

NEW JERSEY REGISTER



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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Amendment to Rules Regulating Handling of Milk In New Jersey Milk Marketing Areas

On September 16, 1974, 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-25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an amendment to the milk marketing order regulating the handling of milk in the New Jersey milk marketing areas.

Full text of the adopted rule follows:

2:54-3.4 Amendment regulating handling of milk in the New Jersey milk marketing areas; October 1, 1974

(a) In conformance with the memorandum of agreement with the United States Department of Agriculture, and pursuant to the powers vested in him by N.J.S.A. 4:12A-25, the undersigned Director, Division of Dairy Industry, participated with the United States Department of Agriculture in a joint hearing held in Washington, D.C. on February 20-28, 1974. Notice of the hearing was issued on February 13, 1974, and published in the time and manner required by law.

(b) Pursuant to the provisions of N.J.A.C. 15:15-5.3, after considering all of the evidence adduced at the hearing and being in agreement with the findings and determinations made by the United States Department of Agriculture as contained in the decision on proposed amendments to marketing agreements and to orders signed in Washington, D.C. on July 25, 1974, by Richard L. Feltner, assistant secretary, United States Department of Agriculture, the undersigned hereby finds and determines that the findings and conclusions, as published in 39 FR 27678 ff., should be adopted by reference insofar as such findings and conclusions pertain to the marketing of milk in the State of New Jersey under 7 CFR 1002 and 7 CFR 1004, the same being commonly referred to as Federal Orders 2 and 4. The undersigned further finds that the terms of the "Order amending the orders regulating the handling of milk in certain specified marketing areas" (39 FR 27682 ff.) should also be adopted insofar as such order applies to the marketing of milk in the State of New Jersey under terms of the aforesaid joint and concurrent Orders 2 and 4 and the adoption of said order will tend to effectuate the declared policy of the statute in N.J.S.A. 4:12A-1 et seq.

(c) It is therefore ordered that on and after the effective date hereof there is hereby adopted, by reference, as an amendment to Subchapter 3 of this Chapter, the aforesaid amendment to the orders regulating the handling of milk in the New York-New Jersey Marketing Area and the Middle Atlantic Marketing Area insofar as the said order applies to the marketing of milk in the State of New Jersey.

(d) This order shall be effective from and after 12:01 A.M. on October 1, 1974, with respect to marketings on and after that date.

An order adopting this rule was filed October 11, 1974, as R.1974 d.283 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Proposed Revisions Concerning Safe and Sound Methods of Banking

Richard F. Schaub, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-253A, proposes to revise various rules concerning the examination of banks and savings banks under direction of a board of directors or board of managers, as well as to delete in its entirety the current Subchapter 4, Examination of Savings Banks under Direction of Board of Managers, in Chapter 7 of Title 3 of the New Jersey Administrative Code and mark the latter as reserved for future use.

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

SUBCHAPTER 3. EXAMINATION OF BANKS **AND SAVINGS BANKS** UNDER DIRECTION OF BOARD OF DIRECTORS OR BOARD OF MANAGERS

3:7-3.1 Definitions

For the purpose of this Subchapter:

"bank" shall mean a bank or savings bank;

"Board of directors" shall include the board of directors of a bank and the board of managers of a savings bank.

3:7-3.2 Date of examination

The examination shall be commenced on a surprise

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basis within the time periods specified in N.J.S.A. 17:9A-253A. Prior to commencing the examination, the person scheduled to conduct the examination shall notify the Department of Banking so as to avoid conflict with an examination pursuant to N.J.S.A. 17:9A-260.

[3:7-3.1] **3:7-3.3 Confirmation of deposits and debts**

The public accountant or other approved person examining for the board of directors shall confirm with certain depositors and debtors the correctness of the deposits due them and debts owed to the bank on various types of loans and contracts purchased. Such confirmations, except [as indicated below] **for provided exclusions** shall be either of the positive [1] **or negative** type and shall be mailed during each calendar year to at least [20%] **ten per cent** of the [persons having] saving[s] deposit[s] **accounts** and other time deposits, [20%] **ten per cent** of [those having] the demand deposit[s] **accounts** and [20%] **ten per cent** of [those indebted to the bank by reason of loans and discounts, installment loans made under the authority of Article 12 of the Act, and contracts payable in regular installments arising out of contracts purchased from retail sellers or sales finance companies] **any and all types of direct loans, serviced loans or contracts purchased. Collateral pledged to secure a loan should be included in the confirmation. The person conducting the confirmation program will be responsible for resolving to his satisfaction or reporting to the board of directors for its further disposition, any differences disclosed through the confirmations which he deems are of a material nature.**

[1Calls for signature and return]

[3:7-3.2] **3:7-3.4 Exclusions from confirmation program**

(a) **Unless the board of directors or the persons conducting the examination deems it necessary or advisable,** [The] the following are not required to be confirmed under [Section 3.1 (Confirmation of deposits and debt) of this Chapter:] this Subchapter:

1. School savings and club accounts;
2. Dormant savings accounts with balances under \$1,000, provided the accounts are contained in a separate control unit and [with access restricted to a designated officer, the auditor, or a designated member of his staff.] **held under dual control;**
3. Demand accounts, sometimes referred to as "Special checking accounts" [,] **or some other similar type limited activity accounts** [, against which persons may draw checks upon payment of a fixed charge];
4. **Installment contracts, such as insurance premiums, which by their nature are drawn for periods of one year or less and in amounts of \$1,000 or less;**
5. **Serviced loans: If the servicer's authorized or outside accountant includes in his scope a confirmation program which encompasses the serviced loans and the person responsible for this bank's confirmation program receives a copy of the results of the confirmations and is satisfied that the procedures and methods utilized are acceptable. Acceptance of such reports should be noted.**

[3:7-3.3] **3:7-3.5 Confirmation by internal auditors**

The Commissioner may, in writing, excuse a bank from compliance with the foregoing [provisions of this Subchapter] **confirmation program** if it furnishes the Department with satisfactory proof that its own approved auditors **have the capacity to perform the confirmation**

program, as part of their internal [audits, forward positive form confirmations to its depositors and debtors as here prescribed] **audit program. The public accountant or other approved person examining for the board of directors shall, as an appendix to his report, include a summary of the confirmation program performed by the internal auditor and his staff and comment on the methods and procedures utilized by the auditor in relationship to acceptable accounting standards.**

[3:7-3.4] **3:7-3.6 Provision for [random] sampling**

Selection of accounts by random sampling [or], specific selection **or any other form of statistical sampling** is permitted to provide the proper latitude [where computer processing is involved.] **in achieving the ten per cent confirmation level.**

[3:7-3.5] **3:7-3.7 [Opinion] Review of internal controls and audit program**

(a) The public accountant or other approved person shall [, in his report, express his opinion of the sufficiency of the internal controls offering any suggestions which he believes will strengthen such controls.] **perform the hereafter outlined minimum audit program unless the scope of the internal auditor's program encompasses said minimum audit program and reliance is placed on same. If the public accountant or other approved person relies on the internal auditor for performance of the minimum audit program, then he shall review the scope and frequency of performance to determine if they are considered adequate for the bank under examination. If he deems the internal audit program inadequate, he shall make suggestions for expansion. The public accountant or approved person shall make such documentation tests of the internal audit program as he deems necessary to determine compliance with the program. If the audit department has not complied with the program, then the person conducting the examination shall be responsible for completion of a program which encompasses the minimum standards outlined.**

(b) **The person responsible for conducting the examination shall indicate in his report any conditions disclosed in his review which he deems to reflect a material weakness in internal controls and offer any suggestions which he believes will strengthen them.**

(c) **The internal audit program upon which the person conducting the examination may rely should be the program in use by the audit department for the calendar year prior to the date of the current examination. If the minimum audit program is not in use by the audit department then the public accountant or approved person shall be responsible for completion of the program as required in this regulation.**

3:7-3.8 Performance frequency of examination scope

The frequency of performance as it relates to the various phases of the minimum audit program hereafter outlined shall be determined by the internal auditor if performed by him, or the public accountant, and scope and performance frequency adopted shall be approved by the board of directors.

3:7-3.9 Audit program

(a) **The minimum audit scope to be performed in banks or savings banks, as applicable, includes the following:**

1. Cash, cash items and due from banks:

- i. Cash should be counted and reconciled with the general ledger control.
- ii. Cash items should be inspected, checked for propriety, reconciled to general ledger control and clearance of larger items should be checked.
- iii. Clearings and exchanges should be controlled and confirmed. Large items should be followed to disposition.
- iv. Obtain direct confirmation of account balances with other banks; reconcile confirmed balance with general ledger controls, and check authenticity and disposition of reconciling items.

3:7-3.9(a) 2. Investment securities:

- i. Prepare a listing or obtain a listing from the data processing department of investment securities and reconcile with general ledger controls.
- ii. Account for securities owned by inspection of securities held in the bank's own vault and by confirmation of securities held in safekeeping elsewhere.
- iii. Verify bank's records of pledged securities with safekeeping custodian.
- iv. Ascertain the market value of securities owned. Test-check authenticity of purchases and sales to supporting documentation and investment authority approval by the board of directors. Include a test of pricing from an independent source.
- v. Review procedures and systems with respect to amortization of premiums and accretion of discounts to determine adequacy and correctness of same.

3. Loans and discounts:

- i. Prepare a listing or obtain a listing from the data processing department of the liability ledger and reconcile with general ledger controls.
- ii. Notes should be checked to the liability ledger and officer or board approvals should be ascertained.
- iii. Collateral and side collateral should be examined, evaluated and verified to appropriate records.
- iv. Participation or service agreements should be reviewed and amounts should be confirmed and reconciled to appropriate records.

3:7-3.9(a) 3. v. A list of obligations past due for interest or required performance terms should be prepared for the attention of the board or loan committee based on standards established by the board of directors.

4. Mortgage loans:

- i. Prepare a listing or obtain a listing from the data processing department of the liability ledger and reconcile with general ledger controls. Escrow balances should also be listed or obtained and reconciled to the respective control.
- ii. Inspect necessary documentation including necessary approvals on a test basis.
- iii. Participation or service agreements should be reviewed and amounts should be confirmed and reconciled to appropriate records.
- iv. A list of obligations delinquent or which have tax or other deficiencies should be prepared for the attention of the board or loan committee based on standards established by the board of directors.

5. Installment loans:

- i. Prepare a listing or obtain a listing from the data

processing department of the liability ledger and reconcile with the general ledger controls.

- ii. Notes should be test checked to the liability ledger and officer or board approvals should be ascertained. Other related documents should be examined.

3:7-3.9(a) 5. iii. A list of past due obligations should be prepared for the attention of the board or loan committee based on standards established by the board of directors.

- iv. Wholesale or floor plan obligations should be scheduled and reconciled to proper loan account controls. Collateral pledged should be inspected and exceptions resolved.

v. Participation or service agreements should be reviewed and amounts should be confirmed and reconciled to appropriate records.

6. Banking premises and furniture and fixtures:

- i. Documents evidencing ownership or leases covering leaseholds should be examined on all new properties or leaseholds.
- ii. Insurance policies and tax receipts should be inspected.
- iii. Insurance coverages should be evaluated with respect to current appraisals available.
- iv. Changes in these accounts should be test checked to determine propriety and /or authorization.

7. Other real estate owned: Balances should be listed, reconciled to the general ledger and related documents should be inspected to ascertain authorizations and ownership.

8. Accrued interest receivable: The correctness of computations and entries to accrual accounts should be tested.

3:7-3.9(a) 9. Other assets: All other asset accounts should be reviewed and tested to determine propriety and /or authorization.

10. Demand deposits:

- i. A list of all accounts should be prepared or obtained from the data processing department and reconciled to general ledger controls.
- ii. Entries to and controls for dormant or inactive accounts should be tested.
- iii. Overdrafts should be reviewed. Larger items should be listed in a report to the board, indicating authorization and date item cleared.
- iv. Due to bank and treasury tax and loan accounts should be confirmed and reconciled.
- v. Holdover items should be tested for authorization.
- vi. Accounts of directors, officers and employees should be reviewed, including those accounts in which they have an interest.

11. Certified and official checks:

- i. A list of open items should be made or obtained and reconciled to the general ledger. Checks subsequently presented and paid should be test checked against the listing.
- iii. Internal system controls and inventory controls of unissued checks should be tested.
- iii. Accounts against which checks have to be certified should be analyzed.

3:7-3.9(a) 12. Time deposits:

- i. A listing of all accounts should be prepared or obtained from the data processing department and reconciled to general ledger controls.
- ii. Entries to and controls for dormant or inactive accounts should be tested.
- iii. Interest credits should be tested.

13. Accruals and reserves: The correctness of computations and entries to accrual accounts should be tested.

14. Other liabilities: All other liability accounts should be reviewed and tested to determine propriety and /or authorization.

15. Capital stock, surplus, undivided profits, capital notes and capital and valuation reserves:

- i. A listing of outstanding shares reflected on the stockholders ledger should be prepared or obtained and reconciled to appropriate controls.
- ii. Purchases and sales of certificates should be tested.
- iii. Control of unissued certificates should be tested for adequacy.
- iv. Entries to these accounts should be tested for propriety and authorization.
- v. Debt outstanding, maturity and interest rates on capital notes shall be confirmed.

3:7-3.9(a) 16. Contingent liabilities:

- i. The probable liability, if any, on claims or lawsuits pending shall be obtained from the bank's attorney.
- ii. Letters of credit shall be reviewed and substantial items should be confirmed.

17. Consignment items: U.S. Savings Bonds, travelers checks and any other items on consignment shall be confirmed and reconciled with the issuing agent.

18. Income and expense accounts:

- i. Invoices or vouchers supporting the issuance of official checks shall be test checked for authorization and correctness.
- ii. An audit test of at least one payroll shall be conducted.
- iii. Tests of subsidiary accounting records relating to major sources of income shall be performed in order to determine correctness and adequacy for proper accounting of income sources.

19. Safekeeping: Items shall be checked to records and shall be confirmed, on a test basis, with customers.

3:7-3.9(a) 20. Purchase and sale of customer securities: A test of procedures shall be made to insure that purchases are made only against available funds; sales are only made upon delivery of securities and proceeds of sales are promptly credited or remitted.

21. Bankers blanket bond and other insurance: Policies shall be reviewed for adequacy of coverage and receipted invoices shall be inspected to insure that premiums are paid.

22. Collections: Collection items should be reviewed and confirmed.

23. Board minutes:

- i. The minutes of the board of directors shall be ex-

amined and resolutions extracted to ascertain that they are being acted upon.

- ii. Director's and officer's obligations should be reviewed for propriety and approvals.

24. Trust department:

i. Prepare or obtain a listing of account balances of the various trust and custody accounts (including corporate trust and escrow accounts), and reconcile with respective control accounts. Deposit accounts shall be confirmed and reconciled.

3:7-3.9(a) 24. ii. Review overdrafts in trust cash accounts as to authorization and collectibility.

iii. Review selected personal trust accounts and corporate trust accounts to ascertain that the administration of the account is in conformity with the governing instrument. The review should include:

- (1) Verification of assets;
- (2) Ascertainment of asset conformity to the provisions of the fiduciary instrument;
- (3) Transactions were supervised and authorized;
- (4) Income is properly collected;
- (5) Commissions are properly computed;
- (6) Disbursements are documented; and
- (7) Uninvested or undistributed funds were not held for an unreasonable length of time.

iv. The assets of a selected number of accounts, other than those accounts reviewed for conformity, shall be inspected and checked to proper records.

v. Review the minutes of the trust committee to ascertain that trust accounts are being reviewed and that trust accounts acquired or closed had been approved.

- vi. Review final accountings on closed accounts.

25. On premise electronic data processing department:

i. Review and test organizational structure to determine if functional responsibilities and separation of duties are established and adherence to same is required.

3:7-3.9(a) 25. ii. Review standards manual, operator's run manual and program run books for propriety. Also review user's guide or procedures manual for currency and correctness with respect to appropriate application.

iii. Review and test controls and /or access restrictions with respect to program run books, computer facilities and tape /disk library.

iv. Review operating logs and documentation with respect to reruns, halts, downtime, etc.

v. Review retention policy and protections standards established for adherence. Comment on capability to reconstruct operating programs and master files.

vi. Review equipment maintenance documentation for adherence to established schedules and comment on arrangements to provide for back-up processing time.

vii. Review fidelity, liability, fire and other insurance in light of the nature and volume of applications and service contract commitments.

viii. Review and test input, processing and output controls and comment on material weakness noted.

ix. Review program changes and maintenance controls and test documentation for propriety and /or authorization.

x. Test the integrity of records generated either by utilization of "audit through the machine" or "audit around the machine" techniques.

- 3:7-3.9(a) 26. Electronic data processing servicer**
- i. Review the institution's own insurance and obtain and review coverages provided by servicer.
 - ii. Review service contract and comment on weakness noted.
 - iii. Check user's guide to ascertain it is current.
 - iv. Check input, output and transmittal controls and/or procedures.
 - v. Test integrity of records generated.
 - vi. Review audit procedures and scope utilized by the servicer's internal auditor or outside accountant.
 - vii. Review servicer's provision for back-up processing time and comment on management awareness of compatible servicers in the event a change in servicers is necessitated.

SUBCHAPTER 4. [EXAMINATION OF SAVINGS BANKS UNDER DIRECTION OF BOARD OF MANAGERS] RE-SERVED

Note: The current text in Subchapter 4 is proposed to be deleted in its entirety.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to:

Roger F. Wagner
Deputy Commissioner
Division of Banking
36 West State Street
Trenton, New Jersey 08625

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

Richard F. Schaub
Commissioner
Department of Banking

(a)

**CIVIL SERVICE
CIVIL SERVICE COMMISSION
Revisions to Personnel Manual
On Retirement Planning**

On September 30, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Civil Service Personnel Manual (State Service) Subpart 16-16.101, concerning retirement planning.

Full text of the revised rules follows:

16-16.101a Subject

This subpart deals with efforts of the Department of Civil Service and the Department and agency personnel units to assist employees in State service to plan positively and effectively for their retirement.

16-16.101b Purpose

The primary objective is to assist employees in making constructive plans for retirement and to prepare a smooth transition.

16-16.101c Procedure

1. The Department of Civil Service will train a retirement

planning coordinator from each Department in conducting a series of meetings for employees within one year of retirement. The person assigned the responsibility of conducting the retirement planning sessions may be selected from the Department staff; however, this individual will report to the personnel officer regarding all retirement planning activities.

2. Each training session for Department coordinators will cover a specific aspect of retirement. The sessions will enable the coordinators to acquire a thorough understanding of the problems, conditions and factors which affect individual retirement situations.

3. After completion of the training sessions, Department coordinators will conduct similar sessions for retiring employees in their Departments.

4. The Division of Pensions will provide to the employee services unit in the Department of Civil Service an annual listing by payroll number and name of all State employees who are members of the Public Employees Retirement System and who are 54 years of age or older.

5. The employee services unit in the Department of Civil Service will reproduce the listing and distribute copies to each retirement coordinator in each Department, institution or agency.

6. Each coordinator will review the list for accuracy and then notify each employee listed thereon of eligibility to participate in retirement planning sessions and the availability of the sessions. Based on responses from the employees, the coordinator will schedule rooms and speakers for four one-half day sessions. The sessions will cover the following aspects concerning retirement:

Session 1 — Social Security.

Session 2 — Public Employee Retirement System and the State Health Benefits Program in Retirement.

Session 3 — Adjustment factors in retirement.

Session 4 — Summary session and health factors in retirement.

7. Each coordinator will also order from the employee services unit in the Department of Civil Service a retirement planning kit for each participant, which will be used as an adjunct to the sessions.

8. In those cases where there are less than 12 employees available or interested in attending sessions, the coordinator will notify the chief, employee services, Department of Civil Service, who will arrange for the interested employees to attend sessions in another Department, institution or agency.

9. In all Departments, the coordinator will review the situation at least annually to determine the need for retirement planning sessions.

10. The employee services unit of the Department of Civil Service will provide film strips on retirement planning and a DuKane projector for showing the film strips.

11. The chief, employee services unit, Department of Civil Service, will meet with the Departmental coordinators at least annually to review any changes, additions or deletions in Social Security regulations, pension regulations or any other new or available materials concerning retirement planning.

12. The employee services unit, Department of Civil Service, will audit the retirement planning sessions conducted in all Departments to insure quality of presentation, proper utilization of retirement planning materials and to give help and assistance to each coordinator.

13. Brochures, pamphlets and other materials related to

retirement as well as continuous advisory service will be furnished to the Departments by the Department of Civil Service on a debit and credit basis. New approaches for retirement preparation and any changes in Social Security regulations or pertinent statutes will be communicated to the Departments by memos, additional training sessions or other means. The services of professional personnel, such as psychologists, lawyers or physicians from the various State departments will be provided for participation in the retirement planning training sessions.

An order adopting these revised rules was filed October 8, 1974, as R.1974 d.276 (Exempt, Procedure Rule). Such rules are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Personnel Manual (State Service) Concerning Hearings

On October 11, 1974, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to Subpart 5-8.101 of the Civil Service Personnel Manual, concerning the rights of petitioner and other parties to a hearing and representation by legal counsel.

Full text of the revised rule follows:

5-8.101a Purpose

This subpart further interprets N.J.A.C. 4:1-5.8 regarding representation by legal counsel.

5-8.101b Interpretation

As stated in N.J.A.C. 4:1-5.8, every party to a hearing shall be entitled to present his case in person or be represented by legal counsel.

The term "legal counsel" in addition to attorneys includes third-year law students participating in a legal assistance program approved by the Supreme Court.

An order adopting these revisions was filed and effective October 21, 1974, as R.1974 d.289 (Exempt, Procedure Rule). These revisions are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

COMMUNITY AFFAIRS THE COMMISSIONER

Revisions to Uniform Standard Code for Mobile Homes

On October 4, 1974, Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 52:2D-25.1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 5:21-2.1(a)2., concerning the Uniform Standard Code for Mobile Homes, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 343(a).

An order adopting these revisions was filed October 7, 1974, as R.1974 d.275 to become effective January 1, 1975.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES BUREAU OF WATER FACILITIES OPERATIONS

Proposed Revised Rules on General Rate Schedule for Delaware and Raritan Canal Water

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:13-12.9, proposes to delete in its entirety the current text in N.J.A.C. 7:11-2.1 et seq. concerning the general rate schedule for Delaware and Raritan Canal water and adopt new rules in place thereof. Within the Department of Environmental Protection, this proposal is referred to as Docket #DEP009-74-10.

Full text of the proposed new rules follows:

SUBCHAPTER 2. GENERAL RATE SCHEDULE FOR DELAWARE AND RARITAN CANAL WATER

7:11-2.1 General provisions

(a) The general rate schedule established by the Commissioner of Environmental Protection with the endorsement of the Water Policy and Supply Council of the Division of Water Resources effective as of January 1, 1975, specifies the following rates to be paid for raw water withdrawn from the Delaware and Raritan Canal; these rates, together with the rate adjustment and demand charge provisions set forth herein, will be incorporated in water use agreements;

Gallons per month	Rate per Million Gallons
1. All water withdrawn	\$50.00

7:11-2.2 Rate adjustment

All agreements for the sale of water from the Delaware and Raritan Canal shall reserve to the Division the right to review and revise these rates from time to time by the establishment of a new general rate schedule.

7:11-2.3 Demand charge

(a) Effective on the date of commencement of charges as

prescribed under "Period of Agreement" in the rules and regulations for the use of water from the Delaware and Raritan Canal, except for standby service described below, the user shall pay to the Division a monthly charge amounting to 100 per cent of the value of the quantity of water specified in the agreement for maximum 24-hour withdrawal at the rates prevailing in the agreement in effect at that time.

(b) Calculation of said demand charges as provided above shall be on the basis of the anticipated number of withdrawal days, but not less than 22 withdrawal days per month.

7:11-2.4 Standby services

(a) A user applying for water supply for occasional use only, such as fire protection, may be classified by the Division as "Standby Service". Such user shall pay a monthly standby charge instead of a demand charge but shall in all other respects comply with the rules and regulations for the use of water from the Delaware and Raritan Canal.

(b) The Division reserves the right to revoke such standby service classification at any time on 30 days written notice to the user.

(c) Upon revocation, such user may submit an application for normal water use, or on failure to do so, the original agreement will be terminated.

7:11-2.5 Standby charge

(a) A user classified under standby service, as provided above, shall pay for water withdrawn at the rates set forth in the general rate schedule, but not less than the standby charge as specified below, based on the capacity of his withdrawal system.

Note: Mgd. = million gallons daily; Gpm. = gallons per minute

Maximum Withdrawal Capacity	Charge
1. Each 1 Mgd. (700 Gpm.) or fraction thereof	\$50.00 per month

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1974, to:

Rocco D. Ricci
Assistant Commissioner
Department of Environmental Protection
Post Office Box 2809
Trenton, New Jersey 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES BUREAU OF WATER FACILITY OPERATIONS

Proposed Revised Rules on Use of Water from Delaware and Raritan Canal

David J. Bardin, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 13:13-12.9, proposes

to delete in its entirety the text of N.J.A.C. 7:11-3.1 et seq., concerning the use of water from the Delaware and Raritan Canal and adopt new rules in place thereof. Within the Department of Environmental Protection, this proposal is referred to as Docket #DEP10-74-10.

Full text of the proposed revised rules follows:

SUBCHAPTER 3. USE OF WATER FROM THE DELAWARE AND RARITAN CANAL

7:11-3.1 Application for supply

Application for withdrawal of water from the Delaware and Raritan Canal shall be submitted to the Division of Water Resources on an "Application for Water Supply" form, copies of which will be furnished by the Division upon request.

7:11-3.2 Public hearing

(a) In accordance with Chapter 168, P.L. 1949, a public hearing will be held on each application, except that the Division may waive this requirement in the case of an application for quantity less than 500,000 gallons per day.

(b) All costs and expense in connection with such hearing, including the cost of legal advertising and stenographic transcript, shall be paid by the applicant.

7:11-3.3 Water use agreement

(a) Water shall be withdrawn from the Canal only in accordance with the terms of a formal agreement, to which these rules and regulations shall be attached and made a part thereof, between the Division of Water Resources, acting for the State of New Jersey, and the user.

(b) The said agreement shall be executed by the user within 60 days after transmittal by the Division, otherwise the application and approval shall be null and void.

7:11-3.4 Payments

(a) The user shall pay the Division for all raw water withdrawn from the Canal in accordance with the rates and provisions set forth in the general rate schedule in effect on date of execution of the water use agreement.

(b) Payments shall be made monthly as billed, at the office of the Division of Water Resources, of the Department of Environmental Protection, Trenton, New Jersey.

7:11-3.5 Withdrawal system

(a) Raw water shall be withdrawn from the Canal by the user at his own cost and expense.

(b) The Division grants to the user the right to install and construct in the Canal and on adjoining Canal property at or near the point of withdrawal, and to replace, repair, operate and maintain, such apparatus, equipment, structures and facilities, all at his sole cost and expense, as may be necessary for the withdrawal from the Canal of the raw water sold by the Division, for the measurement thereof, and for the transportation thereof to the plant or plants of the user.

(c) Prior to the installation or construction of any such apparatus, equipment, structures or facilities, the user shall furnish to the Division for its approval, a plan showing in such detail as may be required by the Division, the proposed system for withdrawal, measurement, transportation and ultimate disposition of the water and shall not install or construct the same until said system shall have been approved by the Division.

(d) The Division also grants to the user the right of ingress over, upon and under any and all other Canal lands as may be necessary for the construction, operation, repair and

maintenance of such system.

(e) The Division or its designated representative shall have the right at any time to examine the user's withdrawal system, distribution system, disposal system and all other related facilities.

(f) The user shall, within ten days after receipt of written demand from the Division, make such repairs to his structures and facilities as, in the opinion of the Division, may be required to eliminate leakage of water from, or potential damage to the Canal. On his failure to do so the Division may make such repairs at the cost and expense of the user, which cost and expense the user expressly agrees to pay on demand.

(g) The user shall make such changes in his withdrawal system as may from time to time be ordered in writing by the Division. The user shall make no alterations in the approved withdrawal system without securing the prior written approval of the Division.

7:11-3.6 Meter

(a) The user shall purchase or construct, install, maintain and operate, at his sole cost and expense, in a manner satisfactory to the Division, a flow meter or measuring device of a type and in a location approved by the Division.

(b) The user shall have said flow meter tested for accuracy at his own sole cost and expense before installation, by a laboratory approved by the Division, and shall furnish a certified report of such test to the Division.

(c) The user further shall have such laboratory test repeated and furnish a report of said test to the Division at intervals of not less than once each year, following meter repairs, and/or at such other times as specifically directed by the Division.

7:11-3.7 Meter failure

(a) The user shall use reasonable care that the installed flow meter or measuring device is properly operating at all times.

(b) If same is broken or improperly operating at any time or times, proper adjustments or estimates shall be made by the Division to determine the amounts of water withdrawn and to be charged for during time or times of meter failure. Such estimates shall be based on the daily quantity contracted for, with due consideration of the scale of plant operation before and during the break-down period, or on such other equitable method as the Division shall determine.

7:11-3.8 Meter readings

(a) The monthly meter readings to determine total withdrawal shall be taken by the user on the last day of each month, unless otherwise approved by the Division, or if that day falls on Sunday or legal holiday, on the first working day thereafter.

(b) The user shall keep a daily record of flow rates and cumulative daily water withdrawal totals and shall submit to the Division each month, not later than the third day of such month, copies of such records for the preceding month.

(c) The Division or its designated representative shall have the right at any time to examine the flow meter or other measuring device and the above-mentioned records, as well as to order tests, repairs or replacements thereof.

7:11-3.9 Withdrawal schedule

(a) When required by the Division, the user shall submit in writing to the Division a schedule of normal withdrawal of water from the Canal.

(b) The user shall notify the Division in writing 48 hours in advance of pending departure from said schedule due to plant shutdown or other causes, and in the event of emergency departure from said schedule the user shall immediately notify the Division or its designated representative at such place and in such manner as the Division may from time to time designate and with notice confirmed in writing.

(c) The user shall similarly notify the Division or its representative indicating resumption of said normal schedule and with notice confirmed in writing.

(d) In the event the user fails to notify the Division or its designated representative of the departure from or a return to normal schedule, and the Canal and related appurtenances are damaged, the cost for the repair of such damage, in whole or in part, shall be borne by the user as determined and billed by the Division.

7:11-3.10 Water quality

It is expressly stipulated that the Division and the State of New Jersey does not guarantee the quality of the water supplied hereunder and no claims regarding quality variations shall be made against the Division or any other agency of the State.

7:11-3.11 Revocation by Division

In event that for a period of six consecutive months the daily average withdrawal shall not equal at least 50 per cent of the quantity specified in the agreement for 24-hour withdrawal, the Division shall have the right to revoke the agreement and require that the user submit a new application for revised quantity of withdrawal.

7:11-3.12 Discharge into canal

(a) Water shall not be discharged into the Canal except upon prior application and only in accordance with the terms and conditions of a formal approval granted by the Division.

(b) The application shall include all information required by the Division for determination of conditions governing discharge.

7:11-3.13 Discharge structures

(a) Structures for the discharge of water into the Canal shall be installed and maintained by the user thereof at his own sole cost and expense.

(b) Prior to the installation of such structures or facilities, the user shall furnish to the Division a plan showing in such detail as may be required by the Division the proposed discharge system, and shall not install or construct the same until said system shall have been approved by the Division.

(c) The user shall, within ten days after receipt of written demand from the Division, make such repair to his discharge system as may be required to eliminate leakage of water from, or potential damage to the Canal, or on his failure to do so, the Division may make such repairs at the cost and expense of the user, which cost and expense the user expressly agrees to pay on demand.

(d) The user shall make such changes in his discharge system as may from time to time be required by the Division but shall not alter the approved installation of the system without the prior written approval of the Division.

7:11-3.14 Assistance to be furnished by user

The user, at his own expense, shall furnish the designated representative of the Division such assistance as the Division may require for the purpose of examining the user's withdrawal, distribution and disposal system, making meter

tests, taking samples or performing other duties in connection with the agreement.

7:11-3.15 Damage claims

The user shall at all times save and keep harmless the Division from and against claims for damages of whatsoever nature arising in any manner or under any circumstances by reason of the acts or negligence of the user, his officers, agents, representatives or employees in installing, constructing, replacing, repairing, maintaining or operating the withdrawal, distribution and disposal systems, whether such damage be sustained by the user or by other persons or corporations which seek to hold the Division liable.

7:11-3.16 Insurance

(a) The user shall maintain public liability and property damage insurance on the property and facilities which constitute the withdrawal system operated and maintained on Canal property with an insurance company authorized to do business in the State of New Jersey, in the following minimum amounts or as otherwise required:

1. \$100,000/\$300,000 bodily injury; and
2. \$50,000 property damage, and naming the State of New Jersey, Division of Water Resources as an "Additional Insured".

(b) Certificates of such coverage shall be delivered to the Division with evidence of payment of premiums thereof upon delivery to the Division of the agreement executed by the user as set forth under Section 3 of this Subchapter.

7:11-3.17 Commencement of charges

(a) The agreement shall take effect on the date of its approval by the State, and the date of commencement of charges shall be the first day following completion of construction of the withdrawal system but in no case later than nine months after the date of said approval.

(b) The agreement shall continue for the period specified therein.

(c) At the end of said period the agreement shall terminate, except as to those matters set forth under Sections 15, 18 and 19 of this Subchapter.

7:11-3.18 Renewal

(a) If the user desires to withdraw water from the Canal beyond the period specified in the original agreement, he shall submit a renewal application not less than 90 days in advance of the expiration date of the agreement then in force.

(b) If the user continues withdrawal after the expiration date of the contract without submitting an application for renewal, the charge for such withdrawal will be twice the rate per million gallons as specified in the general rate schedule in effect at that time.

7:11-3.19 Termination

(a) In case of an emergency, natural or otherwise, or where after public hearing the Commissioner determines that such circumstances exist that the State's best interests are served, the State reserves the right to curtail, suspend or terminate the user's withdrawal of water from the Canal.

(b) Violation of the rules and regulations as herein set forth shall be just cause to terminate the user's right to withdraw water from the Canal, as determined by the Division.

(c) Upon termination of the agreement for any reason, the privileges granted to the user shall terminate absolutely and be extinguished.

7:11-3.20 Disposition of facilities

(a) Within 90 days after termination the user shall remove from the property of the Division all facilities installed by him and restore said property to its former condition in a manner satisfactory to the Division. On his failure to do so, the Division may make such removal and restoration at the cost and expense of the user, which cost and expense the user expressly agrees to pay on demand and/or the Division reserves the option to sell such facilities to help defray the cost of removal and restoration.

(b) An exception to the provisions of subsection (a) is within 30 days after termination, the user may tender any or all withdrawal and related facilities on the property of the Division, as is, in writing to the Division which the Division may accept at its discretion in writing within 60 days. Tender of said facilities shall stay the 90-day period for removal of said facilities pending the Division's acceptance or rejection of said tender.

7:11-3.21 Strikes; natural disasters; acts of God

The Division shall not be considered in default in the performance of any of its obligations to the extent the performance of any such obligations is prevented or delayed because or by reason of war, hostilities, revolution, civil commotion, strike, epidemic, accident, fire, wind, flood, explosion or embargo; or because of by reason of any law, order, proclamation or regulation of the Government of the United States of America, or of any state of the United States of America, other than the State of New Jersey, or of any authority or representative of any such Governments; or because or by reason of any act of God, whether of the same or a different nature.

7:11-3.22 Assignment

Agreement to withdraw water from the canal shall not be assigned nor set over to any other corporation, firm or person without the recommendation of the Division, the approval of the Commissioner and the approval of the Governor.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1974, to:

Rocco D. Ricci
Assistant Commissioner
Department of Environmental Protection
Post Office Box 2809
Trenton, New Jersey 08625

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

David J. Bardin
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION THE COMMISSIONER

Notice of Consideration of a Proposal

Take notice that the Department of Environmental Protection has issued the following notice, which is referred to as

Docket #DEPO11-74-10 in the Department:

Notice is hereby given that the Department of Environmental Protection, under the authority of N.J.S.A. 13:1C-1, et seq., and N.J.S.A. 26:2C-1, et seq., is considering to propose a supplement to the provisions of N.J.A.C. 7:27.

The supplement would provide for a requirement that stationary storage tanks, reservoirs or vessels designed to contain any volatile organic substance (meaning any organic substance, mixture of organic substances or mixture of organic or inorganic substances including but not limited to petroleum crudes, petroleum fractions, petrochemicals, solvents, diluents and thinners) be painted or coated in such a way and in such colors (such as, white or aluminum) that the rate of evaporation of the vessels' contents will be lowered and, therefore, that the escape of organic vapors into the outdoor atmosphere will be reduced by restricting the absorption of solar energy at the external surfaces of the storage facilities. This information is being sought so that the Department may determine if such a supplement would reduce noticeable odors in New Jersey's air, reduce the extent of formation of photochemical oxidants and conserve fuel and other resources.

Among the kinds of information being sought are:

1. The potential reductions in releases that might result from various colors, reflectivities and textures of the outer surfaces of tanks containing the various categories of products.
2. The economic value of the materials not released due to such procedures.
3. The cost of coating, maintaining and renewing such surfaces relative to those of less reflective surfaces.
4. Any other potential beneficial or adverse effect on, for example, employment, aesthetic considerations, navigation safety and the like that might result from such regulations.

Interested persons may receive more information from, and may present statements or arguments in writing relevant to the proposed action on or before November 30, 1974, to:

Lee Ivey
Supervisor, Permits and Certificates
Bureau of Air Pollution Control
Department of Environmental Protection
Post Office Box 2807
Trenton, New Jersey

The Department of Environmental Protection may thereafter propose such a rule for adoption in accordance with the applicable provisions of the Administrative Procedure Act of 1968.

This Notice is published as a matter of public information.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Definition of Soap

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:1-1h(2), proposes to adopt a new rule which defines soap.

Full text of the proposed new rule follows:
8:65-8.1 Definitions

"Soap" as quoted in N.J.S.A. 24:1-1h (2) shall apply only to products that meet all of the following conditions:

1. More than 50 per cent of the nonvolatile matter in the product consists of a salt resulting from an alkali-fatty acid chemical reaction commonly known as saponification and cleansing properties of the product are due to the alkali-fatty acid salt.

2. The product is labeled, sold and represented only as soap.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to:

Donald J. Foley
Chief, Drug Control
State Department of Health
113 West State Street
Trenton, New Jersey 08625

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

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules Concerning Plans Of Correction for Deficiencies

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt new rules concerning plans of correction for deficiencies. Take notice that the text of the proposed rules is intended to appear in **both** Chapters 63 and 65 of Title 10 of the New Jersey Administrative Code since the proposed rule concerns skilled nursing, and intermediate care facilities.

Full text of the proposed rules follows:

10:63-1.13 Plans of correction for deficiencies

10:65-1.2 Plans of correction for deficiencies

(a) All skilled nursing and/or intermediate care facilities approved for participation and reimbursement under the New Jersey Health Services (Title 19 Medicaid) Program are required to submit plans of correction for deficiencies relating to patient care which definitively state that the deficiencies have been corrected by the facilities within 30 days from the date of notification that the reported deficiencies exist. Insufficient nurse staffing at a facility is considered a patient care deficiency.

(b) Failure of an approved skilled nursing and/or intermediate care facility to submit a plan of correction which states that deficiencies relating to patient care have been corrected within 30 days from the date of notification shall be sufficient cause for the New Jersey Health Services (Title 19

Medicaid) Program to initiate action to terminate the Medicaid provider agreement and Medicaid reimbursement with the facility.

(c) Where the deficiency indicates insufficient nurse staffing only, the New Jersey Health Services Program shall require the facility to curtail all further admission of Medicaid patients to the facility until such time as nurse staffing at the facility is adequate for the facility's census in keeping with nurse staffing patterns promulgated by the State Department of Health, the State licensing agency.

(d) In all instances, the New Jersey Health Services Program shall follow due process provisions and shall provide any facility so cited with an opportunity for a hearing in keeping with the Division's established hearing policies.

Interested persons may present statements or arguments in writing relevant to the proposed rule on or before November 27, 1974, to the 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 these rules substantially as proposed without further notice.

Ann Klein
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Manual of Administration For Medicaid Program Only

Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, proposes to adopt a new Manual of Administration for the Medicaid Program only, applicable to certain aged, blind and disabled individuals. The Manual, if adopted, will constitute Chapter 94 of Title 10 in the New Jersey Administrative Code.

The proposed Manual covers an introduction, the application process, eligibility factors, determination of eligibility, determination of continuing eligibility, other payments and other responsibilities.

Copies of the 129 pages of the full text of the proposed Manual may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to the Division of Public Welfare at the above address.

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

Ann Klein
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF CORRECTION AND PAROLE

Revised Standards of the Division

On September 30, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the Standards of the Division of Correction and Parole.

Full text of the revisions and new rules follows:

10:35-7.4(b)

The administrative case review committee reviews all reports involving overall resident programming and disciplinary sanctions and has the authority to take action superseding that of the cottage treatment team.

10:35-8.1(b)

Specific procedures are established for reporting in writing all incidents requiring either information or disciplinary action. All incident reports are brought to the attention of the assistant supervisor of cottage life (shift executive) by the person initiating the incident report before going off duty. The shift executive reviews the incident report and submits it to the cottage treatment team for further review or appropriate action.

10:35-10.2 Redirecting unacceptable behavior

Approved techniques are available for use in working with children to alleviate unacceptable behavior. Corporal punishment is not used. Action or language which tends to be degrading or destructive of human dignity is not used. A child is not deprived of meals, regular evening snacks, mail, or eligible visits as a disciplinary measure.

10:35-51.8 Breakdown of inmate wage scale

(a) Given the funding made available for inmate wages for fiscal year 1975, the projected average wage for an inmate in an operational unit will be \$.9141 per day. The minimum wage earned will be \$.80 per day and the maximum (including any variances for instances outlined in Section 5 of this Subchapter) will be \$1.10. These rates are effective July 1, 1974.

(b) Below is a table of the pay scales for inmates within the three job-skill levels and the performance levels, as well as the ideal percentages of the total population which should fall within each range if the percentages described in this Subchapter are adhered to.

	35 per cent Below Average	50 per cent Average	15 per cent Above Average
Skilled	1.00	1.05	1.10
15%	(5.25%)	(7.5%)	(2.25%)
Semi-Skilled	.90	.95	1.00
45%	(15.75%)	(22.5%)	(6.75%)
Unskilled	.80	.85	.90
40%	(14.0%)	(20.0%)	(6.0%)

SUBCHAPTER 63. INMATE RESPONSIBILITY FOR PERSONAL PROPERTY OF SUBSTANTIAL VALUE (DIVISION OF CORRECTION AND PAROLE)

10:35-63.1 Objectives

The objectives are to establish policies and procedures whereby all inmates' personal property of substantial value is marked or identified in an identifiable manner.

10:35-63.2 Marking and identifying property

The chief executive officer determines whether personal property items of inmates are marked or identified. A marking system provides for some kind of engraving or stamping on the article itself. An identifying system provides for a written record to be maintained by the institution. This written record includes name and identification number of the inmate, the date of the receipt of the personal property in the institution, a brief description of the item along with a serial number or other identifying number or symbol. Such written records are maintained in a secure central location such as center control.

10:35-63.3 Inmates hold property at own risk

Inmates arriving at the institution and all inmates resident in the institution are notified in writing that personal property is held at their own risk. Subsequent revisions of the inmate handbook contain this advice.

10:35-63.4 Marking of inmates' personal property of substantial value

(a) It is the responsibility of the institution to establish a means of marking or identifying for identification purposes property of inmates of substantial value such as personally owned radios.

(b) New items of inmates' personal property are marked or identified at the time they are received at the institution.

(c) Procedures are developed to insure that items of personal property already in the hands of inmates are also marked or identified for identification purposes.

10:35-63.5 Infraction of institutional regulations

(a) Inmates are advised that they are considered to have committed an infraction of the rules under one of the following circumstances:

1. They are in possession of personal property of substantial value which has not been marked for identification purposes: or

2. They are in possession of personal property of substantial value which has not been identified and recorded by the institution.

10:35-63.6 Authority

The authority for the above rules is the opinion of a Deputy Attorney General as expressed in a communication dated September 6, 1972, and a letter to superintendents and bureau chiefs on the subject sent by the Division Director on May 18, 1973.

SUBCHAPTER 64. INMATE MARRIAGES (PRISON COMPLEX)

10:35-64.1 Objectives

The objectives are to foster stronger ties to the community that will help create stability in the inmate's personal life; to offer appropriate assistance to the inmate who intends to marry; to establish policies and procedures whereby an inmate may be married while serving sentence.

10:35-64.2 Group served

All inmates may marry provided they are either eligible for a furlough or under the jurisdiction of a court writ.

10:35-64.3 Outline of the eligibility to marry

(a) An inmate may be married if eligible for a furlough, or, if ineligible for a furlough, under the jurisdiction of a court writ permitting marriage.

(b) An inmate who wishes to marry while on furlough must meet the criteria for granting furlough, as guided by the Division standards on the eligibility for furlough (Subchapter 55 of this Chapter).

(c) Application for marriage in no way implies that the inmate will be given any special consideration for early release, furlough, parole or change in sentence.

(d) It is the responsibility of the inmate to insure that he is eligible for marriage under the laws of the State of New Jersey.

(e) The inmate who intends to marry completes all required obligations under the law either on furlough or, if ineligible for furlough, under the jurisdiction of a court writ.

(f) When an inmate is approved to be married while on furlough, he is given the opportunity for sufficient visits to the community and for visits to him by his intended spouse and others involved in the solemnization of the marriage so that he can meet the necessary legal requirements for marriage. Such requirements would include securing the marriage license, undergoing the blood test and making arrangements for a location for the marriage ceremony.

10:35-64.4 Physical facilities

It is the intent of these standards that the inmate will be married away from the institution either on a furlough or by order of a writ issued by a judge. Under these circumstances, the correctional institution is not used for the marriage ceremony.

10:35-64.5 Staff members assigned

Whenever institution resources permit, the superintendent assigns a supervising staff member to act as staff advisor and assist the inmate and his intended spouse.

10:35-64.6 Notification of intended spouse

(a) The staff advisor, by certified mail, return receipt requested, informs the intended spouse of relevant data concerning the inmate, including reason for present incarceration, length of sentence and probable parole date, if known.

(b) The letter makes clear that the institution assumes no responsibility for the inmates' eligibility to marry and that permission to marry is in no way to be construed as grounds for special consideration, such as early parole, subsequent furlough, or change in custody status. Cost of the letter is borne by the inmate and a copy is placed in his file.

(c) In providing information to the intended spouse, the staff advisor is guided by Subchapter 12 of this Chapter, Confidential Nature of Inmate Records: Information of a Public Nature. The contents of psychological and psychiatric reports are not revealed to the intended spouse.

10:35-64.7 Fees and costs

(a) The institution is not responsible for any costs incurred by inmates who marry. Financial obligations for such items as marriage licenses, serological (blood) tests and clergy fees are assumed by the marriage partners.

(b) If an inmate, who is not eligible for a furlough, is married under a court writ necessitating correctional officer escort, it is then incumbent upon the marriage partners to assume all allowed expenses. The inmate and /or his intended spouse are responsible for reimbursing the institution for all travel and other necessary and allowed expenses; plus, a

per diem fee not to exceed \$40.00 per officer escort.

10:35-64.8 Procedure for filing application

(a) The inmate is required to advise the superintendent in writing of his intent to be married while either on a furlough or under the jurisdiction of a writ issued by a judge.

(b) In making application to the superintendent, the inmate includes:

1. Inmate's name and number;
2. Name, address and age of intended spouse;
3. Inmate's present marital status;
4. Address of the marriage ceremony in the community;
5. A statement, signed by the inmate that he or his intended spouse will pay for all expenses incurred, and that he is not aware of any encumbrances that would prohibit his marriage under the law.

10:35-64.9 Advising inmates and staff

The superintendent notifies institution staff of both procedure and policy regarding inmate marriages. All resident inmates and incoming inmates are advised of their right to file an application for marriage and what the procedure is in making application. Inmates are informed of marriage procedures during orientation and in the next revision of the inmate handbook. (See Subchapters 49 and 50 of this Chapter.)

10:35-64.10 Monthly reporting requirements

The superintendent maintains a record of inmates who have been married while serving sentence. The record states names and addresses of marriage partners, date and place of ceremony and name of officiating clergyman or civil officer.

10:35-64.11 Development of procedures

(a) The institution develops procedures by which inmates have the opportunity to marry. These procedures include a written application by the inmate to the superintendent; opportunities, whenever feasible, for consultation between the marriage partners and the staff advisor; opportunities, while either on furlough or by court writ, to make the necessary arrangements for the marriage.

(b) Each institution of the prison complex develops procedures which are consistent with the procedures of the other institutions of the complex. Any further changes in procedures must be accomplished in conjunction with each other.

10:35-64.12 Constraints in regard to developing procedures for inmate marriages

(a) The following issues should be kept in mind in developing procedures for inmate marriages:

1. The use of correctional officer escort is limited by the Division's participation in the national energy conservation program affecting all institutional facilities and personnel. (See Administrative Memorandum 901, Energy Conservation Program).
2. No inmate is permitted to marry outside the territorial jurisdiction of the State of New Jersey.
3. In assisting the various parties concerned with the marriage ceremony it is incumbent upon the institution staff not to divulge any confidential information about the marriage party in general or the inmate in particular, other than what is permitted by law or in standards.

10:35-64.13 Statutes regarding marriage in the State of New Jersey

Institutions are guided by the laws governing marriage

which may be found in New Jersey State Statutes; Vol. 26, Health and Vital Statistics; Vol. 30, Institutions and Agencies; and Vol. 37, Marriages-Married Persons.

10:35-64.14 Authority

These standards are promulgated as the result of a ruling September 20, 1973, by the board of trustees for the prison complex, which states in part that "... the Board permits inmate marriages. The guidelines for the administration, however, shall be developed by the Division of Correction and Parole."

An order adopting these revisions was filed and effective September 30, 1974, as R.1974 d.273 (Exempt, Exempt Agency).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions for Expenses of Employment

On October 16, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:82-11.14, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 350(a) but with subsequent, substantive changes not detrimental to the public in the opinion of the Department of Institutions and Agencies.

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

10:82-11.14 Expenses of employment in AFDC

[(b)] **(a) A standard allowance** [The appropriate amount] for expenses of employment shall be deducted from the **recognized earnings** [earned income] of each employed member of the **AFDC** eligible unit, whether working full or part time and regardless of age.

[(a) 1. The expense-of-employment standard is the amount which is allowed for all expenses of employment other than costs of child care and mandatory payroll deductions.]

[(a)2.] **(b) The standard allowance** [The monthly amount recognized for expenses of employment in all programs except AFWP] is \$50.00 **per month and is intended to cover all expenses attributable to employment other than costs of child care and mandatory payroll deductions. However, the CWB will advise the client of the following provision:**

1. When a member of the eligible unit has employment related expenses (either at the time of initial eligibility or subsequently) which exceed the standard allowance and which can be verified as actual, reasonable and necessary to his/her employment, the allowance for expenses of employment shall be increased accordingly.

2. Expenses related to employment may include,

where applicable, cost of transportation by the most economically practical means available; essential tools, uniforms or special clothing; union dues; and required contributions to group insurance, disability or pension plans. In the event other expenses appear to be reasonably attributable to employment, approval shall be requested from the State office.

An order adopting these revisions was filed October 17, 1974, as R.1974 d.285 to become effective November 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions for Disregard of Earned Income

On October 16, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:82-11.16(d), concerning the disregard of earned income, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 350(c).

An order adopting these revisions was filed October 17, 1974, as R.1974 d.286 to become effective November 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions for Overpayments And Underpayments

On October 16, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules concerning overpayments and underpayments, substantially as proposed in the Notice published September 5, 1974, at 6 N.J.R. 348(b) but with subsequent substantive changes not detrimental to the public in the opinion of the Department of Institutions and Agencies.

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

10:81-28.3 Recoupment of overpayments

(a) **Overpayments may occur through administrative error, failure of a client to inform the county welfare board of a change in income, resources or circumstances, or when the client has received continued assistance at an unreduced level pending a fair hearing**

but has been found ineligible to receive such assistance by the fair hearing decision.

1. When overpayment(s) results from willful withholding of information by the client, the county welfare board shall recoup such overpayment(s) from current assistance payments and from available income or resources as set forth in Financial Assistance Manual Section 251.

2. Overpayment(s) due to any other reason may be recouped only when the recipient has available income and resources which exceed the current assistance payment, such as disregarded or reserved income.

(b) **Willful withholding of information means:**

1. Either oral or written deliberate or intentional misstatements made by a recipient in response to oral or written questions from the CWB, including understatement of the amount of income or resources or omission of an entire category of income or resources; or

2. When the CWB has clearly notified the recipient of the obligation to report such changes, a deliberate failure by the recipient to so report; or

3. Deliberate or intentional failure by the recipient to report receipt of a check in an amount which he/she knew represented an erroneous overpayment or to which the recipient had previously been informed that he/she would not be entitled.

(c) Any recoupment of overpayments other than for reason of willful withholding of information is limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

10:81-28.4 Periodic notice to client

(a) The client shall be informed periodically (at least once every six months) through written notice and oral explanation of his/her continuing obligation to furnish accurate and timely information to the CWB concerning changes in income, resources or other circumstances which may affect the amount of the grant. The client must furnish such information to the CWB as soon as possible but in no event later than two weeks after the change takes place. Failure of the client to so inform the CWB shall constitute willful withholding of information.

(b) The client will also be informed that, if an assistance check exceeds the amount of payment received the previous month and no notice of change has been received, such check should not be cashed and the CWB must be contacted immediately so that corrective action can be taken. The CWB shall take the corrective action within 24 hours of the contact.

(c) The notice, Form PA-911 Important Reminder of Your Obligation to Report Changes, shall be given to the client at the time of application and at each redetermination thereafter, when the worker will fully explain the client's obligations. The client is required to formally acknowledge this notice by a signed statement that it is understood: he/she will sign two copies, retaining one for his/her future reference; the second copy will be attached to the application form and placed in the case record.

10:82-10.1 Overpayment; underpayments

(a) In situations where an administrative error or failure of a member of an eligible unit to inform the county welfare board of any change in income, [or] resources, or circumstances results in an overpayment or underpayment

in the monthly grant, the county welfare board shall proceed as follows:

1. Immediately upon discovery of the overpayment or underpayment, inform the [eligible unit] client in writing that such error in payment has occurred, its amount, [and that it will be taken into consideration in issuing the next payment(s) of assistance, if any [subject to subsection b-1 below;] and that corrective measures will be taken in accordance with the following regulations.

2. [The county welfare board shall] Correct the monthly grant for the period of assistance next following the discovery of the overpayment or underpayment, unless in the case of an underpayment an immediate additional payment is issued pursuant to Section 252.-b; and [as follows]

3. When there has been overpayment, recoup the amount of overpayment in accordance with subsection (b) of this Section. Reductions in the monthly grant may only be made subject to timely and adequate notice as stated in Manual of Administration Section 2910.

(b) Overpayments shall be recouped only in the following situations:

1. When overpayment has resulted from the willful withholding of information by the client; or

2. In all other situations, including administrative error or where the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision, only when the client has available resources such as disregarded or reserved income.

(c) Recoupment shall be limited to the following methods:

1. In the event of overpayment due to willful withholding of information, deduct from the grant an amount not to exceed ten per cent of the adjusted allowance or, where such deduction would in the judgment of the CWB create undue hardship, a lesser amount; and, in addition, proceed as in paragraph 2. below;

2. In all other situations involving overpayments:

i. when there is earned income currently available and subject to disregards, deduct from the adjusted allowance the amount of the overpayment(s), not to exceed 20 per cent of the eligible unit's total gross earnings or, where such deduction would in the judgment of the CWB create undue hardship, a lesser amount; and

ii. when the client has reserved income or other available resources, develop a mutually agreeable arrangement with the client for recoupment of the overpayment.

(d) Recoupment of overpayments, even when encompassing the total monthly payment, shall not affect Medicaid eligibility so long as all other factors of eligibility continue to exist.

(e) When the overpayment has been satisfied, the amount of the assistance payment must be immediately adjusted so that no further reductions for recoupment are made.

(f) When underpayment was due to failure of a member of the eligible unit to provide appropriate information, the next regular payment shall reflect the corrected grant for that payment period and the amount necessary to correct the payment for the period immediately preceding.

(g) When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made retroactively to that month, within the 12 [six] months immediately preceding the discovery of the underpayment,

in which the administrative error first occurred. **Corrective payment resulting from a fair hearing decision shall be retroactive to the date the incorrect action was taken.**

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

2. For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resource to the eligible unit either in the month paid or in the following month(s).

[(b) When administrative error occurred earlier than within the preceding six months, a report of all relevant facts and recommendation for corrective action shall be submitted to the State office. Corrective payment for any period greater than six months shall not be issued without approval and authorization by the State office.]

(h) No further or subsequent adjustments in the grant other than those recognized in this Section are authorized to account for the overpayment or underpayment.

(i) In all situations of overpayments, the facts and circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance.

An order adopting these revisions was filed October 17, 1974, as R.1974 d.287 to become effective December 1, 1974.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions in Payments to Hospitals

On October 16, 1974, Ann Klein, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 10:85-11.6(a), concerning payments to hospitals, as proposed in the Notice published September 5, 1974, at 6 N.J.R. 350(b).

An order adopting these revisions was filed and effective October 17, 1974, as R.1974 d.288.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Rule on Means of Proving Coverage And Eligibility for Protection

On September 30, 1974, Herman W. Hanssler, Acting Commissioner of Insurance, pursuant to authority of Chapter 106, P.L. 1974, and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule concerning the establishing of means of

proving coverage and eligibility for protection under the terms of the Act.

Full text of the new rule follows:

11:1-5.2(e) Each former policyholder of Gateway Insurance Company who seeks coverage with the Special Joint Underwriting Association must establish the following:

1. Ownership of a Gateway motor vehicle insurance policy which has been fully paid and has an expiration date beyond the date of 12:01 A.M., September 21, 1974.
2. Proof that policy was not replaced with any other like insurance policy. This proof must be in the form of a sworn affidavit prescribed by the Department and must be filed prior to the honoring of any claim made.

An order adopting this rule was filed and effective October 2, 1974, as R.1974 d.274 (Exempt, Emergency Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(a)

INSURANCE THE COMMISSIONER

Rule on Guaranteed Arrest Bond Certificates Of Automobile Club Undertaking

On October 9, 1974, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1C-6(e), 17:31-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning guaranteed arrest bond certificates of automobile club undertaking, as proposed in the Notice published August 8, 1974, at 6 N.J.R. 322(a).

Such rule may be cited as N.J.A.C. 11:2-16.1.

An order adopting this rule was filed and effective October 11, 1974, as R.1974 d.282.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LABOR AND INDUSTRY THE COMMISSIONER

Revisions on Extent of Coverage

On October 16, 1974, Joseph A. Hoffman, Commissioner of Labor and Industry, pursuant to authority of N.J.S.A. 43:21-25 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 12:18-3.1, concerning the medical evaluations and maximum fees under the State Plan for temporary disability benefits, substantially as proposed in the Notice published February 7, 1974, at 6 N.J.R. 68(a), with only inconsequential structural or language changes, in the opinion of the Department of Labor and Industry.

The language changes concern the substitution of the word podiatrist for the word chiropodist in the proposed rule.

The revised rules may be cited as N.J.A.C. 12:18-3.1(f) and (g).

An order adopting these revisions was filed and effective October 17, 1974, as R. 1974 d.284.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY DIVISION OF ALCOHOLIC BEVERAGE CONTROL Proposed Revisions to Rules of the Division

Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 33:1-39 and 33:1-93, proposes to adopt new rules concerning wholesale prices of malt alcoholic beverages and adopt revisions to the rules concerning minimum consumer resale prices of alcoholic beverages.

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

13:2-31.1 Schedule of retail prices filed with Director

[(b) A schedule of minimum consumer resale prices required to be filed for malt alcoholic beverages shall be filed separately for each recognized trading area established by Section 31.8 of this Chapter (Rule 8 hereof) where it is to be sold or offered for sale.]

[(c) (b) Manufacturers and wholesalers intending to sell private label brands or exclusive brands of alcoholic beverages to retailers shall accompany their filings with the name and address of the retailer to whom the alcoholic beverages are to be sold. Except for special cause shown, in writing, to the Director, no brand of alcoholic beverage which has been sold exclusively to one New Jersey retailer may be sold to any other New Jersey retailer or be listed for sale or sold to more than one New Jersey retailer unless the brand has not been delivered by the manufacturer or any wholesaler to the exclusive New Jersey retailer during a period of at least one year previously; and no brand of alcoholic beverage which has been listed for sale or sold to more than one New Jersey retailer may be listed for sale or sold to one New Jersey retailer exclusively unless the brand has not been delivered by the manufacturer or any wholesaler to another New Jersey retailer during a period of one year previously.]

13:2-31.8 [Trading areas for malt alcoholic beverages] **Inspection of price schedules**

[(a) The recognized trading areas for malt alcoholic beverages shall be known as Area A and Area B, respectively, and shall be as follows:

1. Area A consists of the Counties of Bergen, Burlington (except the Township of Maple Shade), Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

2. Area B consists of the Counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem and the Township of Maple Shade in the County of Burlington.]

13:2-31.9 [Inspection of price schedule] **Reserved**

[13:2-31.9] 13:2-31.8 (a) Price schedules filed with the Director setting forth minimum consumer resale prices for malt

alcoholic beverages shall be available for inspection during regular business hours at the offices of the Division of Alcoholic Beverage Control by anyone filing such schedules until 4:00 P.M. of the first business day for filing such schedules.

[13:2-31.9] 13:2-31.8 (b) Price schedules for malt alcoholic beverages already filed for any quarter-annual period may be amended to meet a higher or lower and competing filed price; provided, however, that any amended price schedule must be filed before 4:00 P.M. of the first business day after the last day for filing the schedules being amended.

13:2-34.18 Wholesale prices of malt alcoholic beverages

(a) No manufacturer or wholesaler shall sell to any retailer, and no retailer shall purchase from any manufacturer or wholesaler any malt alcoholic beverage except at the price thereof filed in accordance with this regulation.

1. Manufacturers and wholesalers of malt alcoholic beverages, including those who supply private label or exclusive brands, intending to sell such alcoholic beverages to retailers, shall file with the Director, in prescribed form, not later than the twenty-second day of February, May, August and November of each year, price listings as provided for and as limited in this rule, containing as to each alcoholic beverage listed: Its correct brand or trade name, its nature and type, the number of unit containers per case, the capacity of each unit container, the wholesale standard case prices, which prices shall be individual for each case of malt alcoholic beverages and not in combination with any other alcoholic beverage, and a required deposit, reasonably set, on kegs and all returnable containers. Said listing may contain a statement of any discount to be allowed; provided, however, that a discount allowed to a retailer shall not exceed one per centum, to be allowed uniformly for payment in cash (including money order, certified check or a cashier's or treasurer's or similar bank officer's check, but excluding ordinary check) at or before delivery or within seven days thereafter, to be applicable to the total purchase price of a single complete delivery of an entire purchase order exclusive of State sales tax, but not applicable to any retailer whose name appears on the Division's default list in effect on the date of delivery. Said listing may also contain a statement of any late payment fee or interest to be charged when payment for deliveries is not made within the applicable credit period. Price and discount listings so filed with the Director shall be deemed to be a new filing for each succeeding quarter-annual period for which no new listing is thereafter timely filed with the Director.

2. Whenever a manufacturer or wholesaler files a quarterly price that is lower than the previous quarterly price of any size of a brand of any malt alcoholic beverage, subsequent to the original price filing, he may not increase such reduced price until at least six months have elapsed thereafter.

3. If, after the time for filing price listings as hereinabove provided, a wholesaler desires to sell a brand or size of a malt alcoholic beverage not then currently listed by him because not previously available to him, such wholesaler may file with the Director a supplemental price listing for such brand or size in the manner and form hereinabove prescribed. A wholesaler

obtaining his license by original issuance or transfer from another wholesaler after the time for filing price listings as hereinabove provided, may, within 90 days after the effective date of his license, file with the Director an initial price listing in the manner and form hereinabove prescribed. A wholesaler filing such supplemental or initial price listing may not sell such brand or size of alcoholic beverage to any retailer unless the brand and size is listed in the then currently effective minimum consumer resale price pamphlet, written approval for such sale has first been obtained from the Director, and such wholesaler has given written notice of such supplemental or initial listing to his retailers. If such brand and size has been listed by another manufacturer or wholesaler for the then current quarter-annual period, approval will not be granted unless the price listed in such supplemental or initial listing is not less than the lowest price listed by such other manufacturer or wholesaler.

(b) Wholesale malt alcoholic beverage price lists shall be published quarter-annually by the Director, to become successively effective on and after the first day of January, April, July and October of each year, and shall list by manufacturer or wholesaler the complete schedule of wholesale prices (stated separately and not in combination with any other beverage, alcoholic or otherwise, or any other merchandise or service) of all malt alcoholic beverages to be offered for sale and to be sold by each manufacturer and wholesaler to retailers as set forth in price listings previously filed with the Director in accordance with subsection (a) of this Section hereof, except that private label and exclusive brand price filings and filings submitted by wholesalers who sold less than ten per cent of their total gallonage in the last preceding quarter to retail licensees shall not be so published.

(c) No wholesaler shall include in his price listing any brand of malt alcoholic beverages not acquired from the owner of the brand or its supplier authorized by the owner of the brand to supply New Jersey wholesalers, except pursuant to waiver of the provisions of this rule granted by the Director upon petition setting forth the brand name, the quantity acquired, the source of supply, and such other information with respect thereto as the Director may deem necessary.

(d) Price listings filed with the Director and setting forth wholesale prices to retailers shall be available for inspection during regular business hours at the office of the Division of Alcoholic Beverage Control by manufacturers and wholesalers until 4:00 P.M. of the second business day after the last day for filing prices. A manufacturer or wholesaler may amend his price listing already filed for any quarter-annual period to meet a lower or higher competing price listing filed and affecting prices to retailers by another manufacturer or wholesaler with respect to malt alcoholic beverages of the same brand or trade name or comparable price competitive brand and unit container size; provided, however, that any such amended price listing must be filed before 4:00 P.M. of the third business day after the last day for filing prices; and provided, further, that such amended listing does not set forth prices lower than those of the brand being met. Any wholesaler filing an amended listing shall, simultaneously therewith and in writing, identify the specific listing being met.

(e) Wholesale malt alcoholic beverage price lists shall be printed in pamphlet form and delivered to all retailers not later than three business days before the effective date of such price lists. All manufacturers and wholesalers who file price and discount listings to retailers shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed which shall be paid by such manufacturer or wholesaler within 60 days after the effective date of the prices listed in the pamphlet. Failure by any manufacturer or wholesaler to pay such proportionate cost shall be deemed cause for the Director's refusal to accept any further price listings from such manufacturer or wholesaler while such proportionate cost remains unpaid.

(f) Any wholesaler who has filed with the Director prices for malt alcoholic beverages to be sold to retailers may for the calendar month of February or March, reduce the price listing of a malt alcoholic beverage item of a brand theretofore filed by him for the quarter-annual period beginning the first day of January; for the calendar month of May or June, reduce the price listing of a malt alcoholic beverage item of a brand theretofore filed by him for the quarter-annual period beginning the first day of April; for the calendar month of August or September, reduce the price listing of a malt alcoholic beverage item of a brand theretofore filed by him for the quarter-annual period beginning the first day of July; for the calendar month of November or December, reduce the price listing of a malt beverage item of a brand theretofore filed by him for the quarter-annual period beginning the first day of October, by filing with the Director on or before the eighteenth day of the month preceding the month in which the reduction is to be effective, in the form prescribed in subsection (b) of this Section, an amended price listing for such malt alcoholic beverage with a statement that the amended price therein is to become effective only for the calendar month immediately following the date of filing thereof, and shall file with the Director, before the first day of said month, an affidavit that a copy of said amended price listing and statement has been delivered to each retailer to whom such wholesaler sold alcoholic beverages during the preceding three months.

(g) The Director may, upon adequate cause appearing therefor, suspend the foregoing provisions as to the time of filing price listings, time of publication of wholesale malt alcoholic beverage price lists and time of mailing to retailers, to permit changes in prices to take effect upon such shorter notice as he may prescribe. Any such price list then currently effective may be continued in effect for a period not to exceed 30 days after the scheduled publication date of the next succeeding wholesale price list, by announcement of the Director upon his finding that an emergency exists.

(h) No manufacturer or wholesaler of malt alcoholic beverages, shall furnish or offer to furnish, directly or indirectly, to any retailer, and no retailer shall solicit, accept or offer to accept directly or indirectly from any manufacturer or wholesaler, any gift, rebate or allowance of money or any thing of value (whether by sale, loan, gift or otherwise) or other discount or inducement, including free goods, deals, combination sales and similar merchandising devices, except advertising items permitted under State Regulation No. 21, nor shall any such manufacturer or wholesaler sell or offer to sell

to a retailer any particular brand or brands of malt alcoholic beverages tied in with or contingent upon the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise or service.

(i) Manufacturers and wholesalers of malt alcoholic beverages shall not give samples of such malt alcoholic beverages to retailers except pursuant to and within the terms and conditions of a special permit first obtained from the Director, to be issued upon the basis of a petition submitted by such manufacturer and wholesaler.

(j) Manufacturers and wholesalers of malt alcoholic beverages shall not conduct or participate in any contest promoting the sale or distribution of malt alcoholic beverages, except that nothing herein shall apply to such a contest involving only their employees and in which no retail licensee or member of the public participates in any manner whatsoever.

(k) No manufacturer or wholesaler of malt alcoholic beverages or any association or other organization of manufacturers or wholesalers of malt alcoholic beverages shall, directly or indirectly, participate in any way by officers, directors, salesmen or other employees or agents or otherwise, in any celebration, anniversary, outing, picnic, dinner, dance or other affair conducted, sponsored or solicited by any licensee licensed to sell malt alcoholic beverages at retail in the State of New Jersey, or by any officer, director, employee or agent of such licensee. Nothing herein contained shall prohibit manufacturers or wholesalers of malt alcoholic beverages or associations or other organizations of manufacturers or wholesalers of malt alcoholic beverages, from purchasing tickets, subscriptions or admissions to conventions, dances, outings, picnics or dinners held by, or purchasing advertisements in publications or periodicals published by, bona fide retailers' trade associations and organizations or bona fide State-wide civic, charitable, religious, fraternal or veterans' organizations.

Interested persons may present or mail statements or comments in writing relative to the proposed action on or before November 27, 1974, to Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control, 25 Commerce Drive, Cranford, New Jersey 07016.

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

Leonard D. Ronco, Director
Division of Alcoholic Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Proposed Amendment on Law Enforcement Officers

Leonard D. Ronco, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public

(Continued on page 27)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted by the various State Departments.

The index is current, and will be adjusted the month

following the mailing to Code subscribers of update pages.

Since the most recent update, covering rules adopted up to August 15, 1973, these Departments have adopted the following additional rules—printed in the Register but not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. Citation</u>		<u>Document Citation</u>	<u>Adoption Notice N.J.R. Citation</u>
CHIEF EXECUTIVE — TITLE 1			
1:6-1.1 et seq.	Rules on sale of motor gasoline	R. 1974 d.33	6 N.J.R. 94(a)
1:6-1.1 et seq.	Revised rules on motor gasoline	R. 1974 d.86	6 N.J.R. 162(b)
1:6-3.1	Revised alternate day gas purchase program	R. 1974 d.75	6 N.J.R. 162(a)
AGRICULTURE — TITLE 2			
2:2-2.10	Times established for Brucellosis tests	R. 1973 d.273	5 N.J.R. 327(c)
2:2-3.3	Times established for tuberculin tests	R. 1973 d.274	5 N.J.R. 327(d)
2:2-4.34(a)	Method of appraisal for indemnity purposes	R. 1973 d.305	5 N.J.R. 363(b)
2:3-2.5	Requirements on equidae entering New Jersey	R. 1974 d.55	6 N.J.R. 130(a)
2:5-2.1	Quarantining, handling of infected equine infectious anemia horses	R. 1973 d.233	5 N.J.R. 327(a)
2:5-2.1(f)	Revisions for quarantining and branding of infectious anemia horses	R. 1974 d.256	6 N.J.R. 386(c)
2:5-2.2	Horses consigned from out-of-State to horse auction markets	R. 1974 d.255	6 N.J.R. 386(b)
2:17-4.2(c)	Revisions on special exemption for Florida tomato plants	R. 1974 d.41	6 N.J.R. 96(a)
2:20-4.1	Subcoccinella viginliqualuorpunctata quarantine	R. 1974 d.153	6 N.J.R. 254(b)
2:22-1.1	Control of ceriferus (or Japanese) wax scale	R. 1974 d.130	6 N.J.R. 254(a)
2:33-1.1	Agricultural fairs	R. 1974 d.254	6 N.J.R. 386(a)
2:48-6.1 et seq.	Sale of milk in new container size	R. 1974 d.72	6 N.J.R. 166(b)
2:54-3.2	Suspension of portions of Milk Marketing Order	R. 1973 d.257	5 N.J.R. 327(b)
2:54-3.3	Milk handling in New York-New Jersey and Middle Atlantic areas	R. 1974 d.91	6 N.J.R. 166(c)
2:54-3.4	Amendment on handling of milk in New Jersey marketing areas	R. 1974 d.283	6 N.J.R. 422(a)
2:67-1.1	Prompt settlement	R. 1973 d.355	5 N.J.R. 363(a)
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10:82-12.9(a)	Homemaker service	R. 1973 d.237	5 N.J.R. 340(c)
10:85-11.6(a)	Revisions in payments to hospitals	R. 1974 d.288	6 N.J.R. 436(a)
10:98-1.4	Vocational rehabilitation services	R. 1974 d.76	6 N.J.R. 195(b)
10:100-1.1 et seq.	Service programs for the aged, blind or disabled persons	R. 1974 d.85	6 N.J.R. 195(d)
10:106-1.1 et seq.	Ruling Number 11	R. 1974 d.23	6 N.J.R. 117(a)
10:109-1.1 et seq.	Physical facilities	R. 1973 d.290	5 N.J.R. 379(b)
10:109-1.1 et seq.	Revisions concerning public assistance staff development program	R. 1974 d.179	6 N.J.R. 312(e)
10:109-1.6(a)	Revisions concerning educational leave stipends	R. 1974 d.248	6 N.J.R. 399(a)
10:109-2.1 et seq.	Ruling Number 11; classification and compensation plan	R. 1974 d.211	6 N.J.R. 351(a)
10:120-1.1 et seq.	Rules governing administrative hearings	R. 1974 d.160	6 N.J.R. 264(e)
10:122-1.2	Standards of approval for child care centers	R. 1974 d.97	6 N.J.R. 196(a)
10:122-2.1 et seq.	State Plan for services to families and children	R. 1973 d.279	5 N.J.R. 379(a)
10:123-1.1 et seq.	Service programs for families and children	R. 1974 d.85	6 N.J.R. 195(d)
10:123-1.1 et seq.	Repeal rules concerning intercounty adoptions	R. 1974 d.109	6 N.J.R. 245(b)
10:123-1.1 et seq.	Revised State Plan for services to families and children	R. 1974 d. 232	6 N.J.R. 351(b)
10:123-1.10	Revisions concerning staff development	R. 1974 d.164	6 N.J.R. 266(b)
10:123-6.1	Special requirements applicable to sterilization	R. 1974 d.170	6 N.J.R. 311(c)
10:123-6.2	Services to former and potential applicants and recipients	R. 1974 d.171	6 N.J.R. 311(d)
10:124-1.1 et seq.	Standards for shelters accepting juveniles awaiting court disposition	R. 1974 d.45	6 N.J.R. 116(c)
10:140-1.1 et seq.	State Plan — 1974	R. 1973 d.321	5 N.J.R. 415(d)
10:140-1.1 et seq.	1975 State Plan annual revision	R. 1974 d.165	6 N.J.R. 266(c)

INSURANCE — TITLE 11

11:1-1.1	Revised Departmental organization chart	R. 1974 d.89	6 N.J.R. 199(a)
11:1-5.1	Deduction of exhaustion of Motor Vehicle Liability Security Fund	R. 1974 d.237	6 N.J.R. 351(d)
11:1-5.2	New Jersey Special Joint Underwriting Association	R. 1974 d.259	6 N.J.R. 407(a)
11:1-5.2(e)	Establishing means of proving coverage and eligibility for protection	R. 1974 d.274	6 N.J.R. 436(b)
11:2-12.1 et seq.	Mass marketing of property and liability insurance	R. 1974 d.271	6 N.J.R. 408(a)
11:2-13.1 et seq.	Group coverage discontinuance and replacement	R. 1974 d.274	6 N.J.R. 409(a)
11:2-15.1	Cancellation of property and liability policies; insolvent insurers	R. 1974 d.190	6 N.J.R. 323(a)
11:2-16.1	Guaranteed arrest bond certificates of automobile club undertaking	R. 1974 d.282	6 N.J.R. 437(a)
11:3-2.11	Classification of private passenger autos used in car pools	R. 1973 d.337	6 N.J.R. 15(d)
11:3-6.2(b)4.viii.	Amend rules on insurance identification cards	R. 1973 d.247	5 N.J.R. 350(b)
11:3-6.3(b)5.iv.	Revisions concerning temporary identification cards	R. 1974 d.208	6 N.J.R. 322(b)
11:4-8.1 et seq.	Rules on charitable annuities	R. 1974 d.258	6 N.J.R. 399(c)
11:5-1.5	Examination rules	R. 1973 d.306	5 N.J.R. 388(a)
11:5-1.6	Examinations; failures	R. 1973 d.306	5 N.J.R. 388(a)
11:5-1.25(b)14.	Amend sales rule	R. 1974 d.71	6 N.J.R. 151(b)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised maximum weekly benefits rates	R. 1974 d.236	6 N.J.R. 352(b)
12:18-3.1(f) and (g)	Revisions of fees under State Plan for temporary disability benefits	R. 1974 d.284	6 N.J.R. 437(b)
12:122-1.1 et seq.	Repeal rules on local exhaust systems	R. 1974 d.136	6 N.J.R. 267(a)
12:146-1.1 et seq.	Repeal rules on machinery with rolls	R. 1974 d.138	6 N.J.R. 267(c)
12:171-1.1 et seq.	Repeal rules on short-rise material handling lifts	R. 1974 d.137	6 N.J.R. 267(b)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of the Division	R. 1973 d.234	5 N.J.R. 356(a)
13:2-6.3(c)	Repeal portion of ABC liquor transfer rule	R. 1974 d.4	6 N.J.R. 82(a)
13:2-13.1 et seq.	Employment of convicted persons; crimes of moral turpitude	R. 1974 d.40	6 N.J.R. 119(c)
13:2-34.2	Revisions concerning schedule filing dates and contents	R. 1974 d.239	6 N.J.R. 410(b)
13:2-34.2(j)	Cash discounts to retailers	R. 1973 d.312	5 N.J.R. 426(a)
13:2-37.1	Revised definitions	R. 1974 d.239	6 N.J.R. 410(b)
13:12-1.1	Admission Procedures of Volunteer Fire Departments	R. 1974 d.163	6 N.J.R. 269(b)

13:13-10.1	Repeal rule on notification of interstate securities offerings	R. 1973 d.230	5 N.J.R. 356(b)
13:18-1.5(c)	Revised fees for overdimensional or overweight vehicles	R. 1973 d.261	5 N.J.R. 357(a)
13:18-2.1	Uninsured's current financial status	R. 1973 d.278	5 N.J.R. 390(b)
13:18-3.1 et seq.	Rules on overwidth vehicles	R. 1974 d.30	6 N.J.R. 120(a)
13:18-4.15	Exceptions for motor fuels use tax	R. 1973 d.291	5 N.J.R. 390(c)
13:20-7.1	Adjustments, corrections or repairs of motor vehicles	R. 1974 d.28	6 N.J.R. 119(b)
13:21-14.8 et seq.	Bus driver licensing regulations	R. 1973 d.328	6 N.J.R. 21(b)
13:30-1.12(g)	Revisions in licensure of dental candidates	R. 1974 d.110	6 N.J.R. 246(d)
13:30-2.9(h)	Revisions in licensure of candidates in dental hygiene	R. 1974 d.111	6 N.J.R. 247(a)
13:33-1.13 et seq.	Revised rules for ophthalmic dispensers and technicians	R. 1974 d.66	6 N.J.R. 153(a)
13:33-1.38	Minimum standards and tolerances	R. 1974 d.262	6 N.J.R. 411(a)
13:35-6.11	Prohibit Kickbacks or rebates for services not rendered	R. 1974 d.280	6 N.J.R. 451(a)
13:36-1.6	Revised fees and charges	R. 1974 d.281	6 N.J.R. 451(b)
13:37-2.7	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-3.7	Delete rule on Puerto Rican nurses	R. 1974 d.92	6 N.J.R. 201(a)
13:37-9.5	Examinations	R. 1974 d.92	6 N.J.R. 201(a)
13:37-12.1	Fee schedule; Board of Nursing	R. 1974 d.189	6 N.J.R. 324(b)
13:39-6.7	Copies of prescriptions	R. 1973 d.255	5 N.J.R. 356(e)
13:39-7.19	Requirements for permit for pharmacy in facilities not hospitals	R. 1973 d.254	5 N.J.R. 356(d)
13:39-7.20	Guidelines for use of drug-dispensing devices	R. 1973 d.255	5 N.J.R. 356(e)
13:39-8.4	Change of ownership	R. 1973 d.253	5 N.J.R. 356(c)
13:39-8.14	Pharmacist-in-charge	R. 1973 d.253	5 N.J.R. 356(c)
13:45A-5.1 et seq.	Deceptive practices in delivery of household furniture, furnishings	R. 1973 d.262	5 N.J.R. 357(b)
13:45A-7.1 et seq.	Automobile repair work and advertising practices	R. 1973 d.307	5 N.J.R. 390(d)
13:45A-8.1 et seq.	Deceptive practices by tire distributors or dealers	R. 1973 d.309	5 N.J.R. 390(e)
13:45A-9.1 et seq.	Rules for advertising and marketing practices	R. 1974 d.15	6 N.J.R. 82(b)
13:45A-10.1 et seq.	Servicing and repairing of home appliances	R. 1974 d.16	6 N.J.R. 82(c)
13:47A-6.1	Revisions on qualification of issues	R. 1974 d.278	6 N.J.R. 450(c)
13:47A-9.1	Repeal rule on requirements for qualification	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-10.2	Repeal rule on claims for exemption	R. 1974 d.277	6 N.J.R. 450(b)
13:47A-15.1	Revisions concerning prospectuses	R. 1974 d.279	6 N.J.R. 450(d)
13:51-3.5	Revise chemical breath testing rules	R. 1973 d.354	6 N.J.R. 21(c)

PUBLIC UTILITIES — TITLE 14

14:1-6.16(a)5.	Revisions concerning tariff filings	R. 1974 d.98	6 N.J.R. 202(a)
14:1-6.16(b)2.	Service on the Public Advocate	R. 1974 d.157	6 N.J.R. 269(c)
14:5-4.1 et seq.	Revisions concerning residential electric underground extensions	R. 1973 d.335	6 N.J.R. 22(b)
14:6-1.4 et seq.	Rules on gas safety	R. 1974 d.87	6 N.J.R. 201(d)
14:9-4.2	Property, equipment and facilities	R. 1973 d.270	5 N.J.R. 357(d)
14:10-4.1 et seq.	Revisions concerning residential telephone underground extensions	R. 1973 d.335	6 N.J.R. 22(b)

STATE — TITLE 15

15:10-1.1 et seq.	Voter registration by mail	R. 1974 d.270	6 N.J.R. 412(b)
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TRANSPORTATION — TITLE 16

16:6-1.1 et seq.	Relocation assistance	R. 1973 d.256	5 N.J.R. 358(a)
16:14-1.1 et seq.	Revisions to State Aid Road System Program	R. 1973 d.311	5 N.J.R. 426(b)
16:38-2.2	Responsibility	R. 1973 d.283	5 N.J.R. 391(a)
16:40-1.1 et seq.	Snow and ice control	R. 1973 d.283	5 N.J.R. 391(a)
16:41-1.1 et seq.	Permits	R. 1973 d.283	5 N.J.R. 391(a)
16:27-1.3	Reduction of rates of speed; ratification of such rules	R. 1973 d.319	5 N.J.R. 426(c)
16:27-1.3	Revisions in reduction of rates of speed	R. 1974 d.48	6 N.J.R. 155(a)
16:27-1.7	Control of traffic and parking on N.J.D.O.T. property	R. 1974 d.122	6 N.J.R. 250(b)
16:28-1.1	Rates of speed on State highways	R. 1974 d.115	6 N.J.R. 250(a)
16:28-1.25 et seq.	Revise rules on rates of speed along certain State highways	R. 1974 d.197	6 N.J.R. 325(a)
16:28-1.111	Speed limits on Route 179 in Hunterdon County	R. 1974 d.249	6 N.J.R. 414(a)
16:28-1.158	Speed limits on Route 87 in Atlantic City	R. 1974 d.249	6 N.J.R. 414(a)
16:28-3.1 et seq.	Restricted parking on various State highways	R. 1974 d.77	6 N.J.R. 203(b)
16:28-3.12 et seq.	Restricted parking along parts of Routes 47, 77 and 7	R. 1974 d.105	6 N.J.R. 249(b)
16:28-3.15 to 16:28-3.19	Rules on restricted parking on Routes 7, 28, US 46, 47 and 77	R. 1974 d.159	6 N.J.R. 276(c)
16:28-3.20 et seq.	Restricted parking on Routes 70, 73, U.S. 22 and U.S. 130	R. 1974 d.216	6 N.J.R. 359(b)
16:28-3.24	Route number U.S. 40	R. 1974 d.226	6 N.J.R. 359(d)
16:28-3.25	Route number 47	R. 1974 d.226	6 N.J.R. 359(d)
16:28-4.1 et seq.	One-way street regulations	R. 1974 d.225	6 N.J.R. 359(c)

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16:28-5.1	Designation of stop intersections	R. 1974 d.250	6 N.J.R. 414(b)
16:39-3.1 et seq.	Spilled cargo on State highways	R. 1974 d.101	6 N.J.R. 203(c)
16:42-1.1 et seq.	Road equipment rental agreements	R. 1973 d.283	5 N.J.R. 391(a)

TREASURY — GENERAL — TITLE 17

17:1-1.1	Foreword, Chapter 1	R. 1973 d.258	5 N.J.R. 358(b)
17:1-1.7 et seq.	Revised administration rules	R. 1974 d.62	6 N.J.R. 158(b)
17:1-1.15(e)	Compliance with endorsement requirements	R. 1974 d.219	6 N.J.R. 360(a)
17:1-6.1 et seq.	Delete entire Subchapter concerning Judicial Pension Fund	R. 1973 d.258	5 N.J.R. 358(b)
17:2-1.13 et seq.	Revisions on Public Employees' Retirement System	R. 1974 d.230	6 N.J.R. 361(a)
17:3-1.1 et seq.	Revisions concerning Teachers' Pension and Annuity Fund	R. 1974 d.24	6 N.J.R. 124(a)
17:4-1.5 et seq.	Revisions for Police and Firemen's Retirement System	R. 1974 d.61	6 N.J.R. 158(a)
17:5-1.8 et seq.	Revised State Police retirement system rules	R. 1974 d.131	6 N.J.R. 277(b)
17:7-3.2 et seq.	Revisions concerning Prison Officers' Pension Fund	R. 1973 d.314	5 N.J.R. 429(a)
17:8-1.1	Revise foreword to rules of supplemental annuity collective trust	R. 1974 d.231	6 N.J.R. 361(b)
17:9-2.3	Revisions on annual enrollment period	R. 1974 d.228	6 N.J.R. 360(c)
17:9-3.3 et seq.	Revisions in administration of Health Benefits Program	R. 1973 d.285	5 N.J.R. 393(a)
17:9-5.4	Revisions on local employer payment of dependent charges	R. 1974 d.229	6 N.J.R. 360(d)
17:9-5.6	Health maintenance organization premiums	R. 1974 d.228	6 N.J.R. 360(c)
17:16-5.5(a)	Add State facilities for handicapped fund to temporary reserve	R. 1974 d.126	6 N.J.R. 252(a)
17:16-5.5(a)14.	Delete from temporary reserve group housing development	R. 1974 d.192	6 N.J.R. 328(c)
17:16-7.3	Delete from revolving housing development grant fund	R. 1974 d.191	6 N.J.R. 328(b)
17:16-13.5	Revisions on legal papers; commercial paper	R. 1974 d.218	6 N.J.R. 361(c)
17:16-27.3	Limitations regarding certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-27.3	Amendment concerning other limitations	R. 1974 d.94	6 N.J.R. 205(a)
17:16-27.4	Legal Papers; certificates of deposit	R. 1974 d.63	6 N.J.R. 158(c)
17:16-32.8(b)	Revisions concerning valuation of units	R. 1974 d.35	6 N.J.R. 124(d)
17:16-32.9(b)	Revisions concerning admission date	R. 1974 d.35	6 N.J.R. 124(d)
18:16-36.7 et seq.	Revisions concerning Common Pension Fund B	R. 1974 d.265	6 N.J.R. 416(b)
17:16-37.1(a)6.	Addition of Federal Financing Bank to approved list	R. 1974 d.264	6 N.J.R. 416(a)
17:16-37.1 et seq.	Repurchase agreements	R. 1974 d.36	6 N.J.R. 125(a)
17:16-38.1 et seq.	Common Pension Fund C	R. 1974 d.266	6 N.J.R. 416(c)
17:16-39.1 et seq.	Rules on bankers' acceptances	R. 1974 d.263	6 N.J.R. 415(b)
17:20-5.10	Agent's compensation	R. 1973 d.353	6 N.J.R. 36(a)
17:20-5.10	Revisions concerning lottery agent's compensation	R. 1974 d.146	6 N.J.R. 277(d)
17:21-1.4(b)	Revisions on special lotteries	R. 1974 d.224	6 N.J.R. 360(b)
17:21-23 et seq.	Revised rules on lottery prize structure	R. 1973 d.353	6 N.J.R. 36(a)
17:21-5.6(a)6.	Revisions concerning conducting drawings	R. 1974 d.31	6 N.J.R. 124(b)
17:21-6.3 et seq.	Revisions concerning daily lottery	R. 1974 d.134	6 N.J.R. 277(c)

TREASURY — TAXATION — TITLE 18

18:2-1.1	Reproduction of forms	R. 1974 d.182	6 N.J.R. 328(a)
18:3-1.1 et seq.	Revisions concerning Alcoholic Beverage Tax Law	R. 1973 d.297	5 N.J.R. 393(d)
18:4-1.1 et seq.	Revisions concerning retail licenses and Alcoholic Beverage Tax Act	R. 1973 d.296	5 N.J.R. 393(c)
18:6-1.1	Revised definition of cost of doing business	R. 1974 d.243	6 N.J.R. 414(d)
18:12A-1.1 et seq.	Rules for county boards of taxation	R. 1974 d.95	6 N.J.R. 205(b)
18:12A-1.16	Electronic Data processing and tax assessment lists	R. 1974 d.242	6 N.J.R. 414(c)
18:15-6.1 et seq.	Revise definitions on agricultural use	R. 1973 d.295	5 N.J.R. 393(b)
18:24-5.3	Purchase of materials and supplies by contractors	R. 1973 d.336	6 N.J.R. 38(a)
18:24-10.4	Acceptance in good faith	R. 1974 d.244	6 N.J.R. 414(e)
18:24-10.5	Disclosure of proper exemption basis	R. 1974 d.244	6 N.J.R. 414(e)
18:24-22.1 et seq.	Sales by floor covering dealers	R. 1974 d.123	6 N.J.R. 251(a)
18:24-23.1 et seq.	Rules on bad debts	R. 1974 d.96	6 N.J.R. 208(a)
18:24-24.1 et seq.	Sale and installation of gasoline service station equipment	R. 1974 d.252	6 N.J.R. 415(a)
18:26-8.10	Amendments concerning valuations	R. 1974 d.34	6 N.J.R. 124(c)
18:26 Appendix A	Revised list of inheritance tax supervisors	R. 1973 d.298	5 N.J.R. 393(e)

OTHER AGENCIES — TITLE 19

19:1-1.1 et seq.	Revisions pertaining to making of loans to mortgage lenders	R. 1974 d.233	6 N.J.R. 370(b)
19:1-1.3	Revised definition of Mortgage Finance Agency collateral	R. 1974 d.251	6 N.J.R. 418(b)
19:2-7.1 et seq.	Purchasing regulations of Expressway Authority	R. 1973 d.284	5 N.J.R. 396(a)

(Continued from page 19)

Safety, pursuant to authority of N.J.S.A. 33:1-39, proposes to amend N.J.A.C. 13:2-21.30 concerning law enforcement officers.

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

13:2-21.30 Law enforcement officers

No license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the alcoholic beverage law or regulations, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly, nor shall any licensee employ or have connected with him in any business capacity whatsoever any such officer or person, **except that nothing herein shall prohibit a licensee from employing in a nonmanagerial capacity a special police officer who shall not sell, serve or deliver any alcoholic beverages.**

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

Leonard D. Ronco, Director
Division of Alcoholic Beverage Control
25 Commerce Drive
Cranford, New Jersey 07016

The Division of Alcoholic Beverage Control, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as proposed without further notice.

Leonard D. Ronco
Director, Division of Alcoholic Beverage Control
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS STATE BOARD OF OPTOMETRISTS

Proposed Rule on Minimum Standards for Eyeglasses

E. C. Nurock, Secretary-Treasurer of the State Board of Optometrists in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:12-4, proposes to adopt a new rule concerning minimum standards for eyeglasses.

Full text of the proposed rule follows:

13:38-2.10 Minimum standards and tolerances

(a) Every prepared pair of lenses, spectacles, eyeglasses or appurtenances thereto to the intended wearers on written prescriptions from optometrists duly licensed to practice their profession, or duplication, replacements, reproductions or repetitions, must conform to the following minimum standards and tolerances:

Physical Quality and Appearance	Tolerance
1. Surface imperfections	No pits, scratches (other than hairline), grayness or watermarks shall be acceptable.
2. Class defects	No bubbles, striae and inclusions shall be acceptable.
3. Localized power errors	Waves found by visual inspection shall be passable if no deterioration in image quality is found when the localized area is examined with a standard lens measuring instrument.

19:3-1.1 et seq.	Revised fee schedules, Hackensack Meadowlands	R. 1973 d.334	6 N.J.R. 39(a)
19:3-1.7	Solid waste collection fee schedule, Hackensack Meadowlands	R. 1973 d.333	6 N.J.R. 40(a)
19:3A-1	Indemnification for Meadowlands District	R. 1974 d.83	6 N.J.R. 209(b)
19:3A-1.2	Hackensack Meadowlands annual meeting	R. 1974 d.133	6 N.J.R. 281(a)
19:3A-2.1	Required land use and control meadows; flood insurance	R. 1974 d.213	6 N.J.R. 369(b)
19:3A-2.2	Securing coverage under National Flood Insurance Program	R. 1974 d.212	6 N.J.R. 361(d)
19:4-4.4 et seq.	Revised Hackensack Meadowlands zoning regulations	R. 1974 d.1	6 N.J.R. 87(b)
19:4-6.19	Appointment and operation of environmental design committee	R. 1974 d.82	6 N.J.R. 209(a)
19:7-1.1(a)1.	Revisions on permitted sites and sanitary landfills	R. 1974 d.214	6 N.J.R. 369(a)
19:7-1.1(g)	Revised Meadowland sanitary landfill rules	R. 1974 d.49	6 N.J.R. 158(d)
19:7-1.1(h)	Revisions concerning Meadowlands sanitary landfill	R. 1974 d.129	6 N.J.R. 280(c)
19:7-1.1(i)	Hackensack Meadowlands sanitary landfill operations	R. 1974 d.81	6 N.J.R. 208(c)
19:8-1.1 et seq.	Revisions in use of Garden State Parkway	R. 1974 d.158	6 N.J.R. 281(b)
19:8-1.2(a)	Revised Garden State Parkway speed limits	R. 1974 d.6	6 N.J.R. 88(b)
19:8-31.1(b)	Revised Garden State Parkway tolls	R. 1974 d.8	6 N.J.R. 88(a)
19:9-1.1	Revised definitions	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.9	Revised limitations on use of Turnpike	R. 1974 d.227	6 N.J.R. 370(c)
19:9-1.18	Noise limits	R. 1974 d.227	6 N.J.R. 370(c)
19:10-1.1	PERC amends employee definitions	R. 1974 d.56	6 N.J.R. 159(a)
19:11-1.1 et seq.	Revisions on investigation and disposition of PERC petitions	R. 1974 d.127	6 N.J.R. 285(b)
19:13-1.1 et seq.	Delete entire Chapter of PERC rules	R. 1973 d.248	5 N.J.R. 358(c)
19:15-4.1	Motions for PERC reconsideration	R. 1974 d.56	6 N.J.R. 159(a)
19:25-1.1 et seq.	Initial rules of Election Law Enforcement Commission	R. 1974 d.267	6 N.J.R. 418(a)

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|---|---|
| 4. Refractive powers | 0.0 to 6.0 + or - 0.12.
6.25 to 12.00 2 per cent of power.
Above 12.00 + or - 0.25.
Maximum cylinder power variation + or - 0.12. |
| 5. Refractive power addition | + or - 0.12D. |
| 6. Cylinder Axis | 0.12 to 0.37 + or - 3 degrees.
0.50 to 1.00 + or - 2 degrees.
1.12 on up + or - 1 degree. |
| 7. Prism power and location of specified optical center | Vertical + or - 0.25 prism for each lens or a total of 0.50 prism imbalances.
Horizontal + or - 0.25 prism for each lens or a total of 0.50 prism imbalance. |
| 8. Segment size | + or - 0.5 mm. Pair must be symmetrical upon visual inspection. |
| 9. Segment location | As specified within + or - 0.5 mm. |
| 10. Lens size: | |
| i. Rimless | + or - 0.5 mm. |
| ii. Bevel, for plastic frames | + or - 0.5 mm. |
| iii. Bevel, for metal frames | To fit standard specified frame. Lens shape must match. Edges must be smooth and straight and sharp edge must be removed. |
| 11. Heat-treated and chemically-treated industrial safety eyewear | Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80, 1-1972 and subsequent revisions. |
| 12. Heat-treated and chemically-treated dress eyewear | Tolerance for power, size and the like shall be as above, except that minimum thickness edge or center shall meet the requirements of American Standard Z80, 1-1972 and subsequent revisions. |

(b) Provided, however, that nothing herein shall be construed to prohibit deviations beyond those established by this rule, provided that good optometric cause exists therefor.

(c) Failure to comply with this rule may subject the licensee to disciplinary proceedings before the Board which may result in the suspension or revocation of his license to practice optometry in the State of New Jersey.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before November 28, 1974.

E. C. Nurock
Secretary-Treasurer
State Board of Optometrists
162 West State Street

Trenton, New Jersey 08608

Telephone: (609) 292-4945

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

E.C. Nurock, Secretary-Treasurer
State Board of Optometrists
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS BOARD OF PHARMACY

Proposed Rule on Records Of Pharmacist's Prescription

Paul A. Pumpian, Secretary of the State Board of Pharmacy in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14-1 et seq., proposes to adopt a new rule concerning the records of a pharmacist filling a prescription.

Full text of the proposed rule follows:

13:3906.8 Record of pharmacist filling a prescription

(a) A registered pharmacist who fills or compounds a prescription or who supervises the filling or compounding of a prescription by an intern shall place his signature on the face of the original prescription.

(b) A registered pharmacist who refills a prescription shall place his signature on the reverse side of the original prescription next to the date of the refill, and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(c) An intern who fills or compounds a prescription under the supervision of a registered pharmacist shall place his signature on the face of the original prescription.

(d) An intern who refills a prescription under the supervision of a registered pharmacist shall place his signature on the reverse side of the original prescription next to the date of the refill, and the amount dispensed in refilling the prescription if different than the original amount prescribed.

(e) When a prescription is filled or refilled by an intern under the supervision of a registered pharmacist, the intern filling or refilling the prescription shall place his signature on the prescription as required in subsection (c) and (d) of this rule prior to submitting the prescription to the registered pharmacist, who shall place his signature on the prescription in accordance with subsections (a) and (b) directly below the signature of the intern who filled or refilled the prescription under his supervision.

Readily identifiable initials will be accepted in lieu of signature.

(f) If a Board-approved electronic system is being utilized in connection with the dispensing of medication, a means acceptable to the Board may be utilized to identify the pharmacist who dispenses the medication.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before December 2, 1974, to:

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

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF PROFESSIONAL PLANNERS

Proposed Rule Governing Use of The Terms Planners or Planning

Lillian W. Egolf, Secretary-Director of the State Board of Professional Planners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:14A-4, proposes to adopt a new rule governing the use of the terms "planners" or "planning" in the names of corporations, firms or partnerships.

Full text of the proposed rule follows:

SUBCHAPTER 3. GENERAL PROVISIONS

13:41-3.1 Use of the terms "planners" or "planning" in the names of corporations, firms or partnerships

No corporation, firm, partnership or association shall use or assume a name involving the word "planners" or "planning", or any modification or derivative of such words, unless said word is preceded or followed by a descriptive word or words which clearly identify to the public that the type and nature of the business engaged in by the corporation, firm, partnership or association is other than the "practice of professional planning" as defined in this Act: unless an executive officer, if a corporation, or a member, if a firm, partnership or association, shall be a licensed professional planner of the State of New Jersey.

Interested persons may present statements or arguments in writing, orally, in person or by telephone relevant to the proposed action on or before December 2, 1974 to:

State Board of Professional Planners
1100 Raymond Boulevard, Room 216
Newark, New Jersey 07102
Telephone: (201) 648-2465

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

Lillian W. Egolf
Secretary-Director
State Board of Professional Planners
Division of Consumer Affairs
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Proposed Revision Concerning Prefiling materials and Content

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to delete a portion of the rule concerning prefiling materials and contents.

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

13:47A-18.1 Prefiling materials; contents

The issuer shall submit to the Bureau of Securities [two copies of an unsigned form designated Form 0-1, as set forth in Section 20.1 of this Chapter, accompanied by] two copies of the proposed prospectus or offering statement, and two copies of all other sales literature, advertisements or related materials to be used in connection with the proposed offering.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974 to:

James McLelland Smith
Chief, Bureau of Securities
1100 Raymond Boulevard (Room 206)
Newark, New Jersey 07102

The Chief of the Bureau of Securities, upon his own motion or at the instance of any interested party, may thereafter revise this rule substantially as proposed without further notice.

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Proposed Repeal of Rule Concerning Number of Offers for Exemption Restriction

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to repeal in its entirety the current text of N.J.A.C. 13:47A-9.14, (Number of offers for exemption restriction).

Full text of the rule proposed to be repealed follows:

13:47A-9.14 [Number of offers for exemption restriction]

Reserved

[(a) Any transaction in connection with an intrastate securities offering to be directed by the offeror to not more than

eight persons in this State during any period of 12 consecutive months, shall be exempt; provided that:

1. The offeror or seller of the securities reasonably believes that the buyer is purchasing for investment; and
2. No commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this State.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974 to:

James McLelland Smith
Chief, Bureau of Securities
1100 Raymond Boulevard (Room 206)
Newark, New Jersey 07102

The Chief of the Bureau of Securities, upon his own motion or at the instance of any interested party, may thereafter repeal this rule substantially as proposed without further notice.

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Proposed Rule Concerning Effective Date of Initial Applications

James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67, proposes to adopt a new rule concerning the effective date of initial applications.

Full text of the proposed rule follows:

13:47A-10.3 Effective date of initial applications

All initial applications for registration as broker-dealer, agent or investment advisor shall become effective at 9:00 A.M. on the fifteenth day after it is accepted as a completed filing. The day it is accepted is not counted; Saturday, Sunday and holidays are counted. If the fifteenth day falls on a Saturday, Sunday or holiday, the registration will become effective on the next regular business day for the Bureau of Securities.

Interested persons may present statements or arguments, in writing, relevant to the proposed new rule on or before November 27, 1974 to:

James McLelland Smith
Chief, Bureau of Securities
1100 Raymond Boulevard (Room 206)
Newark, New Jersey 07102

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

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

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Repeal of Rules on Claims for Exemption And Requirements for Qualification

On March 1, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed N.J.A.C. 13:47A-9.1, Requirements for qualification, and 13:47A-10.2, Claims for exemption, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 19(a).

An order repealing these rules was filed and effective October 9, 1974, as R.1974 d.277.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Revisions on Qualification of Issuer

On March 1, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:47A-6.1 concerning the qualification of issuer, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 20(a).

An order adopting these revisions was filed and effective October 9, 1974, as R.1974 d.278.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BUREAU OF SECURITIES

Revisions on Prospectuses

On March 1, 1974, James McLelland Smith, Chief of the Bureau of Securities in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 49:3-67 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 13:47A-15.1 concerning prospectuses, as proposed in the Notice published January 10, 1974, at 6 N.J.R. 18(a).

An order adopting these revisions was filed and effective October 9, 1974, as R.1974 d.279.

Thomas F. Kistner
Director Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

**Rule Prohibiting Kickbacks, Rebates
Or Receiving Payment for Services Not Rendered**

On September 11, 1974, John J. McGuire, 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 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule prohibiting kickbacks, rebates or receiving payment for services not rendered substantially, as proposed in the Notice published July 11, 1974, at 6 N.J.R. 267(d), with only inconsequential structural or language changes, in the opinion of the Department of Law and Public Safety.

Such rule may be cited as N.J.A.C. 13:35-6.11.

An order adopting this rule was filed and effective October 9, 1974, as R.1974 d.280.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MORTUARY SCIENCE

Revisions on Fees and Charges

On October 2, 1974, Maurice W. McQuade, executive secretary of the State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions that delete in its entirety the current text of N.J.A.C. 13:36-1.6 concerning fees and charges and adopting new text in place thereof.

Full text of the adopted rule follows:

13:36-1.6 Fees and charges

(a) There shall be paid to the State Board of Mortuary Science the following fees:

- 1. Certification\$ 1.00;
- 2. Practitioner examination 50.00;
- 3. Practitioner re-examination 25.00;
- 4. Embalmer examination 25.00;
- 5. Funeral director examination 25.00;
- 6. Trainee registration 50.00;
- 7. Trainee re-registration 5.00;
- 8. New installation 100.00;
- 9. New licenses 25.00;
- 10. Rules and regulations 1.00;

License renewal fees:

- i. Practitioner 25.00;
- ii. Embalmer 25.00;
- iii. Funeral director 25.00;
- iv. License revival 75.00*;
- v. Certificates of registration 50.00;

*The License revival fee shall be \$75.00 in addition to a fee of \$25.00 for each year said license is not renewed.

An order adopting these revisions was filed and effective October 9, 1974, as R.1974 d.281 (Exempt, Procedure Rule).

Thomas F. Kistner
Director of Administrative Procedure
Department of State

(c)

PUBLIC UTILITIES
BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Revisions for Accident Reporting

The Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:1-1 et seq., proposes to revise N.J.A.C. 14:11-5.4, concerning reporting of accidents by all other utilities. The proposal involves the deletion of the current text of the rule and the adoption of new text.

Full text of the proposed new rule follows:

14:11-5.4 All other utilities

(a) Each utility shall keep a record of and report to the Board all accidents which come within the meaning of reportable accidents as hereinafter defined occurring in connection with the operation of the utility's plant, property or facilities within the State.

(b) For the guidance of each utility, a reportable accident is defined as an accident other than a motor vehicle accident, which does not create a service interruption that results in one or more of the following circumstances:

- 1. Death of a person;
- 2. Serious disabling or incapacitating injuries to persons, including employees of the company;
- 3. Damage to the property of the company which materially affects its service to the public;
- 4. Damage to the property of others amounting to more than \$1,000.

(c) The Board shall be notified by the speediest, most feasible and practical means of communication available, followed by a detailed written report as hereinafter set forth, of all reportable accidents which are clearly reportable and those which there is good reason to believe may result in "Reportable accidents" as defined herein. If such notification is not given in any case for the reason that the accident is not considered reportable, and it subsequently develops that the accident is reportable, the utility involved shall notify the Board immediately after it has been ascertained that such accident is reportable. A written report should then follow.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to:

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

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

further notice.

Anthony J. Grossi
President
Board of Public Utility Commissioners

(a)

TRANSPORTATION

THE COMMISSIONER

Proposed Rules on Restricted Parking Along Various State Highways

Alan Sagner, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-138.1 and 39:4-139, proposed to adopt new rules establishing no parking zones for no stopping or no standing areas and designation of bus stops along certain parts of various State highways.

The following is a summary of the roads affected and their proposed N.J.A.C. citations:

Route No.	Department Code	N.J.A.C. Citation
U.S. 206	RP-74-31	16:28-3.28
N.J. 27	RP-74-32	16:28-3.29
N.J. 27	RP-74-33	16:28-3.30
U.S. 206	RP-74-34	16:28-3.31
N.J. 35	RP-74-28	16:28-3.32
N.J. 35	RP-74-29	16:28-3.33
N.J. 71	RP-74-30	16:28-3.34
N.J. 27	RP-74-35	16:28-3.35
N.J. 70	RP-74-36	16:28-3.36
U.S. 206	RP-74-37	16:28-3.37
U.S. 9	RP-74-38	16:28-3.38
N.J. 49	RP-74-39	16:28-3.39
N.J. 71	RP-74-40	16:28-3.40
N.J. 26	RP-74-41	16:28-3.41

Copies of the full text of 17 pages of proposed rules or any parts thereof may be obtained from:

Robert J. Nolan
Chief, Bureau of Traffic Engineering
Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to Robert R. Reed Jr., administrative practice officer of the Department of Transportation at the above address.

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

Alan Sagner
Commissioner
Department of Transportation

(b)

TREASURY

STATE LOTTERY COMMISSION

Proposed Revisions to Various Lottery Rules

Charles C. Carella, executive director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-1 et seq., proposes to revise various rules of the State Lottery Commission.

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

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

[1. Weekly lottery:

- i. Five hundred dollars to an agent who sells a \$50,000 winning ticket (first place prize);
- ii. Seventy-five dollars to an agent who sells a \$5,000 winning ticket (second place prize);
- iii. Fifty dollars to an agent who sells a \$2,500 winning ticket (third place prize).]

1. Weekly lottery—weekly and super drawing:

- i. **Two thousand five hundred dollars to an agent who sells a \$250,000 winning ticket (first place prize - super drawing).**
- ii. **Five hundred dollars to an agent who sells a \$50,000 winning ticket (second place prize - super drawing).**
- iii. **Two hundred fifty dollars to an agent who sells a \$25,000 winning ticket (third place prize - super drawing).**
- iv. **Two hundred dollars to an agent who sells a \$10,000 winning ticket (first place prize in weekly drawing), and who does not qualify for any of the other bonuses provided in this subsection.**

N.J.A.C. 17:21-2.3, Manner of conducting weekly drawings; 17:21-3.1, Determination of prize winners; and 17:21-3.2, Number and amount of prizes are proposed to be repealed and the following new text is proposed in place thereof.

17:21-2.3 Weekly drawing pool

The weekly lottery number selected at the drawing will consist of two sets of three digit numbers. In order to effectuate the prize structure for the weekly drawing, it is necessary to eliminate all duplicate three digit numbers, for example 123-123, from the pool. (This deletion includes 1,000 such combinations.) In printing the weekly lottery tickets and in the conducting of the weekly lottery drawing all such duplications have been eliminated. As a result, each ticket pool for the weekly lottery shall contain 999,000 tickets and the prize structure shall be based on such a pool.

17:21-3.1 Manner of conducting weekly drawing

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

- 1. Ten three-digit numbers shall be randomly

selected from a sphere containing all possible three-digit number combinations (1,000 combinations — numbered 000-999, inclusive). These numbers shall be randomly assigned to post positions designated 1-10, inclusive.

2. The New Jersey Racing Commission will be requested to certify and deliver to the New Jersey State Lottery the official results of ten horse races. The winners shall be ten separate program positions designated from 1-10, inclusive.

3. Each such certificate shall be placed in a separate envelope and the envelopes will be placed in a drum. After revolving said drum, an envelope shall be randomly selected and the three-digit number assigned to the winning post position contained in said envelope shall become the first three-digit winning lottery number. A second envelope shall then be randomly selected and the three-digit number assigned to the winning post position contained in that envelope shall become the second three-digit winning lottery number.

17:21-3.2 Number and amount of prizes

(a) For each lottery pool of 999,000 tickets sold, the following prizes shall be awarded to the owners of the winning tickets as heretofore determined:

1. If the weekly winning numbers are 123 456, the following prizes will be awarded:

Lottery Numbers	Number of Prizes per Pool	Prizes
123 456	1	\$10,000
456 123	1	\$10,000
123 xxx	998	\$ 25
456 xxx	998	\$ 25
xxx 123	998	\$ 25
xxx 456	998	\$ 25

Total number of winners - 3,992

Total amount of prizes - \$119,800

2. The winners of the \$10,000 prize will qualify for the super drawing as hereinafter provided.

(b) In the event that there is not at least one winner of a \$10,000 prize selected pursuant to N.J.A.C. 17:21-3.1, an alternative number from among the remaining numbers on the post position board will be selected in the manner similar to the selection of the first winning number, until a sold winning number is selected. When it is necessary to select such an alternate number, said number will be used to determine the first prize winning numbers. No other prize awards of any kind will be derived from said alternate number.

(c) The difference between the total amount of money available for awarding of the cash prizes contained in subsection (a) and 48 per cent of the total revenues generated from the sale of lottery tickets in each lottery pool may be allocated to a fund for appropriation to the prize pool of past or future weekly lotteries, the super

drawing, the 50c millionaire lottery, or as otherwise directed by the Lottery Commission.

17:21-3.3 Super drawing

(a) All weekly lottery ticket holders whose lottery numbers match in either position the two three-digit numbers selected at the weekly drawing are guaranteed the \$10,000 prize and are eligible to participate in the super drawing, which will be held whenever five or more winners file a claim and more than 2,997,000 lottery tickets are sold. No more than 12 winners will participate in any given super drawing. All persons holding such tickets must identify themselves no later than one year from the date of the drawing of the winning number in order to participate in a super drawing.

(b) The manner for selecting the winners of the super drawing is as follows:

1. All qualifiers will participate in the drawing procedure by appearing in person, by sending a designated representative or by proxy selected by the Lottery Commission. Each qualifier at the drawing will be assigned a randomly selected single digit number. In numerical order each qualifier will insert a copy of his claim form into an unmarked container and shall place said container into a plexiglass barrel. When all the containers are in said barrel, the barrel will be rotated to provide for a thorough mix.

2. The New Jersey Racing Commission will be requested to certify and deliver to the New Jersey State Lottery the official results for as many horse races as there are participants in the super drawing. The winners of each race shall have a different post position. There shall be as many separate program positions as there are participants in the drawing.

3. Each certificate shall be placed into a separate envelope and the envelopes will be placed in a drum. After revolving said drum, an envelope shall be randomly selected and the person holding the winning post position shall be asked to draw the first container containing a claim form from the plexiglass barrel. Without opening the container, said person shall be asked to select a prize to be assigned to said container. This procedure will be repeated until all prizes have been assigned out.

4. The containers assigned to the various prize positions will then be opened to determine the names of the prize winners.

(c) The prize structure for the super drawing is:

Number of Participants	Number of Prizes		
	\$250,000 (\$25,000 a year for ten years)	\$50,000 (\$10,000 a year for five years)	\$25,000 (\$5,000 a year for five years)
5 - 6	1	1	1
7	1	2	1
8	1	3	1
9	1	4	1
10	1	5	1
11	1	6	1
12	1	7	1

(d) All qualifications for and determinations of winners of the super drawing shall be made by the Director

of the Division of State Lottery whose judgment of said determinations shall be final.

The current text of 17:21-5.1, General provisions, is proposed to be deleted and replaced with the following:

17:21-5.1 Qualification for the 50-cent millionaire lottery

(a) After every weekly lottery drawing, there shall be drawn a separate five digit millionaire finalist number. These five numbers will be randomly selected by use of five electrically controlled wheels, each wheel containing a ball and ten position slots which will be numbered zero to nine, inclusive.

(b) The holder of any ticket whose five-digit millionaire drawing finalist number exactly matches the number selected is guaranteed a cash prize of at least \$500.00 and qualifies as a finalist of a millionaire lottery. Such a person must present his lottery ticket to any authorized New Jersey State Lottery claim center and fill out the appropriate claim within one year from the date of drawing of the qualifier number as provided in this Section.

17:21-5.4 Time of drawing

(a) Millionaire lottery drawings will be held on dates to be fixed by the Lottery Commission.

(b) The tickets to be included in each millionaire lottery drawing and the only tickets eligible to win prizes therein shall be those issued by the Director for sale during the period prior to the drawing date indicated on said ticket.

[(c) Tickets held by the fifth place winners in the weekly lottery shall be entered into a separate millionaire lottery.]

(d) The Director shall in his discretion determine the last weekly lottery to be included in the fifth tier weekly millionaire lottery.]

(c) Qualifiers for the millionaire lottery shall be determined as provided for in N.J.A.C. 17:21-5.1 of these rules and regulations.

17:21-5.6 [Manner of conducting drawings] **Millionaire lottery drawing**

[(a) Each 50-cent millionaire lottery drawing shall be conducted and the winners determined as hereinafter provided:

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

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

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

4. On a date to be determined by the Lottery Commission

finalist drawings shall be conducted.

5. All persons identifying themselves as semifinalists shall be included in the finalist drawing. A semifinalist]

(a) The date, time and place for the millionaire lottery drawings shall be determined by the Executive Director of the Lottery Commission. All persons eligible for said drawing shall be notified by the Lottery Commission of the time, place and location of said drawing. A qualifier may attend the [finalist] drawing or he may designate a proxy in writing to the State Lottery prior to the date of the [finalist] drawing. If a [semifinalist] qualifier is identified and he does not attend the [finalist] drawing nor does he designate a proxy in writing, then the Director shall appoint an agent to perform for him in the [finalist] drawing. At the [finalist] drawing there shall be selected from all identified [semifinalists] qualifiers ten finalists. All [semifinalists] qualifiers remaining after such selection shall receive a prize of \$500.00 each.

[6] **(b)** The ten finalists shall be assigned a number from one through ten in the order selected. Three certified results of a horse race shall then be drawn. The program post position of the winning horse of the first certified result of the drawn horse race shall be used to determine the third prize winner who shall be entitled to \$5,000 a year for ten years. A second certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the second prize which shall be \$10,000 a year for ten years. A third certified result of a horse race shall be drawn and the program post position of the winning horse shall determine the first prize winner who shall be entitled to \$50,000 a year for 20 years. The certified "Horse Race" results used above shall be in ten horse races wherein all of the ten post positions are separately and individually represented so that the winning horse of each race occupied a program position of one through ten inclusively.

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

[8] **(d)** All determinations of winners shall be made by the Director of the Division of Lottery whose judgment of said determinations shall be final.

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

(a) [Payment] **Except as herein provided, payment of prizes shall be awarded as soon as reasonably possible after the claimant has been identified to the satisfaction of the Director.**

(b) The payment of prizes to the first, second and third prize winners of the millionaire lottery shall be made annually on the anniversary date of said lottery, except that the first payment shall be made [in accordance with the preceding sentence.] **as soon as reasonably possible after the drawing.**

(c) The payment of prizes to winners of the super drawing shall be made annually on the anniversary date of said lottery, except that the first payment shall be made as soon as reasonably possible after the drawing.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before November 27, 1974, to:

Charles C. Carella
Executive Director
State Lottery Commission
State House
Trenton, New Jersey 08625

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

Charles C. Carella
Executive Director
State Lottery Commission
Department of the Treasury

(a)

TREASURY DIVISION OF TAXATION

Notice of Typographical Errors

Take notice that, in the Notice of Adoption of the revisions on electronic data processing and tax assessment lists (R.1974 d.242) at 6 N.J.R. 414(c) and the revision concerning the definition of the cost of doing business (R.1974 d.243) at 6 N.J.R. 414(d), both appearing in the October 10, 1974, issue of the New Jersey Register, the effective dates noted in the last paragraph of each Notice were incorrectly indicated to be August 20, 1974. The **correct** effective date of each of the rules cited above was **August 30, 1974**.

Thomas F. Kistner
Director of Administrative Procedure
Department of State

OTHER AGENCIES

(b)

ECONOMIC DEVELOPMENT AUTHORITY

Proposed rules of the Authority

The New Jersey Economic Development Authority, pursuant to authority of N.J.S.A. 34:1B-1 et seq., proposes to adopt new administrative rules in order to implement the New Jersey Economic Development Act.

Full text of the proposed rules follows:

SUBTITLE I. NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY

CHAPTER 30. ADMINISTRATIVE RULES

SUBCHAPTER 1. GENERAL PROVISIONS

19:30-1.1 Purpose and objectives

(a) These rules are established to effectuate, and shall be applied so as to accomplish, the general purposes of "The New Jersey Economic Development Authority Act" (Chapter

80 P.L. 1974; C.34:1B-1 et seq.), and the following specific objectives:

1. To foster and promote the economy of the State;
2. To increase opportunities for gainful employment and to improve living conditions;
3. To assist in the economic development or redevelopment of political subdivisions within the State; and
4. To contribute to the prosperity, health and general welfare of the State and its inhabitants by inducing manufacturing, industrial, commercial and other employment-promoting enterprises by making available financial assistance to locate, remain or expand within the State.

19:30-1.2 Definitions

When used in this Subchapter, the word "Act" means "The New Jersey Economic Development Authority Act" (Chapter 80, P.L. 1974), as amended and supplemented; the word "Authority" means the New Jersey Economic Development Authority established by the Act; and the words or terms which are defined in the Act are used in these rules as defined in the Act.

SUBCHAPTER 2. FEES AND CHARGES OF AUTHORITY

19:30-2.1 Application fees

An initial nonrefundable payment of \$250.00 shall accompany every application for a loan from the Authority, which will be credited toward the application fee if the project is approved by the Authority. The application fee shall be equal to one half of one per cent of the amount of the loan (toward which credit shall be given for the \$250.00 that accompanied the application), and shall be fully paid at the time of closing of the loan, provided that the application fee shall in no case be less than \$500.00 or more than \$5,000; and provided further that there shall be added to the application fee, all bond counsel fees, other legal fees, finders' fees, real estate brokers' fees, underwriting fees and any other fees or charges incurred by the Authority, by applicants or by bond holders incidental to the processing or approval of an Authority loan.

19:30-2.2 Fee on outstanding balances

At the time of the approval of a loan, the Authority shall determine an annual fee not to exceed one and one-half per cent of the outstanding balance of a loan to be paid to the Authority on each anniversary date of the loan. Such fees shall be used to repay the State of New Jersey the \$200,000 appropriation contained in the Act and to provide the Authority with a reserve fund for the purposes of the Act.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 28, 1974, to:

Robert S. Powell Jr., Executive Director
Economic Development Authority
Labor and Industry Building
Post Office Box 1446
Trenton, New Jersey 08625

The New Jersey Economic Development Authority, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

Robert S. Powell Jr.
Executive Director
New Jersey Economic Development Authority

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions Concerning Service of Various Documents

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise various rules concerning the service of certain documents and the filing of proof of such service.

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

19:11-1.6 Number of copies to be filed

[Five] **One original and four** copies of all petitions listed in **N.J.A.C.** [Sections] [1.2] **19:11-1.2** through [1.5] **19:11-1.5** [of this Chapter] shall be filed with the executive director [and copies shall be served simultaneously on all known interested parties and proof of such service shall be furnished to the executive director]. **The executive director shall serve a copy of the petition upon the other parties listed thereon.**

19:12-1.1(b) [Five] **One original and four** copies of the notification shall be filed with the executive director, [and copies shall be served simultaneously] **who shall serve a copy thereof** upon all **other** parties to the negotiations.

[(c) Proof of such service shall be furnished to the executive director.]

[(d)] **(c)** Such notification and request shall contain the following information:

19:12.2.1(c) The public employer or the employee organization, involved in an impasse affecting terms and conditions of employment of the employees in the collective negotiations unit, may individually or jointly request the executive director to invoke fact-finding with recommendations for settlement. Joint requests are encouraged. [Five] **One original and four** copies of the request for fact-finding shall be filed with the executive director, signed by the party or parties filing the request, and [shall be served] **the executive director shall serve a copy** upon all other parties to the negotiation impasse. [Proof of such service shall be furnished to the executive director.] The request shall contain . . .

A public hearing respecting this proposed action will be held on Tuesday, November 19, 1974, at 10:00 A.M. in Room 1308, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625. Interested persons may present oral or written statements relevant to the proposed action at this hearing.

Persons intending to attend this public hearing are requested to notify:

Public Employment Relations Commission
Labor and Industry Building
Post Office Box 2209
Trenton, New Jersey 08625
Telephone: (609) 292-6780

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to the Public Employment Relations Commission at the above address.

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

Jeffrey B. Tener
Acting Executive Director
Public Employment Relations Commission

(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions Concerning Intervention

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise N.J.A.C. 19:11-1.13 concerning intervention.

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

19:11-1.13 Intervention

(a) No employee organization will be permitted to intervene in any proceeding to resolve a question concerning the representation of employees unless it has submitted a showing of interest of not less than ten per cent of the employees in the unit involved in the petition or has submitted a current or recently expired agreement with the public employer covering any of the employees involved.

(b) An employee organization seeking to intervene for the purpose of claiming a unit of employees different from that sought by the petitioner shall submit a showing of interest from at least 30 per cent of the employees in the unit it claims to be appropriate or a current or recently expired agreement with the public employer covering such employees.

(c) A motion by an employee organization to intervene in a pending representation proceeding may be made at any time [up to and including] **prior to:**

1. The opening of a hearing held pursuant to N.J.A.C. 19:11-2.2 (**Notice of hearing**), or

2. **The issuance of a decision by the executive director without a hearing pursuant to N.J.A.C. 19:11-1.12 (Investigation of petition; disposition)**, or

3. [at any time prior to the date of] The parties' execution of an agreement for consent election **pursuant to N.J.A.C. 19:11-2.1 (Agreement for consent election)**.

(d) A [prehearing] motion to intervene shall [be in writing, filed with the executive director and served upon the parties. A motion to intervene made at the commencement of a hearing is subject to the provisions of N.J.A.C. 19:14-3.6] **comply with N.J.A.C. 19:14-3.6 (Motions before or after hearing) but shall not be deemed to be valid unless it is accompanied by a showing of interest in accordance with the provisions of this Section.**

[(e) A motion to intervene shall not be deemed to be valid unless it is accompanied by a showing of interest in accordance with the provisions of this Section.]

A public hearing respecting this proposed action will be held on Tuesday, November 19, 1974, at 10:00 A.M. in Room 1308, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625. Interested persons may present oral or written statements relevant to the proposed action at this hearing.

Persons intending to attend this public hearing are requested to notify:

Public Employment Relations Commission
Labor and Industry Building
Post Office Box 2209
Trenton, New Jersey 08625
Telephone: (609) 292-6780

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to the Public Employment Relations Commission at the above address.

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

Jeffrey B. Tener
Acting Executive Director
Public Employment Relations Commission

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed New Rule Concerning Election Eligibility Lists

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to adopt a new rule concerning election eligibility lists in representation proceedings.

Full text of the proposed rule follows:

19:11-2.7 Eligibility list

(a) In all representation elections conducted pursuant to this Subchapter, unless otherwise directed by the executive director, the public employer is required to file with the executive director an election eligibility list, consisting of an alphabetical listing of the names of all eligible voters together with their addresses and job titles. In order to be timely filed, the eligibility list must be received by the executive director no later than ten days prior to the date of the election. The executive director shall make the eligibility list immediately available to all parties to the election. The executive director shall not grant an extension of time within which to file the eligibility list except in extraordinary circumstances.

(b) Failure to comply with the requirements of this Section shall be grounds for setting aside the election whenever proper objections are filed pursuant to N.J.A.C. 19:11-2.4(f) (Election procedure). Additionally, the executive director may, in the exercise of his reasonable discretion, issue a subpoena or direction requiring the production of the eligibility list, and in the event of noncompliance therewith may institute appropriate enforcement proceedings pursuant to R. 1:9-6 (Enforcement of subpoena of public officer or agency).

(c) Action of the executive director pursuant to this Sec-

tion shall not be reviewable under Subchapter 2 of Chapter 15 of these rules (Request for review of case).

A public hearing respecting this proposed action will be held on Tuesday, November 19, 1974, at 10:00 A.M. in Room 1308, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625. Interested persons may present oral or written statements relevant to the proposed action at this hearing.

Persons intending to attend this public hearing are requested to notify:

Public Employment Relations Commission
Labor and Industry Building
Post Office Box 2209
Trenton, New Jersey 08625
Telephone: (609) 292-6780

Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to the Public Employment Relations Commission at the above address.

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

Jeffrey B. Tener
Acting Executive Director
Public Employment Relations Commission

(b)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions Concerning Arbitration

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise its rules concerning arbitration. The proposed revisions concern the deletion of the current text of Subchapter 3, Arbitration, in Chapter 12 of Title 19 in the New Jersey Administrative Code and the adoption of new text therein.

Full text of the proposed new rules follows:

CHAPTER 12. IMPASSES

SUBCHAPTER 3. ARBITRATION

19:12-3.1 Function of the Commission

The Commission deems it in the interests of the public to maintain an arbitration panel whose members are available to assist in the arbitration of unresolved grievances. The availability of this service is intended to comply with the requirement of N.J.S.A. 2A:24-5 that the method for naming or appointing an arbitrator provided in the parties' agreement shall be followed. Accordingly, the release of a panel of arbitrators is predicted solely upon a prima facie showing of the parties' intention to utilize the Commission's arbitration service. Parties are referred to the judicial proceedings available under N.J.S.A. 2A:24-3 and N.J.S.A. 2A:24-5 in the event of a dispute regarding arbitrability or regarding the method for naming or appointing an arbitrator. The Commission is not a necessary party to judicial proceedings relating to the arbitration under either N.J.S.A. 2A:24-3, N.J.S.A.

2A:24-5, or otherwise, but shall, upon the written request of a party, furnish to such party at his expense photostatic copies of any papers in the Commission's possession that may be required in any such judicial proceedings.

19:12-3.2 Request for submission of panel

Arbitration under these rules is initiated by written request to the executive director. One original and four copies of such request, signed and dated by the requesting party or parties, shall be filed requesting the submission of a panel of arbitrators. The request shall set forth the names and addresses of the parties, the names, titles and telephone numbers of the parties' representatives to contact, and a statement identifying the grievance to be arbitrated. The request shall be accompanied by a copy of the arbitration provisions of the parties' agreement.*

*Blank forms for filing a Request for submission of a panel of arbitrators will be supplied by the executive director upon request. Address requests to: State of New Jersey, Public Employment Relations Commission, Trenton, New Jersey 08625.

19:12-3.3 Appointment of an arbitrator

Upon receipt of a written request pursuant to N.J.A.C. 19:12-3.2 (Request for submission of panel), the executive director shall submit simultaneously to each party a copy of such request and an identical list of names of at least five persons chosen from the arbitration panel. Each party shall have seven days from the mailing date in which to cross off any names to which he objects, number the remaining names indicating the order of his preference, and return the list to the executive director. If a party does not return the list within the time specified, all persons named thereon shall be deemed acceptable. The executive director shall appoint an arbitrator giving recognition to the parties' preference. If the parties' preference does not result in agreement upon any of the persons named, the executive director shall submit a second such list and the procedures set forth above shall be repeated, except that each party shall number at least three names contained thereon indicating the order of his preference. If the arbitrator appointed pursuant to this Section declines or is unable to serve, the executive director shall have power to make the appointment of an arbitrator not previously rejected by any party, without submission of any additional list. If parties have agreed upon a method of appointment different from that set forth above, such method shall be followed. Action of the executive director hereunder shall not be reviewable under Subchapter 2 of Chapter 15 of these rules (Request for review of case).

19:12-3.4 Cost of arbitration

The cost of such arbitration shall be borne by the parties in accordance with their agreement and not by the Commission.

A public hearing respecting this proposed action will be held on Tuesday, November 19, 1974, at 10:00 A.M. in Room 1308, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625. Interested persons may present oral or written statements relevant to the proposed action at this hearing.

Persons intending to attend this public hearing are requested to notify:

Public Employment Relations Commission
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Interested persons may present statements or arguments in writing relevant to the proposed action on or before November 27, 1974, to the Public Employment Relations Commission at the above address.

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

Jeffrey B. Tener
Acting Executive Director
Public Employment Relations Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

POSTCARD REGISTRATION DOUBLES NUMBER OF NEW VOTERS IN STATE

Gov. Brendan T. Byrne reported last month that a total of 120,888 new voters had registered since the State's new registration by mail program became effective two months earlier and he added that the spurt was directly attributable to the new law.

A preliminary report by the Secretary of State's office showed that two out of three new voters had registered by mail as opposed to in-person, he said. Of the total registered, 78,405 took advantage of the mail registration form, while 42,483 registered in person.

The Governor pointed out that in a comparable period prior to the 1970 U.S. Senate election, 45,698 persons were enrolled.

"I am gratified with the results of the postcard registration," the Governor said. "In effect, postcard registration more than doubled new registrations this year." He pointed out that traditionally voter registration decreases sharply between presidential elections.

The Governor commended civic-minded groups, including the League of Women Voters, labor organizations and school officials, for their efforts in helping to make postcard registration a success. He also praised county election officials for their implementation of the postcard registration.

"It is my hope that the Secretary of State's office will make mail registration a year-round program," he said. "We hope mail registration will encourage hundreds of thousands of persons to register and participate in the political process."

"We can't have full public participation as long as one million persons who are eligible to vote are not registered to vote. Full public participation is an essential element to an open government and making government more responsive to the people."

The Governor also noted that spot checks conducted by the Secretary of State's office showed that those who registered by mail actually were eligible to register.

PERC GIVEN BROAD NEW POWERS IN PUBLIC EMPLOYEE NEGOTIATIONS

Far-reaching legislation was adopted last month and signed into law by Governor Brendan T. Byrne giving the Public Employment Relations Commission broad new powers to act in a widened area of negotiations between public employees and various governing bodies.

Local grievance procedures and appeal powers of the State Education Commissioner, the Department of Civil Service, municipal councils and local police chiefs and fire directors are now vested in PERC. Its rulings may, however, be contested in the State's appellate courts.

PERC now has the final determination over the scope of all such contract negotiations, with virtually everything except pensions now negotiable.

PERC can intervene on its own initiative in labor-management disputes to determine if the two sides are bargaining in good faith. Bills for such negotiation disputes will be picked up by PERC, rather than the opposing sides.

Along with the new law was another establishing a legislative commission to study impasse procedures now considered inadequate.

The bill had been backed by the AFL-CIO, the State Education Association and the Policemen's and Firemen's Mutual Benevolent Association, and opposed by the State School Boards Association, the League of Municipalities and various municipal councils.

LARGE NOMINATED TO HEAD EXPANDED STATE ENERGY OFFICE

Gordon M. Large was nominated last month by Governor Brendan Byrne as Administrator of the State Energy Office. The nomination must be confirmed by the State Senate when it returns from recess later this month.

Large, 34, of Princeton, had served as executive director and later acting administrator of the Energy Office since it began operations last February. The Governor said Large would have two distinct responsibilities, direction of the Energy Office, which is soon to become an arm of the State Public Utilities Commission, and also as executive director of a newly-formed Cabinet Energy Committee.

Byrne also said that upcoming legislation will give added responsibilities to the office "for the planning and management of energy in New Jersey".

The new Cabinet Committee, to serve as a coordinating group, includes the Governor as chairman and the Commissioners of the Public Utilities Commission and Departments of Community Affairs, Labor and Industry and Environmental Protection.

WAGNER NEW DEPUTY COMMISSIONER IN DEPARTMENT OF HEALTH

Dr. Joanne E. Finley, State Commissioner of Health, announced the appointment of David A. Wagner of Philadelphia, Pennsylvania, as a Deputy Commissioner in the Department of Health at a \$38,473 salary.

Dr. Finley said that Wagner will have responsibilities in overall Departmental planning and daily direction of activities mandated to the Department by the 1971 New Jersey Health Facilities Planning Act. This includes State-wide health planning, certificates of need, refinement of standards of licensure for health facilities, health economics, budget review and rate setting of health facilities.

He will assist in liaison with other Departments related to these functions, especially the Departments of Institutions and Agencies and of Insurance. Dr. Finley noted that Dr. Watson E. Neiman continues as First Deputy Commissioner.

Wagner was graduated magna cum laude from Temple University with distinction in political science in 1956. He received a graduate assistantship to the University of New Mexico from which he received a master's degree in government.

Wagner, 40, is married and with two sons.

PETTIT NAMED AS ASSISTANT TO SECRETARY OF AGRICULTURE

The State Board of Agriculture recently approved the appointment of William H. Pettit of Willingboro as \$27,824 executive assistant to State Secretary of Agriculture Phillip Alampi. Pettit fills the vacancy left by the resignation in May of Robert D. McMillen who is now an assistant to U.S. Secretary of Agriculture Earl L. Butz.

Pettit, 34, came to the Department from the New Jersey Public Broadcasting Authority where he had been director of information, research and development since 1970. Prior to that, he was general manager of radio station WJJZ in Mount Holly and for five years editor of the Burlington County Times, Willingboro.

Last year, competing against all 234 public television stations in the United States, Pettit was awarded first place award for promotion and advertising by Public Broadcasting Service and the Corporation for Public Broadcasting.

With his wife and three daughters, Pettit lives at 9 Millstone Lane, Willingboro.

ASK COMMENTS ON 63 HEALTH CARE PROJECTS REQUESTING STATE AID

Dr. Joanne E. Finley, State Commissioner of Health, in accordance with a policy of the Health Care Administration Board, has made available a brief description of all "certificate of need project proposals" being considered for Aug. 15 — Nov. 15 review.

Purpose is to alert citizens of the State about the proposed changes so they may participate in the health planning process, she said. Dr. Finley stressed that the applicants have neither been approved nor denied; they are simply proposals. The 63 requests come from 16 counties in the four health-planning areas across the State.

Dr. Finley feels this is an opportunity for interested individuals to become involved in health planning in their local areas. She said that New Jersey is completely covered by the areawide agencies and that their recommendations provide her with data to determine which applications will be approved.

Those desiring the listing or further information should call the State Comprehensive Health Planning Agency in Trenton at (609) 292-6552.

STUDY OF YOUTH DRUG-ALCOHOL ABUSE IS BACKED BY \$415,000 FEDERAL GRANT

The Division of Narcotic and Drug Abuse Control of the State Department of Health recently received a \$415,328 grant from the National Institute on Drug Abuse, one of only four funded nationwide.

New Jersey's project is also the only one dealing with a

study of an adolescent population abusing drugs and /or alcohol. Centered in Middlesex County, treatment services will be provided by the Woodbridge Action for Youth, the Perth Amboy General Hospital and the Chelsea School in Long Branch.

A major aim will be coordination of alcohol and drug treatment units. Three years of funding are anticipated.

Requests for information and services should go to: Stephen Grossman, 367 New Brunswick Ave., Perth Amboy, N.J. Tel: (201) 828-8800.

**NEW FILM, "FOR LAND'S SAKE",
AVAILABLE FOR PUBLIC SHOWINGS**

A color motion picture which points out reasons every citizen should be concerned about preserving farmland in New Jersey has been produced by the State Department of Agriculture for public use, according to Secretary of Agriculture Phillip Alampi.

Entitled "For Land's Sake - Agriculture Keeps New Jersey Green", the 15-minute film was written and narrated by John T. Cunningham, noted New Jersey author and historian.

Emphasizing that a nearby source of fresh food is a primary reason for keeping agriculture in New Jersey, the film also explores open land as a means of preserving and protecting water resources and improving the quality of our air. The aesthetic and recreational values of maintaining tax-paying open space in farmland are other factors weighed.

Groups interested in borrowing a copy of the film at no charge for meetings should write: Division of Rural Resources, Department of Agriculture, P.O. Box 1888, Trenton, New Jersey 08625.

ADMINISTRATIVE CODE TITLES

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

Eight 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.

Subscriptions may be for either the full 30-volume Set, for individual Titles, or for only the Code Index, which is included in the price for Set subscribers. Payment **must** accompany orders, using the form below.


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