have exclusive inspection prerogatives within their jurisdictional areas.

Such rules may be cited as N.J.A.C. 14:5-4.1 et seq.

An order adopting these rules was filed and effective April 19, 1973, as R.1973 d.106.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TRANSPORTATION

### THE COMMISSIONER

#### Revisions to Rules on Outdoor Advertising on Interstate Systems

On April 9, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:7A-11 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning outdoor advertising on interstate systems, substantially as proposed in the Notice published June 8, 1972, at 4 N.J.R. 141(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Transportation.

Such revised rules may be cited as N.J.A.C. 16:41-8.1 et seq.

A summary of the major, substantive changes from the proposed and adopted rules follows:

1. N.J.A.C. 16:41-8.6(c) 2.i. originally limits on-premise signs adjacent to the Federal Aid Primary System to no more than 150 square feet in size. This restriction has been

deleted from the Order and the adoption thereof has been deferred by the Commissioner of Transportation pending further studies.

2. N.J.A.C. 16:41-8.6(e) 5.i. which pertains to the spacing of off-premise signs adjacent to the Federal Aid Primary System has been made less restrictive in the Order. The proposal required 500 feet spacing between such signs; however, the Order provides for 300 feet spacing outside of incorporated municipalities and 100 feet spacing within incorporated municipalities.

3. Other areas of major change merely have incorporated the provisions of regulations previously promulgated by the Treasury Department (N.J.A.C. 18:21-1.1 et seq.). Since these regulations were previously promulgated in full compliance with the rules of the Division of Administrative Procedure, and in view of the fact that C. 40, Laws of 1972, effective July 1, 1972 transferred all of the existing regulations from the Treasury Department to the Department of Transportation, prior notice of adoption and provision for an opportunity to be heard are not necessary.

An order adopting these revisions was filed and effective April 10, 1973, as R.1973 d.100.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## TREASURY

### DIVISION OF TAXATION

#### Proposed Rules On Extension Of Time to File Property Tax Appeal

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of P.L. 1973, Chapter 69, Section 2, proposes to adopt new rules concerning a property owner's request for an extension of time to file a property tax appeal with the county board of taxation by reason of the failure of the tax collector to mail or deliver a tax bill before July 15 of the tax year.

Full text of the proposed rules follows:

#### SUBCHAPTER 4. PROPERTY TAX APPEALS

18:12-4.1 Extension of time to file property tax appeal due to failure to mail or deliver tax bill

(a) With respect to any tax year, a property owner may, upon written application to the county board of taxation of the county in which his property is located, request, pursuant to P.L. 1973, c. 69, Section 1, that the county board of taxation extend his time to appeal to such board to a date not later than September 14 of the tax year, upon a showing under oath that the local taxing district failed to mail or deliver a tax bill to him before July 15 of the tax year.

(b) The county board of taxation may, upon receipt of an application by an aggrieved property owner to extend the time to appeal to a date not later than September 14 of the tax year, grant such extension, provided there is a showing that: 1. The taxing district failed to mail or otherwise deliver a tax bill to such taxpayer before July 15 of the tax year; 2. It appears that the appeal is taken pursuant to N.J.S.A. 54:3-2; and 3. The Director of the Division of Taxation has approved said application.

(c) Upon receipt of an application for an extension of time, as described herein, the county board of taxation shall forthwith require the local tax collector or other official in charge of mailing or delivering tax bills to submit to such board a statement under oath setting forth

the date or dates when such tax bills were mailed or otherwise delivered to property owners within his taxing district.

(d) In the event the tax collector or other official charged with the duty of mailing or delivering tax bills shall assert, under oath, that the tax bills were mailed or delivered before July 15, the county board of taxation shall afford the taxpayer a reasonable opportunity to submit a sworn statement to it regarding receipt of the tax bill.

(e) Where a county board of taxation is satisfied that all conditions for granting an extension of time have been met, it shall immediately request that the Director of the Division of Taxation approve, in writing, such extension.

(f) In the event that the tax collector or other official shall fail to furnish said statement within seven days from the date of such request, the county board of taxation shall proceed to ascertain the facts of mailing or delivery of the tax bills from any information it may have or obtain. If the board is satisfied that the tax bills were mailed or delivered to taxpayers on or after July 15, it shall grant an extension of time subject to the terms and conditions described in these regulations.

(g) Where the Director of the Division of Taxation has approved any extension of time to any taxpayer within a particular taxing district in accordance with these regulations, an extension of time shall be deemed to be granted to any other taxpayer in the taxing district who shall thereafter apply for an extension for failure of the tax collector to mail or deliver a tax bill before July 15. No further approval by the Director shall be required with respect to a subsequent property owner of the taxing district who may apply for an extension for the reasons described in these regulations.

(h) These regulations are promulgated pursuant to P.L. 1973, Chapter 69, Section 2 and shall take effect with all tax appeals filed pursuant to N.J.S.A. 54:3-21 for the tax year 1973 and thereafter.

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

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

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

Sidney Glaser  
Director, Division of Taxation  
Department of the Treasury

(a)

## TREASURY

### STATE HEALTH BENEFITS COMMISSION

#### Proposed Rule On Effective Date of Maternity Benefits

The State Health Benefits Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.25 et seq., proposes to adopt a new rule concerning the effective date of maternity benefits.

Full text of the proposed, new rule follows:

17:9-2.14 Effective date; maternity benefits

Effective January 1, 1973, maternity and obstetrical benefits are extended to employees and dependent wives with single, husband and wife, and parent and child coverage.

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

State Health Benefits Commission  
Department of the Treasury  
State House  
Trenton, New Jersey 08625

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

Norman E. Hardy  
Deputy State Treasurer  
Department of the Treasury

(b)

## TREASURY

### DIVISION OF TAXATION

#### Holders of Direct Payment Permits

On April 16, 1973, Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, filed the following Order listing the organizations which have been issued a Direct Payment Permit.

The holders of Direct Payment Permits are authorized to issue certificates which eliminate the need, under certain circumstances, for them to pay the sales tax to their vendors. Instead, these permit holders will pay the tax to the Director and will be required to account for their transactions on a quarterly basis.

More specifically, guidelines have been issued which will affect all persons who issue or accept Direct Payment Certificates under the New Jersey Sales Tax Act. These guidelines will be mailed to all persons who hold Direct Payment Permits and will be sent to the various tax services for publication, as well as being printed in full in the New Jersey Register.

The primary purpose of the guidelines is to set forth record-keeping procedures which will permit the Division of Taxation to audit a holder of a Direct Payment Permit with a minimum of disturbance both to the taxpayer and to the Division.

Generally, a Direct Payment Permit cannot be issued to avoid immediate payment of the tax on the purchase of a motor vehicle, trailer or boat, or of any other item the taxable nature of which is known at the time of purchase.

This rule is subject to relaxation only if permitted by the Director and only for good cause shown.

The Director has promulgated regulations relating to record-keeping requirements applicable to holders of Direct Payment Permits, N.J.A.C. 18:24-14. Such rules require that the user of a Direct Payment Permit maintain certain records which are more specifically described in the regulations.

Each holder of a Direct Payment Permit must file with the Director, Division of Taxation, on or before July 28, 1973 and every three months thereafter, a report setting forth, by vendor, the total dollar value of goods it purchased making use of the Direct Payment Permit.

Failure to submit a schedule required by the Director will result in revocation of a Direct Payment Permit. Schedules should be mailed to the Division of Taxation, Audit Selection Branch, sixth floor, West State and Willow Streets, Trenton, New Jersey 08625.



Following is a listing of holders of Direct Payment Permits as of April 2, 1973:

DP-210-441-960/000 A. A. Duckett, Inc. Camden, New Jersey	DP-221-801-286/000 Chambers Electric Co., Inc. Ocean Township, New Jersey	DP-NJ5-025-702/000 GM-DI Leasing Corp. Detroit, Michigan	DP-210-735-523/000 Moran, Edward V. Hearnen Air Conditioning Trenton, New Jersey
DP-221-762-630/000 A&A Oil Burner Service Corp. Clifton, New Jersey	DP-221-631-925/000 Consolidated Steel & Aluminum Fence Co., Inc. Kenilworth, New Jersey	DP-210-449-796/000 The Henry R. Fell Co. Trenton, New Jersey	DP-221-692-930/000 New Jersey Automatic Door, Inc. Irvington, New Jersey
DP-221-416-017/000 All Heat Service Co. East Orange, New Jersey	DP-210-437-360/000 Deepwater Operating Co. Atlantic City, New Jersey	DP-135-465-980/000 Higgins Fire Protection, Inc. Manhasset, New York	DP-210-621-680/001 New Jersey Natural Gas Co. Asbury Park, New Jersey
DP-130-430-890/000 American Cyanamid Co. Wayne, New Jersey	DP-210-721-607/000 Delta Line Construction Co. Scullville, New Jersey	DP-220-994-270/000 Hoffmann-La Roche, Inc. Nutley, New Jersey	DP-221-153-610/000 New Jersey Power & Light Co. Morristown, New Jersey
DP-134-925-890/000 The Anaconda Company Perth Amboy, New Jersey	DP-221-964-364/000 Dickman & Hansen, Inc. Maple Shade, New Jersey	DP-221-973-728/000 H. Wolfer Co. Trenton, New Jersey	DP-NJ5-009-334/000 Northeastern Products Co. Camden, New Jersey
DP-210-398-280/000 Atlantic City Electric Co. Atlantic City, New Jersey	DP-220-888-120/001 Elizabethtown Gas Co. Elizabeth, New Jersey	DP-210-612-565/000 I. Alper Co. Camden, New Jersey	DP-221-702-863/000 North Jersey Irrigation Supplies Corp. Westwood, New Jersey
DP-042-438-732/000 The Badger Company, Inc. Cambridge, Massachusetts	DP-221-683-171/000 Elizabethtown Water Co. Elizabeth, New Jersey	DP-013-087-985/000 International Business Machines Corp. Dayton, New Jersey	DP-221-906-432/000 The Okonite Co. Passaic, New Jersey
DP-111-755-466/000 Barney Schogel, Inc. Brooklyn, New York	DP-346-000-958/000 Erie Lackawanna Railway Co. Cleveland, Ohio	DP-NJ9-004-544/000 ITT Data Services Paramus, New Jersey	DP-131-872-319/000 Olin Corporation Stamford, Connecticut
DP-220-758-320/000 Beach Electric Co., Inc. East Orange, New Jersey	DP-221-577-490/000 Farm Harvesting Co. Morris Plains, New Jersey	DP-130-881-070/000 Jacobson & Co., Inc. New York, New York	DP-221-514-331/000 Petriella Tile & Terrazzo Co. Bloomfield, New Jersey
DP-134-949-130/000 Bell Telephone Laboratories, Inc. Murray Hill, New Jersey	DP-135-067-490/000 The Felsway Corp. Totowa, New Jersey	DP-210-485-010/000 Jersey Central Power & Light Co. Morristown, New Jersey	DP-236-000-765/000 Penn Central Transportation Co. Philadelphia, Pennsylvania
DP-380-341-261/001 The Bendix Corp. Teterboro, New Jersey	DP-380-549-190/001 Ford Motor Co. Edison, New Jersey	DP-130-889-680/000 Johns-Manville Denver, Colorado	DP-236-000-766/000 Pennsylvania-Reading Seashore Lines Philadelphia, Pennsylvania
DP-221-422-798/000 Bert B. Globus, Inc. Hillside, New Jersey	DP-380-549-190/002 Ford Motor Co. Mahwah, New Jersey	DP-221-658-254/000 Jones Ceilings, Inc. Cherry Hill, New Jersey	DP-131-607-658/002 Phillip Morris New York, New York
DP-NJ9-002-028/000 Bonland Sheet Metal Co., Inc. Wayne, New Jersey	DP-520-524-870/000 General Elevator Co., Inc. Baltimore, Maryland	DP-210-642-805/000 Max Lewin Air Conditioning & Heating Trenton, New Jersey	DP-210-540-800/000 Princeton Water Co. Elizabeth, New Jersey
DP-111-881-106/000 Branch Motor Express Co. New York, New York	DP-380-572-515/002 General Motors Corp. Linden, New Jersey	DP-221-073-500/000 Litzebauer Brothers, Inc. Maplewood, New Jersey	DP-221-212-800/000 Public Service Electric & Gas Co. Newark, New Jersey
DP-210-698-260/000 Cam-Den Glass of Villas Inc. Villas, New Jersey	DP-240-860-266/000 George E. Tombler, Inc. Easton, Pennsylvania	DP-221-402-552/000 Lyons Electric Alpha, New Jersey	DP-221-130-000/000 Purolator, Inc. Rahway, New Jersey
DP-210-419-870/000 Campbell Soup Co. Camden, New Jersey	DP-210-668-616/000 George W. Hagemann Moorestown, New Jersey	DP-210-662-315/000 M. Dublin Floors, Inc. Atlantic City, New Jersey	DP-236-000-773/000 Reading Co. Philadelphia, Pennsylvania
DP-135-568-434/000 Celanese Corp. New York, New York	DP-135-349-600/000 George W. Hagemann Moorestown, New Jersey	DP-221-109-110/000 Merck & Co., Inc. Rahway, New Jersey	DP-221-671-137/000 Max Sr. & Paul Schoenwalder Union, New Jersey
DP-221-696-849/000 Central Plumbing & Heating Co. Jersey City, New Jersey	DP-135-349-600/000 George W. Rogers Construction Corp. New York, New York	DP-221-114-430/000 Middlesex Water Co. Woodbridge, New Jersey	

DP-221-280-122/000

Shulton, Inc.  
Clifton, New Jersey

DP-NJ5-031-530/001

The Singer Company  
Little Falls, New Jersey

DP-221-830-841/000

Somerville Water Co.  
Elizabeth, New Jersey

DP-210-398-330/000

South Jersey Gas Co.  
Folsom, New Jersey

DP-221-633-670/000

Sparks & Sons, Inc.  
Linden, New Jersey

DP-741-079-400/000

Transcontinental Gas Pipe  
Line Corp.  
Houston, Texas

DP-210-647-243/001

Trenton Tin Shop, Inc.  
Trenton, New Jersey

DP-630-577-065/000

United State Pipe &  
Foundry Co.  
Birmingham, Alabama

DP-250-996-816/000

United States Steel Corp.  
Pittsburgh, Pennsylvania

DP-221-549-428/000

The Vestull Company  
Carlstadt, New Jersey

DP-221-807-042/000

Wallace Bros., Inc.  
Palmyra, New Jersey

DP-221-727-864/000

Warner-Lambert Co.  
Morris Plains, New Jersey

DP-250-877-540/000

Westinghouse Electric Corp.  
Pittsburgh, Pennsylvania

DP-210-665-029/000

Whitmyer Bros., Inc.  
Hammonton, New Jersey

DP-221-383-680/000

Wigton-Abbott Corp.  
Plainfield, New Jersey

DP-221-389-653/000

Wollenberg Electric Co., Inc.  
Hawthorne, New Jersey

This Order was filed April 16, 1973, as R.1973 d.104 (Exempt, Procedure Rule).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

#### Guidelines Implementing the Property Tax Exemption of Fraternal Organizations

Take notice that Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, has issued the following guidelines implementing the property tax exemption of fraternal organizations pursuant to N.J.S.A. 54:4-3.26, as amended by P.L.1971 c.320.

These guidelines relating to the property tax exemption of fraternal organizations supersede the guidelines proposed on December 17, 1971, and shall become effective with respect to applications filed for exemption in 1973 for the tax year 1974. Adherence to these guidelines by municipal assessors should result in a uniform implementation of the Act.

R.S. 54:4-3.26 as amended by P.L. 1971, c. 320 provides as follows:

"All real and personal property used in the work and for the purposes of one or more fraternal organizations or lodges, or any association or society organized on the lodge plan, or affiliated associations, whether incorporated or unincorporated, shall be exempt from taxation under this chapter, if the legal or beneficial ownership of such property is in one or more of said organizations, lodges, associations, or societies, and no part of such property is used for pecuniary profit, provided that each such organization, lodge, association, or society is also organized and operated in substantial part for charitable or educational purposes and demonstrates these aims in its programs and activities."

Although this Act took effect immediately, Chapter 339, Laws 1971 changed the effective date to the tax year 1972 and thereafter.

In answer to many inquiries concerning implementation of R.S. 54:4-3.26 as amended by P.L. 1971, c. 320, these guidelines are issued governing the procedures and requirements to be followed in allowing exemptions under said law.

The following revised guidelines are to be used by assessors in determining the eligibility of property of the various fraternal organizations requesting exemption for the tax year 1974 and thereafter.

1. Beginning in 1973, the assessor shall request the applicant for a fraternal exemption to file its most recent financial statement, which statement shall accompany the initial statement.

2. With respect to the requirement that such organizations must be organized and operated in "substantial part for charitable and educational purposes", the following income requirements must be met as a condition for allowing the exemption:

(a) Where property is owned by an entity composed of members of a fraternal organization separate from the fraternal organization itself:

1. Property owned by fraternal organizations or lodges or any association or society organized on the lodge plan or affiliated associations, whether incorporated or unincorporated, operated in "substantial part for charitable or educational purposes" qualifies for the exemption if the financial statements of the legal entity owning the property reflect that all of its net income, exclusive of dues and assessments, was expended or will be expended on the maintenance and operation of its property and the property was used in work of the fraternal organization.

(b) Where property is owned and operated by the fraternal organization:

1. Property owned by fraternal organizations or lodges or any association or society organized on the lodge plan or affiliated associations, whether incorporated or unincorporated, and operated in "substantial part for charitable or educational purposes", qualifies for the exemption if the financial statements of the legal entity owning the property reflect that all of its net income, exclusive of dues and assessments, was expended or will be expended on the maintenance and operation of its property and of charitable and educational programs.

3. Operated in "substantial part for charitable or educational purposes" means that the fraternal organization's charitable and/or educational activities are planned and executed on a regular and continuous basis as opposed to an occasional or sporadic activity. This can be demonstrated in the educational and charitable programs in which the local organization participates or carries out on a national, state and local level.

Examples of such activities, but not limited thereto are: drug abuse programs, cultural programs for the teens, senior citizen cultural activities, public safety programs and health clinics in poverty areas.

"Net income", as it relates to the maintenance and operation of the property, is defined to mean gross receipts less any dues or assessments from the membership less gross disbursements necessary to sustain and maintain the physical property and must be expended or earmarked to be expended on the maintenance and operation of its property and for charitable and educational programs. No part of said income will inure to the benefit of any individual or member.

4. Every initial statement should be checked carefully by the assessor, and if doubt exists as to eligibility of the property for the exemption, additional supporting data

should be requested by the assessor. Where an applicant fails to furnish such additional supporting data within a reasonable time, the application shall be denied. Supporting data shall include a summary of the charitable and educational programs performed during the pretax year and of the programs to be initiated and performed during the tax year. The programs should fall within the concept as explained in Section 3 above.

5. These guidelines shall take effect immediately and shall be applicable with respect to applications under R.S. 54:4-3.26 as amended by P.L. 1971, c. 320 for the tax year 1974 and thereafter.

These guidelines were filed April 26, 1973, as documents not subject to codification.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(a)

## TREASURY

### DIVISION OF TAXATION

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

On April 25, 1973, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 18:16-4.7 concerning the calculation of fee where transfer subject to construction mortgage, as proposed in the Notice published April 5, 1973, at 5 N.J.R. 125(a).

An order adopting these revisions was filed and effective April 25, 1973, as R.1973 d.109.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(b)

## TREASURY

### NEW JERSEY STATE LOTTERY COMMISSION

#### Correction of Typographical Error

Take notice that, in the Notice published April 5, 1973 at 5 N.J.R. 124(a) concerning the revisions regarding agent's compensation adopted by the New Jersey State Lottery Commission, a typographical error was made in the listing within N.J.A.C. 17:20-5.10(a) therein. The error was an inclusion of a dollar sign in the column headed "Per Cent" in that subsection.

The correct text of that subsection follows:

#### 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

The remaining text of N.J.A.C. 17:20-5.10(b) was printed correctly in the Notice.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(c)

## PUBLIC EMPLOYMENT RELATIONS COMMISSION

#### Revisions of Notice of Petition, Intervention and Timeliness of Petitions

On April 25, 1973, John F. Lanson, Acting Chairman of the Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 19:11-1.10, 19:11-1.13 and 19:11-1.15 concerning notice of petition, intervention and timeliness of petitions, substantially as proposed in the Notice published February 8, 1973, at 5 N.J.R. 61(a), with only inconsequential structural or language changes, in the opinion of the Public Employment Relations Commission.

An order adopting these revisions was filed April 26, 1973, as R.1973 d.110 to become effective May 10, 1973.

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

(d)

## NEW JERSEY HIGHWAY AUTHORITY

### GARDEN STATE PARKWAY

#### Proposed Amendments to Limitations on Use of Parkway

John P. Gallagher, Executive Director of the New Jersey Highway Authority, pursuant to authority of N.J.S.A. 27:12B-18, proposes to adopt amendments to the rules pertaining to the use of the Garden State Parkway traffic lanes by omnibuses, campers, non-commercial trailers, semi-trailers or any combination of vehicle and trailer and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized.

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

19:8-1.9(c) When the Parkway has been divided in such a manner that there are three or more traffic lanes for traffic in any one direction, no vehicle (except a passenger motor vehicle) including omnibuses, campers, non-commercial trailers, semi-trailers or any combination of vehicle and trailer and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized shall be driven in the farthest left-hand lane except when and to the extent necessary to prepare for a left-hand turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left lane or when reasonably necessary in response to emergency conditions. 19:8-1.9(d) When the Parkway has been divided in such a manner that there are two or more roadways of divided traffic in any one direction, regardless of the number of lanes, no vehicle (except a passenger motor vehicle), including omnibuses, campers, non-commercial trailers, semi-trailers or any combination of vehicle and trailer and hearses, funeral flower and service vehicles for which issuance of passenger car plates is authorized shall be driven in the left or inner roadway except when and to the extent necessary to prepare for a left turn or when necessary to enter or leave the Parkway or service area by entrance or exit to or from the left or inner roadway or when reasonably necessary in response to emergency conditions.

Interested persons may present statements or arguments



in writing relevant to the proposed action on or before May 30, 1973, to:

John P. Gallagher  
Executive Director  
New Jersey Highway Authority  
Garden State Parkway  
Woodbridge, New Jersey 07095

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

John P. Gallagher  
Executive Director  
New Jersey Highway Authority

(a)

## NEW JERSEY TURNPIKE AUTHORITY

### Proposed Amendment to Rule for Limitations on Use of Turnpike

The New Jersey Turnpike Authority, pursuant to authority of N.J.S.A. 27:23-39, proposes to amend its rule concerning limitations on use of the Turnpike.

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

19:9-1.9(a) 23. Commercial motor vehicles, trailers and semi-trailers, including farm trucks while loaded with hay or straw when the extreme overall dimension is greater than 96 inches in width.

Editor's Note: This proposed amendment is listed as a new paragraph 23, because the present listing of 24 paragraphs in N.J.A.C. 19:9-1.9(a) is to be revised by re-citing paragraph 10, as subparagraph i. of paragraph 9, therein and re-citing paragraph 14, as subparagraph iv. Current paragraph 13, is now to be cited as paragraph 12, as a result of the change regarding paragraph 10, above. Subsequent paragraphs are also to be renumbered with the result that there will now be 22 paragraphs therein. These renumberings will be reflected in future updatings for Title 19 in the New Jersey Administrative Code.

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

Lillian M. Schwartz  
Secretary  
New Jersey Turnpike Authority  
New Brunswick, New Jersey 08903

The New Jersey Turnpike Authority, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

Lillian M. Schwartz  
Secretary  
New Jersey Turnpike Authority

(b)

## PORT AUTHORITY OF NEW YORK AND NEW JERSEY

### Revisions of Schedule of Charges For Kennedy International Airport

On March 1, 1973, the Committee on Operations of the Port Authority of New York and New Jersey adopted revisions to the schedule of charges for Kennedy International Airport.

Full text of the adopted revisions follows:

Resolved, that the schedule of charges for use of the public landing area, public-passenger ramp and apron area, public aircraft parking and storage areas, and related services at Kennedy International Airport, adopted by the Committee by resolution of January 5, 1950, (appearing at page 20 et seq. of the Committee minutes of that date), as amended, be and the same is hereby amended, effective April 1, 1973, by increasing the charge for each passenger arriving at the International Arrivals Building to \$2.75.

An order adopting these revisions was filed March 28, 1973, as R.1973 d.84 (Exempt, Exempt Agency).

Albert E. Bonacci  
Director of Administrative Procedure  
Department of State

## STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

### EXPLAINS NEW RULES IN CONSENT TO HIGHER RATE INSURANCE PROGRAM

New Jersey Insurance Commissioner Richard C. McDonough recently explained the new regulations giving his Department tighter controls over rates charged in the "consent to higher rate" program.

The regulations became effective April 15 for automobile insurance and will go into effect July 1, 1973 for all other lines of insurance. (See 5 N.J.R. 113(b)—last issue.)

McDonough said, "The regulations put a lid on the rates that can be charged by making them the same rates as those charged for automobiles which can get coverage through the Assigned Risk Plan, and for fire insurance and crime insurance for which coverage is available in the FAIR Plan and Crime Indemnity Plan."

He said their basic thrust is to remove many of the approximately 50,000 persons from the consent to higher rate program where rates are determined mainly on a great deal of judgment. Most of the persons in the program are those who obtain insurance on private passenger cars.

McDonough said "The Department wants any rates under the consent to higher rate program to be determined on objective criteria, and not through judgment alone."

The regulations would also cover similar consent to higher rate programs under the Fair Plan for fire insurance and the crime indemnity program for burglary and theft, but the bulk of the business is done in automobile insurance, particularly collision and comprehensive coverage.

The Commissioner noted that the consent to higher rate program began in 1967 when the insurance market was tight and persons signed forms consenting to higher rates because they could not get insurance.

In 1970 rate adjustments created a more adequate market and changes were made in the assigned risk plan—the latest changes in August of last year, diminishing sharply the need for a market in the consent to higher rate program.

The Commissioner noted: "If a person agreed to pay a higher rate for example because he is over the age of 60, he paid that rate because either he didn't know any better or felt he could not obtain insurance. The fact is that this person can now get insurance certainly in the assigned risk plan, or if he has a clean driving record on the voluntary market, and he may pay a great deal less in insurance premiums."

## INSURANCE COMMISSIONER ORDERS 10 PER CENT CUT IN BLUE SHIELD RATES

State Insurance Commissioner Richard C. McDonough announced a ten per cent reduction, effective June 1, in subscription rates for approximately 1.3 million small group and individual subscribers covered by the Medical-Surgical Plan of New Jersey (Blue Shield).

The decrease in rates is double that which Blue Shield had proposed in March and is the first rate reduction of its kind in more than 15 years, he said. "Small group" subscribers are defined as those in groups of 100 or fewer members.

Commissioner McDonough said the reduction is possible because of a \$19.9 million surplus reported by Blue Shield at the end of 1972. "This surplus figure is much too high for a non-profit organization such as this," he added.

The rate decrease also reflects savings to Blue Shield from New Jersey's recently enacted "no fault" automobile insurance law. Blue Shield contracts have been modified to exclude payment where benefits are provided through the automobile insurance coverage.

The new Blue Shield rates still permit the liberalized underwriting practices—open enrollment and removal of restrictive riders—mandated by McDonough two months ago.

Effect of the rate revision on couples, families, students and individuals is as follows:

Category	Current Rates	Proposed
Group Monthly Rates:		
Single	\$ 1.64	\$ 1.48
Husband and Wife	5.27	4.74
Family	6.71	6.04
Parent and Child(ren)	3.47	3.12
Direct Payment Quarterly Rates:		
Single	\$ 6.33	\$ 5.70
Husband and Wife	14.94	13.44
Family	22.29	20.07
Parent and Child(ren)	10.65	9.60
Student	3.24	2.91

## CABLE TELEVISION REGULATIONS ISSUED BY PUC AFTER HEARINGS

The New Jersey Board of Public Utility Commissioners last month promulgated rules of practice and regulations for the Office of Cable Television. The new rules now allow cable television companies to begin applying for franchises from New Jersey municipalities, ending a moratorium on such applications.

The rules establish procedures for application for municipal consents, technical standards for operation, standards for filing of financial reports and standards for service to customers, such as handling of complaints, billing periods and testing equipment.

The PUC gave notice of the proposed rules and regulations in the February 8, 1973 issue of the New Jersey Register (at 5 N.J.R. 54(d)). The two public hearings and

an informal conference followed to discuss the proposals and 17 separate sets of written comments were received and entered in the record as exhibits.

The Board noted that much of the testimony and written comments requested that the Office require educational, governmental and public access channels to be paid for by the cable television companies. The Board further noted that the Federal Communications Commission already has regulations dealing with some of these areas and that the subject is much too complicated to attempt to promulgate meaningful regulations within the confines of those proposed.

The Board concluded that "the Office will conduct a more detailed study in conjunction with the advisory council to the Office in accordance with our statutory responsibilities".

Full text of the rules, including the 23 changes from those originally proposed, can be obtained from: Public Utilities Commission, Office of Cable Television, Room 208, 101 Commerce Street, Newark, New Jersey 07102.

## SIX-WEEK DELIVERY TO BE SET FOR MAIL ORDER FIRMS IN STATE

The State Division of Consumer Affairs has proposed a set of regulations that would require mail-order operations and catalogue businesses in the State to deliver items within six weeks or refund payments.

(The proposed new regulations are included in this issue at 5 N.J.R. 151(b).)

The regulations, which would be part of the State's Consumer Fraud Act and could be in effect by June, were drafted in response to many consumer complaints filed with the agency, according to Millicent Fenwick, Division Director.

She said the bureau receives nearly 75 letters a week relating to alleged mail fraud activities. One recent complaint, she said, came from an overseas serviceman who said he was bilked of nearly \$300 last year by a New Jersey mail-order outfit promising camera equipment.

In addition to requiring merchandise delivery or a refund within six weeks, the regulations would set rules relating to alternate offers the companies would be required to make.

In the event of a delay in meeting an order, companies would have to send customers a notice advising them of the expected length of the delay plus an offer of substitution with merchandise of equivalent or superior quality.

The offer would also have to include a condition to accept return of the substitute merchandise within 14 days—at the seller's expense—and offer an option of full refund or credit to their account.

Exemptions to the regulations would be open-end credit plans, as defined by the Federal Consumer Credit Protection Act, or any other credit plan opened by a consumer prior to his mail order.

Another exemption would be mail-order offers which advertise that delays can be expected.

## CAHILL ANNOUNCES \$47 MILLION PROGRAM TO REVITALIZE BUS TRANSPORTATION

Gov. William T. Cahill last month announced a \$47 million plan to revitalize bus transportation in New Jersey by putting more than 1,200 new or modernized buses on the road.

A special joint legislative "watchdog" committee im-

mediately voted the necessary approval to transfer \$10.5 million in unexpended funds from the 1968 transportation bond issue to provide the State's share of the cost. The balance of \$36.5 million will be Federal money under a U.S. Urban Mass Transportation Administration grant, the Governor said.

The program would provide commuters and the bus-riding public with 660 new buses and 565 buses that will be modernized with air-conditioning and pollution control equipment.

An additional bonus, the Governor said, will be improvement of the environment by installing pollution control equipment on buses now operating without controls.

"This plan," the Governor declared, "will mean improved transportation and comfort for commuters and hundreds of thousands of senior citizens, the sick and handicapped, and the poor who must rely on buses because they either cannot afford or are unable to drive cars."

The program calls for the State to take title to the new and modernized buses and to lease them to private carriers for the nominal sum of \$1 a year.

The Governor noted that the State's efforts to date in mass transportation have emphasized rail projects. He declared that this does not make good sense in view of the fact that 1.2 million people ride buses on an average weekday in New Jersey, which is four times the 300,000 who ride the railroads.

The Governor said the program is a sound and balanced way to revitalize the bus industry in New Jersey through the private enterprise system. He reaffirmed his opposition to complete State ownership and operation of New Jersey's bus system, warning that it would involve staggering outlays of taxpayers' money and commit the State to annual massive expenditures of public funds.

Under the proposal, the carriers must agree to provide essential service, equivalent at least to the same amount of service they are presently providing. All fare increases, schedule changes and route changes will be within the jurisdiction of the Commuter Operating Agency.

## GIANT INTERNATIONAL APPLIANCE FIRM MOVING FROM N. Y. TO MEADOWLANDS

First step toward a \$250 million industrial-residential-recreational complex in the Hackensack Meadowlands came last month when Gov. William T. Cahill officially welcomed a major international corporation to New Jersey.

Officials of the Panasonic Corp., one of the world's largest manufacturers of televisions, radios and small appliances, signed a \$50 million lease for new headquarters in the Meadowlands during a ceremony attended by Gov. Cahill and two State officials responsible for Panasonic's move out of New York City—Commissioner of Community Affairs Lawrence F. Kramer and Commissioner of Labor and Industry Ronald M. Heymann.

Panasonic (The Matsushita Electric Corp. of America) will be vacating its office headquarters at 200 Park Ave., New York City, and its distribution facilities in the Long Island City and Woodside sections of Queens. The move is scheduled to be completed by 1975.

Gov. Cahill congratulated Panasonic for "having the wisdom to come to New Jersey". Cahill described the Hackensack Meadowlands Master Plan as a "logical and reasonable approach to providing industrial development while protecting and preserving the environment".

Panasonic will be moving into a new three-story, 250,000 square-foot office building linked to a one-story, 500,000 square-foot distribution plan. It is to be located in the "Free Zone Center", a 720-acre planned office-industrial-

residential-medical-transportation complex off Route 3 between the Hackensack River and County Avenue in Secaucus.

The buildings will occupy a park-like, 50-acre site overlooking the Hackensack River.

According to Hartz Mountain Industries Inc., the developer, the Free Zone Center is so named because the trucking rates in the area are not regulated by the Interstate Commerce Commission but are totally competitive. Panasonic will be leasing the structures for "a long-term period".

Leonard Stern, president of Hartz Mountain Industries, said that the plan for the largest development tract in the Meadowlands will include:

- A community center.
- A park and recreation center.
- A transportation center offering train service to New York and neighboring New Jersey communities.
- An apartment community to house 10,000 people with construction scheduled to begin this summer.
- A 200-bed hospital, already under construction.
- 10 million square feet of industrial space.
- Two million square feet of office space.

When completed within five to seven years, Free Zone Center will represent an investment of some \$250 million and will provide jobs for approximately 10,000 persons, Stern said.

Stern noted that the occasion marked the "first time a New York City headquartered firm is moving to the Meadowlands—only five minutes from the Lincoln Tunnel".

The Hackensack Meadowlands—described by officials as the single, largest, most valuable undeveloped tract of real estate in the metropolitan region—spreads over 14 municipalities in Hudson and Bergen Counties.

Major tenants already in the 720-acre Free Zone Center include May Department Store, Aurora Toy division of Nabisco, Vera Scarves division of Manhattan Industries, Petrie Stores, E-Lite Lighting division of Esquire Magazine, Interstate Department Stores and Nestle's.

## SPORTS AUTHORITY AWARDS FIRST BUILDING CONTRACTS AT \$8 MILLION

The New Jersey Sports and Exposition Authority last month awarded contracts worth \$7.9 million for basic foundation work on the race track and football stadium for the Hackensack Meadowlands.

A \$6.72 million contract went to Keane Construction Co. of Paramus to cover piles, pile caps, grade beams and retaining walls for the football stadium.

The Authority also awarded a \$1.17 million contract to Slattery Associates of West Hempstead, N.Y. for foundation work on the grandstand and race track. The two firms submitted the lowest of 20 bids for the jobs.

The Authority announced that a value of \$8,259,540 has been placed on 48 parcels of land which will be taken over by the sports complex. The land will be acquired in condemnation proceedings. Other parcels had been appraised at previous meetings of the Authority.

The agency also released a memorandum of understanding between it and the State Department of Transportation outlining a plan of relocation assistance for landowners displaced by the sports complex.

The memo notes that the State will provide relocation assistance through the Department of Community Affairs, which will include occupant notifications, eligibility notices, public information and payment computations and approval.

It says: "No lawful residential occupant shall be required



to relocate unless there is available decent, safe and sanitary housing suitable to their needs and within their means."

## STATE FORCES CONSTRUCTION FIRM TO REIMBURSE UNDERPAID WORKERS

The State Department of Labor and Industry last month collected \$11,623 from a Spring Lake construction company that had underpaid 16 of its workers on a public construction job.

State Labor and Industry Commissioner Ronald M. Heymann said the collection from T.C.B. Construction Corp. represents the "largest settlement of its kind in the history of the Department's Wage and Hour Bureau".

The Commissioner said the Department took action against the firm after a recent Appellate Division court ruling that contractors must pay the prevailing wages to its workers on all public contracts. The prevailing wage is established by the Federal Bureau of Labor Statistics, which keeps an up-to-date posting of all labor contracts.

According to Heymann, the firm's books were audited after a complaint by one of the 16 workers, all of whom will be given the back wages due them by the State.

## WARNS OF FEDERAL CONTROLS IF STATES FAIL IN SOUND ZONING

Massive Federal controls on "land exploitation" could be imposed on states and municipalities within the next five years if they fail to implement sound zoning and planning practices, William D. Ruckelshaus, Administrator of the U.S. Environmental Protection Agency, has warned State officials.

Speaking in April at the annual "Environmental Commissioners Day" in Trenton, Ruckelshaus said that "many communities are frightened of the prospect of statewide land-use planning . . . but by failing to act today we foreclose future options and guarantee the imposition of some form of massive Federal controls on land exploitation".

Sharing the speakers' platform with Gov. William T. Cahill and State Environmental Commissioner Richard J. Sullivan, Ruckelshaus predicted that a Federal land-use plan will be passed by Congress this year, providing more than \$100 million during the next five years to help states pay for land planning costs.

To be eligible for Federal planning grants, New Jersey would be obliged to supervise the siting of key facilities, such as office complexes, colleges, shopping centers, hospitals, airports, highway interchanges, freight terminals, sewerage treatment plants, amusement parks and the like, he said.

A state also would have to inventory all physical resources capable of being damaged irreversibly "insensitive siting or high density", including historic buildings or battlegrounds, unique flora and fauna, beautiful landscapes and the like.

Ruckelshaus commended both Cahill and Sullivan for "leading the nation in environmental reforms". He cited the New Jersey Wetlands Act of 1970, the flood plains bill enacted last fall and the proposed coastal protection zone before the current legislative session.

"This is an excellent beginning," the top environmentalist noted, "one that I predict will be emulated elsewhere."

Within a couple of years, Ruckelshaus added, state regulation of construction on flood plains, on unstable hillsides, in swamps, in wetlands or on good cropland will be routine everywhere in the country.

Ruckelshaus also announced that any deepwater port to

be built off the nation's coasts will require special legislation. Deepwater ports, including the one proposed in the Atlantic 13 miles off the coast of Long Branch, are now under study by both Congress and his agency, Ruckelshaus said.

## GARVEN CHOSEN CHIEF JUSTICE; TWO OTHER TOP JURISTS NAMED

Gov. William T. Cahill last month named Pierre P. Garven to be Chief Justice of the New Jersey Supreme Court. Garven, who is 47, is chief personal counsel to the Governor and had been confirmed earlier as an Associate Justice of the court. He will succeed Chief Justice Joseph A. Weintraub when he retires from the top court Aug. 31.

The Governor at the same time nominated Superior Court Judge Morris Pashman, 60, of Clifton, and State Institutions and Agencies Commissioner Robert L. Clifford, 48, of Madison, as Associate Justices on the court.

Cahill has appointed five members to the seven-member court since his election in 1969. With the start of the new term Sept. 1, the court will have a 4-to-3 Republican majority for the first time in more than 15 years.

In announcing the new justices, the Governor said: "The State is fortunate that it has men of the superb caliber of Judge Garven, Commissioner Clifford and Judge Pashman to carry on the tradition of the outstanding performances on New Jersey's highest court."

"Judge Garven's judicial, legislative and executive experience will give the Supreme Court a balanced, strong and distinguished leadership."

Garven issued a statement, saying he was "deeply awed" by his nomination as Chief Justice.

"It is a huge responsibility and a position which has been filled by great jurists in the past," said Garven. "I shall do everything I can to continue the work of modernizing and improving the system of justice with which New Jersey has been blessed over the last 20 years."

Pashman, a Republican who is currently the assignment judge in Bergen County, has been nominated to succeed Associate Justice Haydn Proctor, who will reach the mandatory retirement age of 70 in June.

Clifford, a Democrat, was designated by Cahill to fill the vacancy that will be created by Weintraub's retirement. He will continue to head the Institutions and Agencies Department until Aug. 31.

Pashman said he is fully aware of the confidence Gov. Cahill has placed in him by nominating him to the high court.

"I am deeply honored by this expression of trust," said Pashman. "I will try to justify his faith."

The Governor said that Pashman has become one of the most widely respected jurists in New Jersey during his many years of service on the State bench.

"Judge Pashman has demonstrated that he is a judge who combines outstanding legal qualifications with a high sense of responsibility and justice," Cahill said.

The Governor said he had "mixed emotions" about Clifford leaving the administration. "It is sadness and joy," said Cahill. "Sadness because I will be losing one of my most able and trusted advisers and happiness because he is achieving what every lawyer dreams of achieving—to become a member of the Supreme Court."

Garven, a Ridgewood resident, is a former Bergen County judge who resigned to join the administration as chief counsel following Cahill's landslide victory in 1969.

He is a graduate of Ridgewood High School, Princeton University and New York University Law School.

Admitted to the state bar in 1952, Garven began his career with the Newark law firm of McCarter, English and

Studer as a trial attorney. Two years later, he was named assistant U.S. attorney in Newark to head the criminal division, a post he held until 1956.

In 1968, Garven was named clerk to the State Assembly and in that same year was appointed Bergen County counsel. A year later he was appointed to the county bench by former Gov. Richard J. Hughes.

Garven is married and the father of five children.

Judge Pashman is a veteran of 13 years on the State bench, more than 11 as a Superior Court judge. He was named to the Superior Court bench in 1961 by former Gov. Robert B. Meyner and was later reappointed by Hughes.

Prior to that, he served for nearly two years as a judge of the Passaic County Court.

Pashman was born in Passaic and now resides in Clifton. He was graduated from Passaic High School, New York University and the University of Michigan and the New Jersey Law School (Rutgers).

He was admitted to the bar in 1936.

He and his wife, Tema, have a son and a daughter.

Clifford was appointed by Cahill as State Commissioner of Banking and Insurance in 1970. When the separate Departments of Banking and Insurance were established a month later, Clifford was nominated by Cahill to be Insurance Commissioner. He served in that post two years before being named to head the Institutions and Agencies Department.

A native of Passaic, Clifford is a graduate of Montclair Academy, Lehigh University and the Duke University School of Law. He was admitted to the bar in 1950.

He was a law secretary in 1953 and 1954 to the late Supreme Court Justice William A. Wachenfeld. Before joining the Cahill Cabinet, he was a partner for eight years in the Morristown law firm of O'Donnell, Clifford, Conway and Leary.

He is married and the father of three sons.

#### **FOUR CHOSEN TO ADMINISTER NEW CAMPAIGN DISCLOSURE LAW**

The four members of the commission to administer New Jersey's tough new political campaign disclosure law were named by Gov. William T. Cahill and immediately confirmed by the State Senate last month.

The Governor's nominees were Frank P. Reiche, a prominent Princeton attorney; Sidney Goldmann of Trenton, former presiding judge of the Appellate Division of the Superior Court; former U.S. Congresswoman Florence P. Dwyer of Elizabeth; and Bartholomew A. Sheehan of Haddonfield, a bank executive and former county judge.

The law goes into effect July 23 and thus does not affect the June 5 primary election campaign.

Gov. Cahill said he moved as expeditiously as possible to submit the nominations because of "my determination that this law shall be implemented and enforced fairly and effectively for the important gubernatorial and legislative general election campaign this fall".

"We are fortunate that these four distinguished New Jerseyans of impeccable reputation have agreed to serve their State in this vital endeavor."

Mrs. Dwyer and Reiche are Republicans and Goldmann and Sheehan are Democrats, providing the bi-partisan balance required by the new law.

#### **KERNER NAMED AS NEW DEPUTY BANKING COMMISSIONER**

State Banking Commissioner Richard F. Schaub announced the appointment of Philip A. Kerner as Deputy Commissioner of the State Department of Banking.

Kerner, 43, of East Amwell Township, Hunterdon County, had served as deputy director of the State Mortgage Finance Agency since June 1972.

Before that, he was employed by the Somerset Trust Co. of Somerville. He had been in the banking industry for 23 years.

Kerner is a graduate of the University of Virginia School of Consumer Banking.

He is married to the former Alice T. Rhode. They have a daughter Alicemarie who attends Somerset County College.

#### **PAPALE NAMED NEW DIRECTOR OF PURCHASES AND PROPERTY**

Gov. William T. Cahill last month nominated and the State Senate approved Frank M. Papale Jr., of Union, as the new Director of the Division of Purchase and Property under State Treasurer William E. Marfuggi.

Papale succeeds James J. O'Connor, who resigned to return to private business, in the \$30,134 post.

Papale, who studied business administration and purchasing at Rutgers University, is former director of purchasing for Remco Industries of Harrison. He has also served as director of purchases and services for Hillside Metal Products of Newark; director of purchasing for the Lionel Corporation, Hillside, and vice president and partner in Diversified Packing and Products Corporation, Philadelphia, Pa.

He is married and has one child.

#### **FAUVER NAMED AS NEW DIRECTOR OF CORRECTION AND PAROLE DIVISION**

William H. Fauver, superintendent of Trenton State Prison, will succeed Albert C. Wagner as Director of the State Division of Correction and Parole, it was announced last month by Gov. William T. Cahill.

At the same time, the Governor said that Albert D. Gray Jr., former executive director of the Essex County Youth House, will replace Fauver as Superintendent at Trenton State Prison.

Robert L. Clifford, Commissioner of the Department of Institutions and Agencies, said that Wagner, who is 62, will go on extended medical leave on the advice of his physician at the end of May.

Governor Cahill said he was pleased that Fauver, who is 40, and Gray, 36, had accepted the appointments by Clifford to their new responsibilities. He expressed regret at the departure of Wagner, but said the State is fortunate to have a man like Fauver to fill the important and sensitive position of leadership of the Division of Correction and Parole.

"Superintendent Fauver has won the respect and admiration of the inmates, the correctional officers, the administrators and those members of the public who are interested in the field of penology. He has demonstrated firmness with fairness and leadership and coolness in times of stress with a sense of justice," the Governor declared.

As Director, Fauver will be responsible for administration of all of the State's correctional institutions and the State Bureau of Parole.

As Director, Fauver's salary will be \$29,171 and Gray will receive \$24,879 as Superintendent.

Fauver, who began his professional career as a high school teacher of history and social sciences, has been with the Division of Correction and Parole for 12 years. He served as former Superintendent of the Youth Correctional Institution at Annandale and as assistant super-

intendent of the Youth Reception and Correction Center at Yardville.

Fauver and his wife, the former Ilena D'Ilio, make their home in Annandale. Born in Camden, he was educated in the Haddonfield Heights public schools and earned his B.A. from Rutgers University and M.A. in group dynamics from Temple University. Fauver also took courses in the field of education at Glassboro State College and Trenton State College. He began his State career in correction at Yardville in 1960 as a teacher.

Gray is a former State Trooper who became a teacher and later a school principal at the Essex County Youth House before advancing to executive director at that institution in 1971. He joined the staff of the New Jersey State Prison in Trenton in 1972 as a consultant.

A native of Hackensack, Gray and his wife Alma, and their two sons, Jason, two, and Clifford, four months, make their home in Somerset. Gray currently holds the rank of Captain in the Marine Corps Reserve as a corrections specialist.

Gray was educated in the public schools of East Rutherford and was graduated from the State Police Academy in 1957. He left the State Police in 1963 to pursue his education full time, and earned his B.S. in education (with a minor in psychology) from New York University. He also holds an M.A. in special education from N.Y.U. and has done post graduate work at Columbia University, Rutgers University and the Woodrow Wilson School of Public and International Affairs at Princeton University.

Wagner, who has been Director of the Division of Correction and Parole since 1963, has been with the Department of Institutions and Agencies since 1936, serving in numerous posts with time out for active service in the U.S. Navy during World War II.

A leader in correction reform programs, he has moved the State in the direction of the development of half-way houses, community treatment centers for juveniles and community service centers for adult offenders, Clifford noted. He was prime mover in the successful drive to obtain Legislative authority for the State's work release program, which has proved useful as a positive aid to inmate rehabilitation.

Clifford said Wagner's "vast knowledge and experience has for years been brought to bear on some of the most difficult and sensitive problems the State has been called upon to face".

#### **DR. WEINBERG NAMED TO TOP MENTAL HEALTH POST BY CAHILL**

Gov. William T. Cahill has appointed Dr. Martin H. Weinberg to head the Division of Mental Health and Hospitals in the Department of Institutions and Agencies. Weinberg assumed the post on April 30 at a salary of \$38,290.

At the same time, Cahill announced that Dr. Inge Rudloff Plante would succeed Weinberg as the medical director of Trenton Psychiatric Hospital.

Institutions Commissioner Robert L. Clifford said, "the appointment of Dr. Weinberg will alleviate many of the problems the Department has been facing in the last few years in providing better patient care."

As Division Director, Weinberg will administer the seven state residential psychiatric hospitals and the community mental health centers and mental health clinics.

He is a fellow of the American Psychiatric Association and a past president of the New Jersey Neuropsychiatric Association and the Medical Society of New Jersey.

Cahill said he looks to Weinberg for "strong leadership

in providing direction and lifeblood to a partnership between institutionalization and community mental health programs."

Weinberg had been medical director and chief executive officer at Trenton Psychiatric Hospital since 1967. He was previously medical director at Ancora Psychiatric Hospital.

Dr. Plante was born in Leipzig, Germany. She fled from the Russian zone of Germany in 1947 and enrolled at the University of Wuerzburg for premedical studies. She entered the University of Munich Medical School a year later and received her pre-medical degree in 1949. She earned her medical degree in 1954 and spent six months at the Pathological Institute of the University of Munich as a resident.

Dr. Plante emigrated to the United States in 1955 and interned at the former McKinley Hospital (now Helene Fuld) in Trenton.

She became a resident in psychiatry at Trenton Psychiatric Hospital in 1956, and in 1960 became a naturalized citizen. She was licensed to practice medicine in New Jersey in the same year.

#### **BERGEN COUNTY OFFICIAL NAMED TO SPORTS AUTHORITY**

John H. Bell, comptroller of Bergen County, has been appointed by Gov. William T. Cahill as a member of the State Sports and Exposition Authority.

Bell, a Ridgefield resident, will represent the Hackensack Meadowlands Development Commission on the Sports Authority. The appointment does not require Senate confirmation.

Bell is a former mayor of Ridgefield and has served as commissioner of both the Bergen County sewer and housing authorities. He is a vice president of the Trust Company of New Jersey.

Bell has a B.S. from New York University. The family has three sons.

#### **BILLS APPOINTED ACTING HEAD OF STATE EDUCATION DIVISION**

Dr. Edward W. Kilpatrick, acting Commissioner of Education, announced that he has designated Harold Y. Bills to act in his place during his absence from the position of assistant commissioner in charge of the State Department of Education's Division of Administration and Finance.

Bills has been serving as the division's director of school finance and auditing.

Dr. Kilpatrick, designated by Gov. William T. Cahill as acting commissioner April 1 following the resignation of Dr. Carl L. Marburger, will head the Department until a new Commissioner is appointed.

#### **RIGHTS AGENCY, SECURITIES UNIT GET NEW DIRECTORS**

Attorney General George F. Kugler Jr. last month named a new Director for the State Division on Civil Rights and said the agency is being reorganized to put more emphasis on securing the rights of women and Puerto Ricans.

Appointed as director was Gilbert H. Francis of Hightstown, formerly a civil rights specialist for the Office for Civil Rights in the U.S. Department of Health, Education and Welfare, New York regional office.

Francis, 42, replaces James H. Blair, who left the division in January to head the Michigan civil rights agency. Both Blair and Francis are black.



Kugler said more than 24 applicants, including many women and Puerto Ricans, were screened for the \$24,879 post.

The Attorney General said, "We're most concerned with restructuring the Division to address ourselves more forcefully to the rights of those two groups."

He said he was anxious to increase the number of women and Puerto Rican management personnel within the division. Women, he said, "have a lot to complain about in terms of basic fairness . . . gradually that's being righted".

In another area of the same Department, James McLelland Smith of Montville was named as Chief of the Bureau of Securities in the Division of Consumer Affairs.

The bureau enforces State laws to protect the investing public from fraud and misrepresentation in the securities marketplace.

Smith, 35, who is an attorney, has been engaged in securities law practice for a New York law firm since March, 1970. Before that, he worked for the New York City corporation counsel.

### **MAGGIO ELECTED TO FOURTH TERM AS CHAIRMAN OF STATE LOTTERY**

Dr. Thomas E. Maggio, of Branchburg, Somerset County, has been elected chairman of the New Jersey State Lottery Commission for the fourth consecutive year.

One of the original members of the Commission appointed by Gov. William T. Cahill in 1970, Dr. Maggio directed the development of the nation's first weekly lottery which began Jan. 7, 1971. The New Jersey format has since been followed by all other states operating weekly lotteries. Last November, the Lottery Commission also began the first daily lottery.

Both lotteries are expected to yield more than \$150,000,000 in the 2½ years through next June 30 to help support State aid to education and institutions, with about \$145,000,000 more going to the prize winners.

In addition to his non-salaried post as Lottery Commission chairman. Dr. Maggio, a chemical engineer, has been on the Somerset County Board of Freeholders since 1966 and is currently serving the second time as director. He also serves on the Board of School Estimate for Somerset County College and the Somerset Vocational-Technical Institute, is a trustee of Somerset Hospital and active in civic affairs.

### **AWARD \$4.6 MILLION RAIL SUBSIDY AS CONSOLIDATION STUDY CONTINUES**

Gov. William T. Cahill has signed legislation providing a \$4.6 million subsidy to insure the continuation of vital rail service in New Jersey until June 30. At a ceremony in his office April 10, Governor Cahill said: "The action taken today assures New Jersey's rail commuters that there will be continued service in the State of the Central Railroad of New Jersey and the Penn Central Railroad."

"Meaningful talks are underway to resolve the State's rail problems," the Governor continued. "We have been assured by the trustees for both railroads of their continued cooperation and good faith in efforts to effect consolidation of these lines."

The new law appropriates \$1.4 million in the form of a subsidy to the Central Railroad of New Jersey and \$3 million to the Penn Central Railroad. An additional \$200,000 will be used for an independent audit of the railroads.

On February 21, at a meeting with the trustees of the three bankrupt carriers—CNJ, Lehigh Valley and the Reading Railroad—the Governor approved the hiring by the State of a nationally-recognized firm of railroad con-

sulting engineers to recommend a workable and feasible plan for consolidation of the three carriers.

At that time, Governor Cahill said:

"As long as we are convinced that the railroads are making a sincere effort to agree on a consolidation plan, the State will do all it can to cooperate. Consolidation is the key to the future of railroad service in New Jersey."

### **ALAMPI REMINDS FARMERS OF AVAILABLE LOAN FUNDS**

State Secretary of Agriculture Phillip Alampi recently reminded farmers that the Farmers Home Administration has been authorized to make additional farm operating loans totaling \$170 million during the remainder of the current fiscal year.

How much of these funds will be allocated to New Jersey is not known, but after conferring with C. William Haines Jr., regional director administrator of the FHA, Alampi said that as much as two per cent of the total might go to Garden State farmers.

Farmers who need operating loans should apply to their nearest FHA office. The interest rate will be 5⅞ per cent.

The loan funds are being made available to meet the demand for farm operating loans as the result of the unusual emergency loan situation this year, and are in addition to the record-high \$350 million already allocated nationally for the program.

In allocating operating loan funds to the states, the Farmers Home Administration is giving primary consideration to areas previously designated for emergency loans, or where there have been farm losses from natural causes, he said.

Crop losses were particularly high in New Jersey last year due to hurricanes Doria and Agnes, unseasonable freezing and moisture and hailstorms.

### **BOOKLET ON CHILD GARDENING NOW AVAILABLE TO TEACHERS**

E With the peak of the garden planting season many children, as well as adults, are taking more of an interest, according to the State Department of Agriculture.

As an aid to teachers who may want to set up a gardening project for pupils, the Department has for the first time made available a free 44-page publication, "A Child's Garden". It provides a myriad of ideas for outdoor and classroom gardening activities.

Librally illustrated, the publication shows the things plants need to grow—air, water, nutrients and light—and also the things that can hurt plants. There are many pages of classroom experiments which can be made with plants and several pages are devoted to instructions for the culture of specific vegetables.

The booklet also contains a description of an "adventure garden" for children, which was established at the University of California four years ago and which "could happen in any large garden in your neighborhood, or adjoining a school, or as a corner in a park."

With the peak of the garden planting season many

Supplies are limited and only one copy is available for each classroom. To receive the booklet, teachers should write: Ivan Olinsky, Department of Agriculture, P.O. Box 1888, Trenton, New Jersey 08625.

### **NORTH JERSEY'S NEW TV STATIONS, CHANNELS 50, 58, START UP IN JUNE**

Northern New Jersey's two new public television stations will begin telecasting June 2, it was announced by

## STATE NEWS OF PUBLIC INTEREST

Dr. Edward J. Meade Jr., Chairman of the New Jersey Public Broadcasting Authority.

The two new full-color UHF stations are WNJM-TV, Channel 50 transmitting from Little Falls near Montclair; and WNJB-TV, Channel 58 transmitting from Warren Township near New Brunswick.

Channels 50 and 58 are the final two television stations to be placed into operation by the NJPBA. They join WNJT-TV, Channel 52 in Trenton and WNJS-TV, Channel 23 in Camden-Atlantic City in completing the State network covering all of New Jersey as well as New York and Philadelphia.

All four of the stations will be able to have news, sports, public affairs and cultural events televised live or taped anywhere in New Jersey by the Public Broadcasting's new mobile television van.

Gov. William T. Cahill recently accepted the key to New Jersey Public Television's new mobile TV van in ceremonies outside the State House. The custom-built 30-foot-long color television van was manufactured by RCA.

Governor Cahill said, "I am pleased by our progress in broadcasting in New Jersey. I look forward to June when we open the two new (New Jersey TV) outlets covering the entire state. The van gives us immediate on the scene coverage and allows us to zero in on New Jersey and the people of New Jersey. I hope our citizens will get accustomed, as I am, to tuning to the channel number closest to their home."

## ADMINISTRATIVE CODE IS DUE FOR COMPLETION THIS MONTH

(Continued from back page)

judicial decisions, plus cross and historical references, he said.

A second publication of the same Administrative Procedure Division is this monthly New Jersey Register, now in its fifth year, which provides the official advance notice of all proposed new rules of State agencies.

Bonacci explained that "the Register provides industry, business and the public with the opportunity to be heard, in advance, concerning proposed new rules or regulations which may affect them—and the Code then brings such adopted rules all together".

## 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.

Price is \$9.00 each, payable in advance, postpaid.

Check or money order should be made out to Treasurer, State of N.J. and orders mailed to the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

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## OFFICIAL LISTING OF TITLES AVAILABLE TO CODE BUYERS

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.

Four of the Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis. Payment must accompany orders.

Official Departmental Title numbers follow:

1. CHIEF EXECUTIVE (Reserved)
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
5. COMMUNITY AFFAIRS
6. EDUCATION
7. ENVIRONMENTAL PROTECTION
8. HEALTH
9. HIGHER EDUCATION
10. INSTITUTIONS AND AGENCIES—In 3 Volumes.
11. INSURANCE
12. LABOR AND INDUSTRY—In 3 Volumes.
13. LAW AND PUBLIC SAFETY—In 2 Volumes.
14. PUBLIC UTILITIES
15. STATE
16. TRANSPORTATION
17. TREASURY-GENERAL
18. TREASURY-TAXATION—In 2 Volumes.
19. OTHER AGENCIES.

## ADMINISTRATIVE CODE DUE FOR COMPLETION THIS MONTH

Completion of the full New Jersey Administrative Code—22 volumes containing the rules and regulations of all Departments of the State Government—will be accomplished this month.

Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State, in making the announcement added that the New Jersey Code is the first in the nation to be produced by computer-photocomposition, which provides full future retrieval possibilities.

### OFFICIAL CODE NOTICE

Going into the mail by this month will be the final volumes to complete the full Code.

The update service for 11 separate Departmental

Titles are the first being distributed. These cover Titles 2, 5, 7, 8, 9, 11, 13, 14, 15, 18 and 19.

Next mailing is to be the three volumes for Title 10—Institutions and Agencies, and finally, later this month, the last two volumes for Title 12—Labor and Industry.

This will mean that all original volumes, plus updates for all Titles but 10 and 12, will by June have been delivered to subscribers.

Rules contained in the first edition of the Code run to over 11,000 pages in 22 loose-leaf volumes and cover all 17 State Departments in Trenton plus other subsidiary agencies, he said.

"The Administrative Code is the official State Codification of rules—as contrasted to laws—and it is legally citable, with judicial notice already being taken of it," Bonacci commented.

"As the first such rules compilation for New Jersey, the Code now makes all such rules available in one official central source," he added.

Codification and publication of the entire Code has taken just over a year and the number of volumes sold to date tops 15,000, with nearly 13,000 of these going to full-set subscribers, Bonacci said.

"Publication of the Administrative Code is a major function in this Division's assignment to insure the public's 'right to know' about all rules which may affect them," said the administrative director.

"These rules have the same effect as do laws passed by the Legislature, but such administrative rules probably have a broader public impact than do the laws originally granting powers to the various segments of the State government."

An innovation in such legal publications is an overall Index to be issued for the entire Code. Bonacci said this will be a "bonus" for present subscribers.

The Administrative Code, being in loose-leaf form, will be continually updated to cover the adoption of all new or amended rules.

Physically, the sturdy 8½ by 10-inch volumes are covered in an attractive light blue, long-wearing vinyl, with gold lettering. Volumes are keyed to the various Departments, each with its own index.

The Code is entirely compatible with New Jersey Statutes Annotated through codification and will include future

(Continued on preceding page)