

NEW JERSEY REGISTER



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Albert E. Bonacci, Director of Administrative Procedure
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John K. Barnes, Editor

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IN THIS ISSUE

AGRICULTURE

- Proposed Equipment Revisions 5 N.J.R. 30(a)
- Continue Hog Cholera Quarantine 5 N.J.R. 30(b)
- Adopt Codified Rules 5 N.J.R. 31(a)
- Partial Lifting of Quarantine 5 N.J.R. 31(b)
- Egg Harbor Township Quarantine 5 N.J.R. 31(c)
- Burlington Quarantine Released 5 N.J.R. 32(a)

BANKING

- Proposed Liability Limitations 5 N.J.R. 32(b)
- Rules on Legal Fees 5 N.J.R. 33(a)

CIVIL SERVICE

- Revise Commission Rules 5 N.J.R. 33(b)

EDUCATION

- Proposed Transportation Revisions 5 N.J.R. 33(c)
- Proposed Vocational School Changes 5 N.J.R. 35(a)
- Proposed Assessment Revisions 5 N.J.R. 35(b)
- Adopt Small Vehicle Rules 5 N.J.R. 36(a)
- Repeal Junior High Certification 5 N.J.R. 36(b)
- Adopt Rule on Reading Specialist 5 N.J.R. 36(c)

ENVIRONMENTAL PROTECTION

- Proposed Wetlands Order, Atlantic 5 N.J.R. 36(d)
- Proposed Wetlands Order, Burlington 5 N.J.R. 37(a)
- Notice of Hearing 5 N.J.R. 37(b)
- Proposed Field Trial Revisions 5 N.J.R. 37(c)
- Revise Air Pollution Rules 5 N.J.R. 38(a)
- Revise Air Quality Standards 5 N.J.R. 38(b)
- Adopt Fish and Game Schedules 5 N.J.R. 38(c)
- Close Certain Shellfish Beds 5 N.J.R. 39(a)
- Extend Ice Fishing Season 5 N.J.R. 39(b)
- Grant Air Pollution Variance 5 N.J.R. 39(c)

HEALTH

- Proposed Frozen Dessert Changes 5 N.J.R. 40(a)
- Proposed Ownership Transfer Rules 5 N.J.R. 40(b)
- Adopt Drug Manufacturing Rules 5 N.J.R. 41(a)
- Adopt Locomotion Control Rule 5 N.J.R. 41(b)
- Adopt Fluid Milk Rules 5 N.J.R. 42(a)
- Adopt Drug Control Schedules 5 N.J.R. 42(b)
- Adopt Drug Registration Rules 5 N.J.R. 42(c)

HIGHER EDUCATION

- Proposed Cost Accounting Procedures 5 N.J.R. 42(d)
- Proposed Student Health Requirements 5 N.J.R. 43(a)

INSTITUTIONS AND AGENCIES

- Proposed Outstanding Check Rules 5 N.J.R. 43(b)
- Proposed Provider Rules 5 N.J.R. 43(c)
- Proposed Optical Services Revisions 5 N.J.R. 44(a)
- Proposed Transportation Revisions 5 N.J.R. 44(b)
- Proposed Legal Settlement Revisions 5 N.J.R. 45(a)
- Proposed Administration Revisions 5 N.J.R. 46(a)
- Proposed Stolen Check Rules 5 N.J.R. 46(b)
- Proposed Service Payment Revisions 5 N.J.R. 47(a)
- Revise Maximum Assistance Schedules 5 N.J.R. 47(b)
- Revise Hospital Manual 5 N.J.R. 47(c)

INSURANCE

- Amend Insurance Identification Rule 5 N.J.R. 47(d)
- Adopt Liability Renewal Rules 5 N.J.R. 48(a)
- Revise Insurance Identification Cards 5 N.J.R. 48(b)

LAW AND PUBLIC SAFETY

- Proposed Foreign Graduate Changes 5 N.J.R. 51(a)
- Proposed Mortuary Revisions 5 N.J.R. 52(a)
- Proposed Financial Responsibility Change 5 N.J.R. 52(b)
- Proposed Insurance Notification Rules 5 N.J.R. 52(c)
- Adopt Crime Board Practice Rules 5 N.J.R. 53(a)
- Legislative Agents Listed 5 N.J.R. 53(b)
- Adopt Mileage Reading Rule 5 N.J.R. 53(c)
- Adopt Auto Transfer Rule 5 N.J.R. 53(d)
- Revise General Practice Rules 5 N.J.R. 54(a)
- Adopt Administrative Rules 5 N.J.R. 54(b)
- Revise Legislative Report Form 5 N.J.R. 54(c)

PUBLIC UTILITIES

- Proposed Cable Television Rules 5 N.J.R. 54(d)
- Adopt Rules on Rate Increases 5 N.J.R. 55(a)
- Revise Practice Rules 5 N.J.R. 57(a)

(CONTINUED ON BACK PAGE)

NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

AGRICULTURE

DIVISION OF DAIRY INDUSTRY

Proposed Revisions to Rules On Supplying Equipment

Woodson W. Moffet Jr., Director of the Division of Dairy Industry in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:12A-1 et seq. and specifically 4:12A-20 and 4:12A-21, proposes to revise the rules concerning the supplying of equipment to customers by licensees of the Division.

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

2:53-2.1(a)1. i. On new equipment and on used equipment less than 60 months old, an annual rental charge of not less than 20 per cent of the cost of the equipment plus two per cent of its cost as an annual service charge until such equipment reaches an age of 60 months. In determining the cost of the equipment the licensee shall include the invoice cost, [plus freight charges] (i.e., the total amount paid for the unit including warranty, freight, and sales or other tax) plus handling and installation cost which shall be presumed to be not less than ten per cent of the invoice cost. After such equipment is 60 months old the rate of rental may be reduced to 4 per cent of cost plus two per cent of its cost as an annual service charge.

2:53-2.1(a)1. ii. On used equipment which is more than 60 months old, a rental charge of not less than 4 per cent of the cost plus 2 per cent of its cost as an annual service charge. Cost as used in this paragraph shall be invoice cost [plus freight] as in subparagraph i. above plus current handling and installation cost which shall be presumed to be not less than 10 per cent of the invoice cost.

2:53-2.1(a)1. iv. A licensee may supply refrigeration equipment to a store as defined in N.J.S.A. 4:12A-1, except a grocery store, food store, or dairy products store, which has not previously sold milk for consumption off the premises for a period not to exceed 90 days subject to the following conditions:

(1) The refrigeration may be used only for the storage and display of products supplied to the store by the licensee;

(2) The rental or lease contract which shall be executed on or before the equipment is supplied to the store, shall provide that if the store continues to sell milk after the end of the 90-day period, rental at the rate set forth above shall be due and owing from and after the 91st day.

2:53-2.3(b) The rental contract or bill of sale or sales contract shall show, as a minimum, the name and address of customer, description of equipment including the manufacturer and the manufacturer serial number, location of equipment, the invoice cost of the equipment, [freight charges] as in N.J.A.C. 2:53-2.1(a)1. i., handling and installation cost, monthly rental or purchase payments and the signature of both parties including trade name and license number if applicable.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before February 28, 1973, to:

Woodson W. Moffett Jr., Director
Division of Dairy Industry
New Jersey Department of Agriculture
P.O. Box 1999
Trenton, New Jersey 08625
Telephone: (609) 292-5646

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

Woodson W. Moffett Jr.
Director
Division of Dairy Industry
Department of Agriculture

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Continuation of Hog Cholera Quarantine in New Jersey

On December 19, 1972, C. K. Jewell, Director of the Division of Animal Health in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:5-16 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emerg-

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ency rule continuing the hog cholera quarantine throughout the entire State of New Jersey.

Full text of the emergency rule follows:

2:5-1.12 Continuation of hog cholera quarantine; entire State

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 and N.J.S.A. 4:5-16 of the Agricultural Laws of the State of New Jersey and in order to continue to prevent the spread of Hog Cholera, an infectious and contagious disease of swine, the entire State of New Jersey remains in quarantine namely the counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union and Warren and in order to enable the slaughter of disease free swine.

(b) No movement of swine shall be permitted from farm to farm, from town to town, from county to county nor any movement within the State whatsoever except the removal of swine directly from farm to slaughter after inspection by authorized state or federal personnel, and only slaughter swine directly from farm to auction markets for slaughter.

(c) This quarantine is effective December 26, 1972, and until further notice.

An order adopting this rule was filed December 19, 1972, as R.1972 d.259 (Exempt, Emergency Rule) to become effective December 26, 1972.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Adoption of Codified Rules

On December 19, 1972, the State Board of Agriculture, pursuant to authority of N.J.S.A. 4:1-11 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedure rule whereby all of the citations in Title 2 of the New Jersey Administrative Code were adopted as they currently exist to replace the citations of the rules of the Department of Agriculture which were reflected in the original promulgation of such rules.

Full text of the rule follows:

2:1-2.3(a)1. i. Be it resolved by the State Board of Agriculture that all orders, rules, and regulations of the New Jersey Department of Agriculture, N.J.A.C. Title 2, Subtitles A through H, Chapters 1 through 121, heretofore filed with the Secretary of State and promulgated by the State Board of Agriculture pursuant to authority delegated in N.J.S.A. 4:1-11 and dated June 24, 1969 are hereby superseded.

2:1-2.3(a)1. ii. The following orders, rules and regulations of the New Jersey Department of Agriculture as printed in N.J.A.C. Title 2, Subtitles A through H, Chapters 1 through 127 and all other orders, rules and regulations that have been promulgated by the State Board of Agriculture since March 31, 1972, pursuant to the authorizing statutes are hereby adopted and will now constitute all orders, rules and regulations of the State Department of Agriculture, and are to become effective upon the filing of this resolution with the Secretary of State's office.

An order adopting this rule was filed and effective December 21, 1972, as R.1972 d.260 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Partial Lifting of Hog Cholera Quarantine in New Jersey

On December 27, 1972, C. K. Jewell, Director of the Division of Animal Health in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:5-16 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which lifted the hog cholera quarantine throughout the entire State with the exception of certain portions of two counties.

Full text of the emergency rule follows:

2:5-1.13 Lifting of hog cholera quarantine

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 and N.J.S.A. 4:5-16 of the Agricultural Laws of the State of New Jersey the hog cholera quarantine on the entire State is hereby lifted from all counties except for Gloucester County and Southhampton, Tabernacle and Medford townships in Burlington County.

(b) Swine may now move freely within the State for all purposes in non-quarantined areas.

(c) Swine from quarantined areas will require a permit to move to slaughter.

(d) This notice of quarantine is to become effective January 2, 1973.

An order adopting this emergency rule was filed December 27, 1972, as R.1972 d.263 to become effective January 2, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Hog Cholera Quarantine in Egg Harbor Township

On January 3, 1973, C. K. Jewell, Director of the Division of Animal Health in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21.5 and 4:5-16 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which instituted a hog cholera quarantine in the Township of Egg Harbor in Atlantic County.

Full text of the emergency rule follows:

2:5-1.14 Hog cholera quarantine; Egg Harbor Township

(a) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 and N.J.S.A. 4:5-16 of the Agricultural Laws of the State of New Jersey and in order to prevent the spread of hog cholera, an infectious and contagious disease of swine, the township of Egg Harbor in Atlantic County is hereby quarantined.

(b) No movement of swine into or out of the area will be permitted. Slaughter swine may move to a slaughterhouse only on a permit issued by State or Federal authorized personnel.

(c) The quarantine is effective January 3 and until further notice.

An order adopting this rule was filed and effective January 3, 1973, as R.1973 d.4 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF ANIMAL HEALTH

Release of Hog Cholera Quarantine In Parts of Burlington County

On January 16, 1973, C. K. Jewell, Director of the Division of Animal Health in the Department of Agriculture, pursuant to authority of N.J.S.A. 4:1-21 and 4:5-16 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule releasing certain parts of Burlington County from the hog cholera quarantine issued December 1, 1972.

Full text of the adopted rule follows:

2:5-1.10(d) By order of the State Board of Agriculture and pursuant to N.J.S.A. 4:1-21.5 and N.J.S.A. 4:5-16 of the Agricultural Laws of New Jersey, the townships of Tabernacle, Medford and Southampton in Burlington County are hereby released from the hog cholera quarantine issued December 1, 1972.

2:5-1.10(e) This release from quarantine is effective January 18, 1973.

An order adopting this rule was filed January 16, 1973, as R.1973 d.21 (Exempt, Emergency Rule) to become effective January 18, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

BANKING

DIVISION OF BANKING

Proposed Rules on Limitation On Liability to a Bank

Richard F. Schaub, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-1.1 et seq., proposes to adopt new rules on the limitation on liability to a bank.

Full text of the proposed rules follows:

CHAPTER 11. INVESTMENTS

SUBCHAPTER 7. LIMITATION ON LIABILITY TO A BANK

3:11-7.1 Definition of capital funds

Capital funds as defined in Section 60 of N.J.S.A. 17:9A is expanded to include contingent reserves.

Authority: N.J.S.A. 17:9A-60(9)

3:11-7.2 Definition of contingent reserves

(a) Contingent reserves of a bank is defined to include:

1. Reserve for loan losses or bad debts, less the amount of tax which would become payable with respect to the tax free portion of the reserve if such portion were transferred from the reserve;

2. Valuation reserves for securities;

3. Reserve for contingencies; and

4. Any other capital accounts excluding specifically allocated reserves or reserves for known specific charges.

Authority: N.J.S.A. 17:9A-60(9)

3:11-7.3 Limitations on obligations as endorser or guarantor of installment consumer paper

Obligations as endorser or guarantor of installment consumer paper which carries a full recourse endorsement, repurchase agreement or other unconditional guarantee by the seller may exceed 10 per cent but not 25 per cent of the capital funds of the bank.

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

3:11-7.4 Exclusion of obligations from 25 per cent limitation noted in 3:11-7.3

If the bank's files or the knowledge of its officers of the financial condition of each maker of such obligations is reasonably adequate, and upon certification by an officer of the bank designated for that purpose by the board of directors of the bank that the responsibility of each maker of such obligations has been evaluated and the bank is relying primarily upon such maker for the payment of such obligations, the limitations of Section 62 of N.J.S.A. 17:9A as to the obligations of each such maker shall be the sole applicable loan limitation.

3:11-7.5 Retention of certification

The bank officer certification required under 3:11-7.4 shall be in writing and shall be retained as part of the records of such bank.

3:11-7.6 Accommodation endorser or guarantor

(a) The liability of an endorser or guarantor who does not receive any of the proceeds of a loan from a bank is not to be considered as an obligation of such endorser or guarantor for purposes of computing his limitation on liability to a bank under Section 62 of N.J.S.A. 17:9A.

(b) The liability of an endorser or guarantor is to be considered as an obligation of such endorser or guarantor when he has obtained a loan or has sold or discounted the paper.

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

Roger F. Wagner
Deputy Commissioner
Department of Banking
State House Annex
Trenton, New Jersey 08625

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

Richard F. Schaub
Acting Commissioner
Department of Banking

(a)

BANKING

CONSUMER CREDIT BUREAU

Rules on Legal Fees

On January 26, 1973, Richard F. Schaub, Acting Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-54(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on legal fees, substantially as proposed in the Notice published December 7, 1972, at 4 N.J.R. 299(c), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Such rules may be cited as N.J.A.C. 3:18-5.1 et seq.

The substance of the substantive changes were made to N.J.A.C. 3:18-5.1 and this revised Section follows:

3:18-5.1 Affiliation between a licensee and its attorney prohibited

For the purpose of N.J.S.A. 17:11A-46h, a licensee is hereby prohibited from charging a borrower a legal fee if the attorney to whom the fee is to be paid is individually licensed under the Secondary Mortgage Loan Act or is an employee, partner, officer, director or stockholder of the licensee.

For the purpose of this regulation: "Stockholder" means and includes a person who directly, indirectly or acting through one or more other persons owns, controls or has power to vote 25 per cent or more of any class of voting securities of a corporate licensee.

An order adopting these rules was filed January 26, 1973, as R.1973 d.32 to become effective February 8, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Revisions to Commission Rules

On January 26, 1973, the New Jersey Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to its rules, substantially as proposed in the Notice published January 4, 1973, at 5 N.J.R. 6(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Civil Service.

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

The changes between the proposed and adopted rules involve inconsequential structural or language changes, and substantive change to N.J.A.C. 4:1-15.2 which clarifies in specific terms how class titles are adjudged to be equivalent when their workweeks are not the same.

An order adopting these revisions was filed January 26, 1973, as R.1973 d.34 to become effective February 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions On Seats, Emergency Evacuation Drills and Lamps and Signals

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21, proposes to revise rules concerning seats, emergency drills and lamps and signals for pupil transportation.

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

Note: Subsections (n) and (o) of N.J.A.C. 6:21-6.30, Seats are proposed to be deleted in their entirety.

6:21-6.24 Lamps and signals

(h) Stop arm signal rules include:

1. Stop arm signal may be utilized but if installed shall meet the following specifications.

i. All sheet metal parts shall be 16 gauge or heavier with the exception of front and rear covers which shall be 22 gauge or heavier. All sheet metal parts shall be made of electro-zinc galvanized material with a minimum zinc coating of 150 mils.

ii. All parts of the stop arm assembly shall be painted black except the blade and hinge bracket which shall be painted red.

iii. The blade (or sign panel) shall be octagon in shape, have a white border one-half-inch wide around all eight sides and have the word "STOP" printed in letters six-inches high with a one-inch stroke. The blade shall have mounted top and bottom two four-inch double-faced lamps with red lens. These lamps are to flash alternately in conjunction with the red seven-inch roof-mounted warning lamps when the stop arm is in the extended position. Each four-inch lamp shall have a 32-candle-power bulb and the wiring leading to the lamp shall be 18 gauge copper strand protected by a plastic shield.

iv. All parts that require maintenance shall be fastened with zinc plated nuts and bolts to facilitate repairs.

v. The hinge pin shall be made of stainless steel to resist corrosion.

vi. All air or vacuum lines shall be of one-quarter-inch copper tubing; all fittings shall be of brass.

vii. Both air or vacuum stop arms shall be activated by an electric solenoid valve capable of holding air pressure without leaking to 35 P.S.I. or hold vacuum of 25 inches of mercury. The body of the valve shall be brass. The piston and chamber shall be stainless steel. The valve shall be energized by a D.C. coil that will operate from 8 V.D.C. to 14 V.D.C.

viii. The stop-arm assembly shall be mounted on the left side of the bus, in a level position, just below the window level within four feet of the windshield post.

6:21-6.30(h) [All exposed tops and side rails of school bus passenger seats, including fiber-glass and plastic type, shall be padded] Effective on all buses manufactured after March 1, 1973, the front and rear of all exposed passenger seats shall be fully padded extending to seat cushion level with an energy absorption material sufficient to minimize injury producing impact forces. The side rails shall be padded in such a manner to retain the 12-inch aisle. Back cushions shall be constructed so as to eliminate exposed screws or bolts, which contribute to vandalism of seats and their components.

6:21-11.4(d) Conducting emergency exit drills should conform to the following:

1. Due to the great number of pupils being transported and the ever-increasing number of motor vehicle accidents on the highways, there is need to instruct pupils in the manner and means whereby they can vacate a school bus in case of an emergency. In a crisis, it is possible for children to jam the emergency door if all try to get out of the exit at the same time.

2. In an effort to avoid a situation of this type, schools should organize and conduct emergency exit drills at least twice within the school year for all pupils who ride buses.

3. As safety is a prime factor, even in an emergency drill, it is recommended, rather than having all the children jump the 30 feet to the ground, that a demonstration by a few pupils could establish the necessary drill procedure. Pupils may be alternated at the next drill.

(e) Cause for evacuation include:

1. Fire or danger of fire:

i. A bus should be stopped and evacuated immediately if the engine or any portion of the bus is on fire. Passengers should be moved off at least 100 feet from the bus and remain until the driver of the bus has determined that no danger remains, or until other provisions can be made. Being near an existing fire and unable to move the bus away, or near the presence of gasoline or other combustible material, should be considered as "danger of fire" and pupils should be evacuated.

2. Unsafe position:

i. In the event a bus is stopped due to accident, mechanical failure, road conditions or human failure, the driver must determine immediately whether it is safe for pupils to remain in the bus or plan to evacuate. The driver must evacuate immediately if:

(1) The final stopping point is in the path of any train or adjacent to any railroad track.

(2) The possibility of position change would increase the danger. If, for example, a bus should come to rest near a body of water or precipice where it could still move and go into the water or over the cliff, it should be evacuated. The driver should make certain that the procedure is carried out in a manner that affords maximum safety for the pupils.

(3) The stopping point is such that there is danger of collision. In normal traffic conditions, the bus should be visible for at least a distance of 300 feet. A position just over a hill or around a curve, where such visibility is not possible, should be the cause for immediate evacuation.

(f) Escape exits (location and number) rules are:

1. All New Jersey school buses are presently equipped with the following escape exits:

| | |
|--|-------|
| i. Front entrance door | 1 |
| ii. Rear exit door | 1 |
| iii. Push out front windshield | 1 |
| iv. Split-sash side windows which, when lowered, provide a 9" x 22" opening in each window | 18-20 |
| v. Rear windows 20" x 20" set in rubber and capable of being pushed out. | 2 |

TOTAL 23 exits

(g) Types of evacuation drills include:

1. As the danger to the passengers on a school bus can appear at any location in or about the vehicle, drills should be conducted to provide various methods of evacuation.

Consideration should be given to the possibility of fires in different locations on the bus, driver incapacitation, rear, front and side impacts, bus roll-over, and so forth.

2. Drills may be varied as follows:

- i. Demonstrate exit through the rear emergency door.
- ii. Demonstrate exit through the front door.
- iii. Demonstrate simultaneous exiting from front and rear doors.

(h) Training techniques include:

1. Pupils should be trained to:

- i. Turn off ignition switch.
- ii. Set and release emergency brake.
- iii. Summon help when needed—Telephone numbers of police, school and the like should be posted or otherwise carried in the bus.
- iv. Use fire axe.
- v. Know how to kick out rear windows and windshield.
- vi. Drop top sash on side windows.
- vii. Set flags and flares.
- viii. Open and close bus doors.
- ix. Leave lunch boxes, books and other items in the bus.
- x. Help small children off bus.
- xi. Go out from the bus at least 100 feet and remain together until given further directions by the driver, a police officer or other authorized person.
- xii. Observe proper safety precautions while riding the bus on its regular run.
- xiii. Resume other assignments as noted by the principal and/or driver.

2. Leaders should be proficient in all the above, plus assuming accountability for pupils in their station.

(i) Safety factors pertaining to drills include:

1. Pupil safety is of utmost importance and must be the first consideration.
2. All drills should be conducted on school property and supervised by the principal or persons assigned by him.
3. Conduct drills when the weather is conducive to safety and preferably when the bus arrives at the school building with the pupils.
4. The bus driver is responsible for the safety of his pupils.
5. In a situation where the driver might be incapacitated and unable to direct the evacuation, school patrol members, appointed pupils or adult monitors should be trained to take over. It is important to have regular substitutes available.
6. Pupil leaders should be selected on the basis of their maturity, ability to lead and, where possible, reside near the end of the bus line. Parental approval should be obtained.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions Concerning Private Vocational Schools

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:69-2, proposes to adopt revisions to the rules concerning private vocational schools by deleting certain Sections in Chapter 46, Area Vocational and Private Schools, of Title 6 in the New Jersey Administrative Code and adopting in place thereof a new Subchapter 4 in Chapter 46 of Title 6 entitled "Private Vocational Schools."

The Sections to be deleted are Subchapter 4, Business Schools, Subchapter 5, Schools of Business Machine Training, and N.J.A.C. 6:46-6.9 through 6:46-6.14, Private Trade and Technical Schools.

The proposed, revised Subchapter 4, Private Vocational Schools, concerns general provisions, rules pertaining to the name of the school, private vocational school facilities and equipment, personnel, school ownership and financial responsibility, courses or programs of instruction, tuition, fees and other charges, enrollment agreement, refund policy, school bulletin, school records, conduct of the school, publicity, advertising and solicitation of students, scholarships and financial assistance, period of approval of school and school personnel, violation of Departmental rules and conformity with existing legislation.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to the Department of Education at the above address.

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

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Revisions to Rules On Statewide Assessment

Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:4-15 and 18A:4-24, proposes to revise portions of Chapter 39 in Title 6 of the New Jersey Administrative Code concerning statewide assessment.

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

CHAPTER 39. EVALUATION

SUBCHAPTER 1. STATEWIDE ASSESSMENT

6:39-1.1 Authority of the Commissioner

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

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

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

6:39-1.2 Dissemination of information

(a) Notwithstanding N.J.A.C. 6:3-1.3, individual student data shall be released only [in accordance with existing State Board Policy pursuant to New Jersey Administrative Code 6:3-1.3 and applicable law, and by the local school districts.] to a pupil, his parent or legal guardian, and school personnel and school officials deemed appropriate by the Commissioner.

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

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

(d) Each of these reports shall consist, [where appropriate, of average scores and standard deviations, and shall be accompanied by appropriate explanatory materials.] of report forms and interpretive aids approved by the Commissioner.

(e) Reports shall be distributed to local boards, as indicated in (b), (c) and (d) above, in such a manner as to provide a 60-day period from receipt of all standard reports for analysis of data and for the development of additional essential interpretive material by the local board pursuant to 6:39-1.2. During this period such material shall not be available for public distribution.

(f) Following a 60-day analysis period, reports indicated in subsections (b), (c) and (d) above, **excepting classroom and individual pupil reports**, shall be made available to the public; provided, however, that no reports shall be released unless they are accompanied by [interpretation.] **interpretive materials approved by the Commissioner.**

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

6:39-1.3 Interpretation of data

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

(b) Local District Boards of Education shall involve the district superintendent or chief school officer in the interpretation of the district report; the school principal in the interpretation of the school report; and the classroom teacher in the interpretation of the classroom report.

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

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

(e) No individual member, officer or employee of any board of education shall be subject to disciplinary action solely upon the basis of information produced by statewide assessment.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Pupil Transportation In Van-Type Small Vehicles

On January 5, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:39-21 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on pupil transportation in van-type small vehicles, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 301(b).

Such rules may be cited as N.J.A.C. 6:21-18.1 et seq.

An order adopting these rules was filed and effective January 10, 1973, as R.1973 d.18.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Repeal of Rule on Junior High School Teacher Certification

On January 5, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, repealed in its entirety N.J.A.C. 6:11-8.6 (Junior high school teacher certification), as proposed in the Notice published December 7, 1972, at 4 N.J.R. 300(c).

An order repealing this rule was filed and effective January 10, 1973 as R.1973 d.19.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Rule on Certification for Reading Specialist

On January 5, 1973, Carl L. Marburger, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:6-38 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule on the certification for reading specialist, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 301(a).

This rule may be cited as N.J.A.C. 6:11-12.20.

An order adopting this rule was filed and effective January 10, 1973, as R.1973 d.20.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order To Cover Portions of Atlantic County

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

Full text of the proposed rule extending such coverage follows:

7:10-1.1(a)7. Atlantic County—(filed in the office of the County Recording Officer, Mays Landing):

182-2046, 189-2046, 196-2046, 196-2064, 196-2070, 203-2046, 203-2064, 203-2070, 203-2076, 210-2046, 210-2064, 210-2070, 210-2076, 210-2082, 210-2088, 217-2064, 217-2070, 217-2076, 217-2082, 217-2088, 217-2094, 224-2064, 224-2070, 224-2076, 224-2082, 224-2088, 224-2094, 231-2064, 231-2070, 231-2076, 231-2082, 231-2088, 231-2094, 231-2100, 238-2064, 238-2070, 238-2076, 238-2082, 238-2088, 238-2094, 245-2046, 245-2064, 245-2070, 252-2046, 252-2064, 252-2070, 259-2034, 259-2040, 259-2046, 259-2052, 259-2058, 259-2064, 259-2070, 266-2022, 266-2028, 266-2034, 266-2040, 273-2016, 273-2022, 273-2028, 273-2034, 280-2004, 280-2010, 280-2016, 280-2022, 287-2010, 287-2040

A public hearing respecting this proposed action will be held on March 9, 1973, at 1:00 P.M. and continuing into the evening if necessary at:

Chalfonte-Haddon Hall
Rutland Room
South North Carolina Avenue and the Beach
Atlantic City, New Jersey

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

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received prior to April 8, 1973 will be considered.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may

thereafter adopt these proposed rules substantially as proposed without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Extension of Wetlands Order To Cover Portions of Burlington County

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

Full text of the proposed rule extending such coverage follows:

7:10-1.1(a) 8. Burlington County—(filed in the office of the County Recording Officer, Mount Holly):

259-2046, 259-2052, 259-2058, 259-2064, 259-2070, 266-2034,
266-2040, 266-2046, 266-2052, 266-2058, 266-2064, 266-2070,
273-2022, 273-2028, 273-2034, 273-2040, 273-2046, 273-2052,
273-2058, 273-2064, 273-2070, 273-2076, 280-2004, 280-2010,
280-2016, 280-2022, 280-2028, 280-2040, 280-2046, 280-2052,
280-2058, 287-2004, 287-2010, 287-2016, 287-2040, 287-2046,
294-2040, 413-1896, 413-1902, 420-1890, 420-1896, 420-1932,
420-1938, 420-1944, 427-1926, 427-1932, 427-1938, 434-1908,
434-1914, 434-1920, 434-1926, 434-1932, 448-1944, 448-1950,
448-1956, 462-1968, 469-1974, 476-1980, 476-1986, 483-1986,
483-1992, 490-1986, 490-1992

A public hearing respecting this proposed action will be held on March 28, 1973 at 1:00 P.M. and continuing into the evening if necessary at:

Holiday Inn
Mount Laurel Suite
Route 73 at New Jersey Turnpike
Exit #4
Moorestown, New Jersey

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

All testimony offered to the Department orally or in writing at the hearing will be considered. Also, all testimony offered to the Department in writing and received prior to April 27, 1973 will be considered.

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Notice of Public Fact-Finding Hearing

Take notice that the Division of Environmental Quality in the Department of Environmental Protection gives notice that a public, fact-finding hearing relating to vari-

ances to Chapter 7 of the Air Pollution Control Code will be conducted pursuant to the following:

Whereas, it has been brought to the attention of the Department of Environmental Protection that advances in the art of control for the kind and amount of particles emitted have not developed to a degree which would enable the requirements of Chapter 7, Section 2 of the New Jersey Air Pollution Control Code to be attained by certain source operations used in the manufacture of glass, and

Whereas, the Department, pursuant to Chapter 7, Section 5.1 of the New Jersey Air Pollution Control Code, may issue a variance in such circumstances,

The Department will hold a fact-finding public hearing for the purpose of receiving information to be used for determining the need and desirability of such variances and establishing a record on which to base the terms and conditions of any such variance which may be granted. Any such variance granted shall be considered to be a revision to the New Jersey State implementation plan to meet national air quality standards.

The hearing will be held 10:00 A.M. to 2:00 P.M. on March 12, 1973 at:

Auditorium
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey

The hearing will be held in accordance with the provisions of the Air Pollution Control Act (1954), as amended by Chapter 106, P.L. 1967. All testimony offered orally or in writing at the hearing will be considered, as will testimony received in writing prior to April 12, 1973 by the Division of Environmental Quality at the above address.

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

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

FISH AND GAME COUNCIL

Proposed Revisions Concerning Field Trial Activities

The Fish and Game Council of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:4-26 and 23:7-9, proposes to revise N.J.A.C. 7:25-2.9 (Field trials) regarding field trial activities.

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

(a) Permits for use of public shooting and fishing grounds for running of field trials may be granted by the Division in accordance with this Section. [at established daily rate of \$25.00 a day for bird dog trials and \$10.00 a day for retrievers, beagles, dachshunds and coon hounds. This fee shall include use of clubhouse where one is available, and permittee shall be responsible and liable for any damage which may occur.]

[(b) The prospective permittee shall maintain public liability and property damage insurance for the duration of the trial with an insurance company recognized to do business in the State of New Jersey in the following amount of \$100,000/\$300,000 personal liability and \$50,000

property damage. Certificates of such coverage shall be submitted with each application before a permit is issued.]

Full text of the proposed new subsections follows:

(b) A permit for a field trial, as required by R.S. 23:4-26, shall be issued to a club that is properly organized and officially recognized as a field trial club.

(c) Application for a permit for all field trials is to be made on a standard form secured from the Division of Fish, Game and Shell Fisheries and is to be signed by the Secretary or other officer of the club.

(d) Application for the holding of a field trial on State-owned lands, accompanied by proper fee and certificate of insurance as herein outlined, must be made 30 days in advance of the scheduled date of the trial. Fee for bird dogs—\$35.00 per day; retrievers, beagles, dachshunds and coon hounds—\$10.00 per day.

(e) Field trials will be permitted only during the period of February 15 to April 30 and September 1 to October 31 on State areas. Retriever trials on wetlands may be authorized by the Director with the approval of the Council.

(f) These regulations are not intended to prohibit the running of coonhound trials utilizing a laid trail and live raccoon placed in a tree at the end of the chase, if properly licensed under the game breeder's law for possession of the raccoon.

(g) The maximum number of birds allotted to a bird dog field trial by the Division shall be 25 birds per day. No birds will be supplied by the Division for retriever trials.

(h) No bird liberations are to be made for stakes in which puppies participate.

(i) Only birds in excellent physical condition shall be liberated for any bird dog or retriever trial. Birds with clipped wings or otherwise mutilated shall not be liberated. Birds are not to be mishandled, handled cruelly, or injured at the time of liberation. The club is responsible for the liberation of the birds.

(j) The prospective permittee shall maintain public liability and property damage insurance for the requested period of use, with an insurance company recognized to do business in the State of New Jersey, in the amount of \$100,000/\$300,000 personal liability and \$50,000 property damage. Certificate for such coverage shall be submitted with the application for field trial permit.

(k) A.K.C. licensed retriever trials may be authorized on wildlife management areas by the Director with the approval of the Council. A.K.C. licensed bird dog trials where retrieving is required will be restricted to Colliers Mills Wildlife Management Area, to a section of the tract not to exceed ten acres in size. At A.K.C. licensed bird dog trials where retrieving is required, a deputy conservation officer will be employed at the club's expense to supervise the activities of the trial, liberation and tagging of game.

(l) At all A.K.C. licensed trials, only pen-reared game birds and domestic mallards may be used by special permit. Each bird will be tagged with a seal secured from the Division at a fee of ten cents each.

(m) All individuals shooting must be properly licensed.

(n) All clubs must guard against fire on the land being used for the trial or in the buildings made available for their use. In case of fire during a trial, the club must assume the responsibility of the conflagration.

(o) If damage occurs to State-owned property during the holding of a trial, the club sponsoring the trial shall pay for the damage.

(p) On State-owned lands, the club sponsoring the trial shall leave the grounds, clubhouse, kennels and stables in a clean and orderly condition.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before February 28, 1973 to:

Fish and Game Council
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, New Jersey 08625

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

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

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Revisions to Air Pollution Rules On Permits and Certificates

On December 22, 1972, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the air pollution rules on permits and certificates, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 184(b).

Such revisions will be included in N.J.A.C. 7:27-8.1 et seq. An order adopting these revisions was filed January 4, 1973, as R.1973 d.10 to become effective March 5, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

Revisions to Air Pollution Rules On Ambient Air Quality Standards

On December 22, 1972, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-8 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the air pollution rules on ambient air quality standards, as proposed in the Notice published August 10, 1972, at 4 N.J.R. 184(a).

Such revisions will be included in N.J.A.C. 7:27-13.1 et seq.

An order adopting these revisions was filed January 4, 1973, as R.1973 d.11 to become effective March 5, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Fee Schedules

On December 22, 1972, Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 50:1-27, 50:1-28 and 50:2-3 and in accordance

with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule establishing a fee schedule concerning leasing, licensing and surveying within the Division of Fish, Game and Shellfisheries.

Full text of the rule follows:

7:25-1.5 Fee schedule

(a) The following schedule of fees shall become effective immediately:

1. Maurice River Cove lease fees \$ 1.00 per acre
2. Atlantic Coast lease fees \$ 2.00 per acre
3. Atlantic Coast lease fees \$ 2.00 per 100-foot frontage
4. Surveying (per corner) \$ 15.00
5. Resident clamming license \$ 6.00
6. Juvenile clamming license \$ 2.00
7. Resident scallop license \$ 5.00
8. Duplicate license \$ 1.00
9. Shucking house license (surf clams) \$100.00
10. Shucking house license (scallops) \$ 10.00
11. Picking house license (crabs) \$ 50.00

An order adopting this rule was filed and effective January 8, 1973, as R.1973 d.13 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

SHELLFISHERIES COUNCIL

Conservation Order Closing Certain Shellfish Beds

On January 8, 1973, Joseph Price, Secretary of the Shellfisheries Council, Atlantic Coast Section, in the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J. S.A. 50:1-5 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to N.J.A.C. 7:25-9.1(d) by which certain shellfish beds in the tidal waters of Little Egg Harbor Bay were closed.

Full text of the revised Section follows:

7:25-9.1(d) The area hereinafter described shall be closed to the taking of shellfish and remain closed until further notice, such area being described as follows:

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

An order adopting this conservation order was filed and effective January 8, 1973, as R.1973 d.14 (Exempt, Emergency Rule).

Albert E. Bonacci
Division of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Extension of Ice Fishing Season of 1973

On January 11, 1973, Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 13:1B-30 and 13:1B-31 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted an emergency rule which extended the ice fishing season of 1973 in New Jersey.

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

7:25-6.8 Ice fishing

(a) The ice fishing season for all species will be January 1, 1973, to [February 15] **March 11, 1973**, inclusive.

An order adopting this extension was filed and effective January 18, 1973, as R.1973 d.25 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF AIR POLLUTION CONTROL

Public Announcement of Variance Granted

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

PUBLIC ANNOUNCEMENT OF VARIANCE GRANTED BY BUREAU OF AIR POLLUTION CONTROL

On December 22, 1972, the Bureau of Air Pollution Control, Division of Environmental Quality in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 26:2C-1 et seq. and in accordance with the provisions of Chapter 7, Section 5.1 of the New Jersey Air Pollution Control Code, issued a variance to the Kerr Glass Manufacturing Corporation authorizing the emission into the outdoor atmosphere of particles from a glass container furnace located at South Second Street in the municipality of Millville in the County of Cumberland, at a rate not in excess of 2.5 pounds per hour for a period of four months.

The variance was approved on the basis of permitting the applicant to proceed with the rebuilding of "A" glass container furnace on an interim basis until the advances in the art of air pollution control developed for the kind and amount of air pollutant emitted by the applicant's equipment are documented by the Department.

The variance includes the following conditions:

1. The allowable emission rate of particles shall not exceed 2.5 pounds per hour.
2. The shade or appearance of the particles emitted, exclusive of water vapor, shall not exceed 40 per cent opacity.
3. This variance shall be valid until April 30, 1973 or, if sooner, until such time as this Department shall have

determined a general policy concerning the propriety and extent of variances toward the glass manufacturing industry. Thereafter, this variance may be revoked, amended or extended as necessary consistent with such general policy.

4. Any permit to construct, install or alter control apparatus or equipment and any certificate to operate control apparatus or equipment issued pursuant to Chapter 9 of the New Jersey Air Pollution Control Code and this variance shall be subject to revocation or revision with such general policy.

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

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Revisions Of Definitions and Standards of Identity of Frozen Desserts

James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-73.1, proposes to revise rules concerning the definitions and standards of identity of frozen desserts.

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

The proposed revisions concern dietary frozen dessert's identity and label statements, freezer-made milk shake's identity and label statement of ingredients, Lo-mel's identity and label statement of ingredients, fruit sherberts and non-fruit sherberts.

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

Frank A. Timko
Chief, Food and Milk Program
State Department of Health
John Fitch Plaza
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on February 27, 1973, at 10:00 A.M. in the Auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Interested persons may present statements or comments at that hearing, or may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to the Department of Health at the above address.

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

James R. Cowan
Commissioner
Department of Health

(b)

HEALTH

DIVISION OF HEALTH FACILITIES

Proposed Guidelines for Expediting a Certificate of Need in Transfer of Ownership

James R. Cowan, Commissioner of Health, pursuant to

authority of N.J.S.A. 26:2H-1 et seq., proposes to adopt guidelines for expediting a certificate of need in the transfer of ownership.

Such guidelines, if adopted, will constitute the new Subchapter 4 of Chapter 31 in Title 8 of the New Jersey Administrative Code.

Full text of the proposed guidelines follows:

SUBCHAPTER 4. GUIDELINES FOR EXPEDITING A CERTIFICATE OF NEED IN THE TRANSFER OF OWNERSHIP

8:31-4.1 General provisions

(a) The prospective owner of a health care facility is advised to study carefully all sections of the standards developed by the Department of Health, State of New Jersey, to secure a basic knowledge of the requirements of operation.

(b) Any transaction, of which 51 per cent or more of stock is under consideration, would qualify as a substantial acquisition.

(c) The following guidelines are established for the transfer of ownership of these facilities.

8:31-4.2 Prospective owner

(a) The prospective owner of a facility is required to take the necessary steps to obtain a Certificate of Need and License for the facility. Applications for these should be submitted to the Division of Health Facilities, Department of Health, John Fitch Plaza, Trenton, New Jersey 08625.

(b) These applications should be completed forthwith and forwarded to the respective bureaus as indicated. The required fee of \$50.00 for a Certificate of Need should accompany the application as well as the required fee of \$50.00 for license.

(c) Completed applications may be filed at any time throughout the year irrespective of the established closing date for the normal review cycles established under Chapters 136 and 138, Public Law 1971.

8:34-4.3 Bureau of Program Control

(a) Upon receipt of the completed application for a Certificate of Need, the Bureau of Program Control will immediately notify the following bureaus of the Division of Health Facilities: Licensing, Building Survey, Hill-Burton Program, Medicare, Medicaid, and Plans Review.

(b) The Certificate of Need's completed application will be noted in a separate Certificate of Need log, which will be maintained exclusively for transfer of ownership projects.

(c) The Bureau of Financial Analysis will proceed immediately with the financial feasibility portion of the processing procedure. The evaluation criteria shall include, but not be limited to, those financial guidelines recommended by the State Health Planning Council's subcommittee to establish financial guidelines for long-term care and related health care facilities, dated August 30, 1972, which are as follows:

1. Borrowing on nursing home and intermediate care facility projects be limited to the following percentages of project cost, including land, fees, equipment and contingencies:

Project Cost Per Bed

\$15,000 or less—90 per cent
\$15,000 to \$17,500—85 per cent
\$17,500 to \$20,000—80 per cent
Over \$20,000—75 per cent

2. Borrowing on boarding home for sheltered care projects should be limited to the following percentages of

project cost, including land, fees, equipment and contingencies:

| Project Cost Per Bed |
|---------------------------------|
| \$7,000 or less—90 per cent |
| \$7,000 to \$9,000—85 per cent |
| \$9,000 to \$11,000—80 per cent |
| Over \$11,000—75 per cent |

3. At this point, the completed application for Certificate of Need and the financial feasibility information shall be transmitted to the Comprehensive Health Planning Agency for review.

8:34-4.4 Licensing Bureau

(a) The Licensing Bureau, upon receipt of the notification of the completed application for a Certificate of Need and receipt of the completed application for licensing, would take the following steps:

1. Arrange for survey of the facility as to its operation and its conforming to the Life Safety Code 101-NFPA.

2. Take immediate steps to process the application for licensing the facility in accordance with the normal procedure.

3. Contact the individual to arrange a conference meeting of the facility in question. This meeting shall be held at such time after the inspection reports of the facility are available and shall include the following in the discussion:

i. The findings of the survey made for this purpose and a discussion as to the program that is necessary to overcome any deficiencies.

ii. If necessary, the Licensing Bureau may request a written plan of the method of correcting the deficiencies found by the Department during its inspection of the facility.

iii. Standards of requirements of operation under licensure laws and requirements for qualification for participation under Titles 18 and 19.

iv. The requirement of a licensed administrator in the facility at all times, when applicable.

(b) Upon completion of the conference with the Licensing Bureau and after submittal of a satisfactory written plan to eliminate deficiencies, if requested, the information will be transmitted to the Comprehensive Health Planning Agency for review.

8:34-4.5 Comprehensive Health Planning Agency

(a) Upon completion of the review of the material from the Bureaus of Program Control and Licensing and/or other information required under the planning process, the Comprehensive Health Planning Agency staff at its option can elect to:

1. Forward a recommendation of approval of Certificate of Need to the Office of the Commissioner, Department of Health, or

2. Forward the application and other pertinent material to the State Health Planning Council for review and recommendation.

(b) Upon completion of the study in this agency, the recommendation will be submitted to the Office of the Commissioner of Health with a copy to the Division of Health Facilities.

8:34-4.6 Final action

After the Commissioner of the State Department of Health has reviewed the recommendations and is satisfied that all information necessary is at hand, he or any appropriate official shall notify the applicant of the Department's decision.

Interested persons may present statements or arguments

in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

James R. Cowan
Commissioner
Department of Health

(a)

HEALTH

DIVISION OF NARCOTIC AND DRUG ABUSE CONTROL

Rules Concerning Good Drug Manufacturing Practices

On December 29, 1972, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules concerning good drug manufacturing practices, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 303(c).

Such rules may be cited as N.J.A.C. 8:64-2.1 et seq.

An order adopting these rules was filed and effective January 3, 1973, as R.1973 d.5.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

HEALTH

THE COMMISSIONER

Rule on Locomotion Control Systems Adapted to Powered Conveyances

On December 29, 1972, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:5-18(f) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule on locomotion control systems adapted to powered conveyances, substantially as proposed in the Notice published December 7, 1972 at 4 N.J.R. 303(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Health.

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

SUBTITLE H. NARCOTIC AND DRUG ABUSE CONTROL CHAPTER 64. GENERAL ADMINISTRATION SUBCHAPTER 1. DEVICES

8:64-1.1 Locomotion control systems adapted to powered conveyances

(a) Locomotion control systems, including but not limited to breath control, eye movement control, voice control, sound control, or others adaptable for powered conveyances, including wheel chairs, installed, mounted, or capable of installation or mounting, shall be sold or distributed only on the written order of a licensed physician [and

adequate instruction and training in the use of such control system shall be provided to the user].

(b) The written order of the physician shall be retained by the manufacturer or distributor as a sales record for a period of five years, subject to inspection by the New Jersey State Department of Health.

(c) Such written order shall include the name, address and professional license number of the ordering physician, the name and address of the patient or user of the locomotion device, the nature of his handicap, and the specific type of locomotion device prescribed.

(d) A copy of the written order of the physician for a locomotion device shall be forwarded to the New Jersey State Department of Health.

(e) Locomotion control devices may be sold or distributed in this State only if a curriculum of habilitation, instruction and training, approved by the State Department of Health, in the use of such a control system is provided to the user by the seller.

(f) Sale and distribution of locomotion control devices in this State shall require registration of the manufacturer or distributor with the State Department of Health pursuant to the provisions of N.J.S.A. 24:6B-1 et seq.

An order adopting this rule was filed and effective January 3, 1973, as R.1973 d.6.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Rules on Milk and Fluid Milk Products

On December 29, 1972, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:10-57.1 and 24:10-57.20 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules establishing definitions and standards of identity for designated fluid milk products and sanitary requirements for the production and processing of milk and fluid milk products, substantially as proposed in the Notice published December 7, 1972 at 4 N.J.R. 302(d), with only inconsequential structural or language changes, in the opinion of the Department of Health.

These rules will constitute a new Subchapter 9 in Chapter 21 of Title 8 of the New Jersey Administrative Code and may be cited as N.J.A.C. 8:21-9.1 et seq.

An order adopting these rules was filed and effective January 10, 1973, as R.1973 d.17.

Albert E. Bonacci
Division of Administrative Procedure
Department of State

(b)

HEALTH

DIVISION OF NARCOTIC AND DRUG ABUSE CONTROL

Controlled Dangerous Substance Schedules

On January 17, 1973, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-3d and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a mandatory rule setting forth five individual schedules listing the con-

trolled dangerous substances within those schedules by generic, established or chemical name and the controlled dangerous substances code numbers.

Such schedules will be included in a new Subchapter 10 of Chapter 65 in Title 8 of the New Jersey Administrative Code.

Schedule I concerns opiates, opium derivatives and hallucinogenic substances. Schedule II concerns substances, vegetable origin or chemical synthesis, opiates and stimulants. Schedule III concerns stimulants, depressants and narcotic drugs. Schedule IV concerns depressants. Schedule V concerns narcotic drugs containing non-narcotic active medicinal ingredients.

In addition to listing the generic, established or chemical name of such substances as well as their controlled dangerous substances code numbers, the schedules also describe the criteria involved in each schedule.

Copies of the full text of the schedules are available for review from:

Donald J. Foley
Chief, Drug Control Program
Division of Narcotic and Drug Abuse Control
State Department of Health
Post Office Box 1540
Trenton, New Jersey 08625

An order adopting the schedules was filed and effective January 17, 1973, as R.1973 d.23 (Exempt, Mandatory Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

HEALTH

DIVISION OF NARCOTIC AND DRUG ABUSE CONTROL

Rules on Registering Controlled Dangerous Substances

On December 29, 1972, James R. Cowan, Commissioner of Health, pursuant to authority of N.J.S.A. 24:21-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on registering controlled dangerous substances, as proposed in the Notice published December 7, 1972, as 4 N.J.R. 303(b).

Such rules will be included in a new Chapter 65 of Title 8 in the New Jersey Administrative Code and may be cited as N.J.A.C. 8:65-1.1 et seq.

An order adopting these rules was filed and effective January 17, 1973, as R.1973 d.24.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Community College Program Cost Accounting Procedures

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:1-1 et seq., proposes to adopt rules concerning community college program cost accounting procedures.

Such rules, if adopted, will be included in Subchapter

3, Chapter 4 of Title 9 in the New Jersey Administrative Code.

The proposed procedures set forth uniform cost accounting procedures to be used in regard to community college programs.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to the Department of Higher Education at the above address.

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

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

(a)

HIGHER EDUCATION

BOARD OF HIGHER EDUCATION

Proposed Rules Concerning Student Health Requirements for Admission To New Jersey State Colleges

Ralph A. Dungan, Chancellor of Higher Education and Secretary of the Board of Higher Education, pursuant to authority of N.J.S.A. 18A:3-1 et seq., proposes to adopt rules concerning student health requirements for admission to New Jersey State Colleges.

Such rules, if adopted, will be included in Chapter 2 of Title 9 of the New Jersey Administrative Code.

The proposed rules set forth health requirement policies and standards regarding admission to New Jersey State Colleges.

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

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

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973 to the Department of Higher Education at the above address.

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

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

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules On Outstanding Checks

Robert L. Clifford, Commissioner of Institutions and

Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt rules concerning outstanding checks.

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

Full text of the proposed rules follows:

1. After Medicaid checks are outstanding for a period of six months, a follow-up letter will be sent to the payee. This procedure will only apply to checks of \$5.00 or more.

2. All Medicaid checks remaining outstanding after 12 months will be cancelled in monthly lots rather than check by check. Listings of cancelled checks must be in sufficient detail to identify providers and amounts of payment. These records are to be retained for audit.

3. Amounts represented by the cancelled checks will be recredited to the Medicaid program and will be shown as a reduction in the contractor's request for claims reimbursement.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 28, 1973 to:

Administrative Analyst
Division of Medical Assistance and Health Services
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Rules On Provider Participation

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt rules concerning provider participation in the Health Services Program. The proposed rules are applicable under Chapter 1 of all Health Services Program provider manuals under Section 116.

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

Full text of the proposed rules follows:

116. Program Participation

A. Participation in the Health Services Program of a provider of services is subject to suspension or revocation for good cause shown.

Any of the following shall, inter alia, constitute a good cause for suspension or revocation:

1. Presentment for allowance or payment any false or fraudulent claim for services or merchandise;

2. Submitting false information for the purpose of obtaining greater compensation than that to which he is legally entitled;

3. Submitting false information for the purpose of obtaining authorization requirements;

4. Failure to disclose or make available to the Division or its authorized agent, records of services provided to Medicaid recipients and records of payments made therefor;

5. Failure to provide and maintain quality services to Medicaid recipients within accepted medical community standards as adjudged by a body of peers;

6. Engaging in a course of conduct or performing an act deemed improper or abusive of the Health Services Program following notification that said conduct should cease;

7. Breach of the terms of agreement of participation entered into with the Division or failure to comply with the terms of providers certification on claim form;

8. Over-utilizing Health Services Program by inducing, furnishing, or otherwise causing an individual to receive service(s) or merchandise not otherwise required or requested by the recipient;

9. Rebating or accepting a fee or portion of a fee or charge for a Medicaid patient referral;

10. Violating any provision of P.L. 1968, c. 413, (Health Services Act), or any rule or regulation promulgated by the Commissioner of Institutions and Agencies pursuant thereto;

11. Conviction of any crime involving moral turpitude;

12. Violation of applicable State regulations relating to professional conduct or Code of Ethics.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 28, 1973 to:

Administrative Analyst
Division of Medical Assistance and Health Services
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Optical Services and Appliances

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to revise the rules concerning optical services and appliances under the New Jersey Health Services Program Vision Care and Physicians Manuals.

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

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

Physicians Services Manual

206. Basis of Payment

Note 6: Reimbursement will not be made for refractions for optical appliances, (e.g., eyeglasses, contact lenses, etc.) or for visual training unless it is performed by an ophthalmologist recognized as a specialist by the New Jersey Health Services Program or an optometrist licensed by the State of New Jersey.

Vision Care Manual

301.2 Providers of Optical Appliances

Within the restrictions of their respective licensure the following are [eligible providers of optical appliances:] the only providers eligible for reimbursement for optical appliances under the New Jersey Health Services Program:

Physicians certified by the American Board of Ophthalmology, or eligible for certification as a specialist in the care of the eye and all related structures; persons licensed by the State of New Jersey to practice optometry; persons licensed by the State of New Jersey as opticians.

Note: Persons recognized as ocularists may be considered providers of artificial eyes upon recommendation of the prescribing practitioner and prior approval by the New Jersey Health Services Program.

An ophthalmologist, optometrist or optician in another state and holding no license to practice in New Jersey, is eligible to provide optical appliances in the state in which he practices if he meets the requirements of his own state with regard to the dispensing of optical appliances.

306.3 Reimbursement for Optical Appliances

Optical appliances are reimbursable under the New Jersey Health Services Program only when prescribed by Ophthalmologists recognized as Specialists by the New Jersey Health Services Program or by Optometrists licensed by the State of New Jersey.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 28, 1973 to:

Administrative Analyst
Division of Medical Assistance and Health Services
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Revisions Concerning Transportation Services

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq., proposes to adopt revisions to certain rules regarding services under the New Jersey Health Services Transportation Services Manual.

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

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

203. Prior authorization

Prior authorization from the patient's local medical assistance unit is required for transportation except in emergency conditions. [A written request must be submitted on a "Request for Authorization" (Form—Medicaid 33030) along with an attached certification of medical necessity from the prescribing physician.] (See 201.3)

203.1 [Mailing instructions—request for authorization]

Procedures for obtaining prior authorization

[The first two digits of the recipient's health services program identification number indicate the local medical assistance unit having jurisdiction. Requests for authorization and any other reports required by the local medical assistance unit are to be sent to the unit indicated. For patients in nursing homes, request for authorization should be sent to the LMAU serving the county in which the nursing home is located.]

Note: Inquiries concerning eligibility and applications for eligibility are to be sent to the county welfare board of patient's residence.]

A. Written request

Submit an Ambulance and Transportation Claim MC-12-C2 together with a certification of medical necessity from the prescribing physician or practitioner. Upon receipt of this information, the local medical assistance unit medical consultant will review the data submitted, check the mode of transportation (ambulance or invalid carrier) and sign the MC-12-C2 in item 11.

The local medical assistance unit will retain the third copy for its files, and forward the contractor and provider copies to the provider. After rendering the authorized service, the provider will forward the completed claim (contractor's copy) within 90 days to the contractor for payment. (See chapter III, billing procedures)

B. Telephone request

If time does not allow for a written authorization (203.1 A above) the provider may call the patient's local medical assistance unit, explain the circumstances (e.g., patient's diagnosis, destination and the like) and request a verbal authorization. If authorization is granted, the provider may perform the authorized service, but must then submit the MC-12-C2 and practitioner's certification (prescription) to the local medical assistance unit for written authorization as in 203.1A above.

Note: For combination Medicare/Medicaid patients refer to the note under Section 304.

301. General Policy

Billing should be done on a monthly basis. In all cases, claims should be submitted no later than 90 days after the last date services were rendered, [to assure prompt claim consideration]. Always furnish the prescribing physician's or practitioner's name.

303. Prior Authorization

[Items or] services requiring prior authorization should not be provided until the authorization is [approved] received. When submitting claims for payment make certain [all authorizations have been properly signed by the local medical assistance unit and are attached] that item 11 on Form MC-12-C2 is signed by a Medicaid medical consultant and that the appropriate mode of transportation (ambulance or invalid carrier) has been checked off. To assure prompt claim consideration always furnish the prescribing physician's or practitioner's name and Social Security number when requested to do so.

304. Combination Medicare/Medicaid claims

[There will be many patients who also have Medicare supplementary medical insurance benefits (Part B). In such cases, the Medicare Claim Form SSA-1490 will also serve as the Health Services Program claim form, where possible. The patient's program case number and person number should be entered in item 5 of the Medicare form.]

Services covered under Medicare to a Medicare/Medicaid eligible person shall be billed on Form SSA-1490, Request for Medicare Payment, and the claims sent directly to the Medicare intermediary, Prudential, Medicare B di-

vision, P.O. Box 6500, Millville, New Jersey 08332. The provider must record the health insurance claim number in item 2 and the New Jersey health services case and person number in item 5 on the SSA-1490 form.

All billing for transportation services for patients age 65 or over shall be on Medicare claim forms.

Note: In cases where prior authorization is required for Medicaid (non-emergency), submit three copies of the SSA-1491 (5/72) and the physician's order (prescription) to the appropriate local medical assistance unit for authorization. If authorized, the Medicaid medical consultant will describe the terms of the authorization and affix his signature and date to the 1491 in item 5, and return two copies and the prescription to the provider. The provider submits the original authorized copy of the 1491 and the prescription to the Medicare intermediary for payment. (See Exhibit II for sample of a properly completed Medicare/Medicaid claim)

If denied, the Medicaid medical consultant will notify the provider of the reason(s), will write "Medicaid authorization denied" and sign his name in item 5, and return two copies of the claim and the prescription to the provider. If the provider renders the service when the authorization request has been denied, the claim may be submitted to Medicare for consideration, but there will not be any payment forthcoming from Medicaid.

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 28, 1973 to:

Administrative Analyst
Division of Medical Assistance and Health Services
324 East State Street
Trenton, New Jersey 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions Concerning Determination of Legal Settlement

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to revise the General Assistance Manual 0.003, Determination of Legal Settlement, concerning the responsibility of the municipal welfare director where client is living.

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

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

- G.A. 0.003 Determination of legal settlement
- G. Procedure when client lacks settlement
- 2. Cases lacking municipal settlement
- b. Responsibility of municipal welfare director where client is living
- 2) Determination of amount of assistance
- The municipal welfare director issuing the assistance

to the client shall determine the amount of assistance needed according to State regulations and bill the responsible municipality for the assistance granted. **The responsible municipality shall be billed for all hospitalization payments made in accordance with 2.301VIB.**

3) Obtaining reimbursement from responsible municipality

Upon receipt of Form GA-9A "Acknowledgement of Responsibility" from the municipality of settlement, (see sub-section c.1 which follows) the welfare director where the client is receiving assistance shall bill the responsible municipality for the assistance granted from the date the "Notice" (Form GA 9) was sent to such municipality. **In cases of hospitalization, however, billing may be for the eligible period set forth in 2.301 V.B.3. which in some cases will have an effective date prior to the date the "Notice" (Form GA 9) was sent. It is the usual practice for the welfare director of the responsible municipality to send a supply of the official vouchers of his municipality to the welfare director where the client is living. This facilitates the billing and payment process when two municipalities are thus involved.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

Division of Public Welfare
129 East Hanover Street
Trenton, N.J. 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

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

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt revisions to the Medical Assistance for the Aged Manual of Administration concerning the process of establishing eligibility.

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

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

3120. Process of establishing eligibility

.2 Simplified process for establishing initial eligibility for hospitalization.

Most persons 65 years of age and older are eligible for hospital insurance benefits under Part A and certain medical services under Part B of Title XVII, Federal Social Security Act.

Prior to January 1, 1973 such hospital insurance benefits provided for 90 days of hospital care in a participating hospital for each "spell of illness" subject to payment of [\$52] **\$68** deductible covering the first 60 days. In addition in respect to hospital care the **\$68** remains applicable in the situation where a Medicare patient begins a benefit period

with a hospital stay beginning in 1972, even though he receives services in 1973, so long as the benefit period has not terminated.

[Prior to January 1, 1972, such hospital insurance benefits provided for 90 days of hospital care in a participating hospital for each "spell of illness" subject to payment of \$52 deductible covering the first 60 days and \$13 per diem coinsurance for the next 30 days. In addition, with respect to hospital care furnished after December 31, 1967, each individual has a "lifetime reserve" of 60 days of additional coverage of hospital care after the 90 days covered in a "spell of illness" have been exhausted. Coinsurance of \$26 per day was applicable to these added days of coverage. The year in which the patient's benefit period begins determines not only the deductible amount to be applied during such spell of illness but also the coinsurance amounts applicable to days of inpatient hospital services after 60 days have been furnished, to lifetime reserve days and to the coinsurance amounts for ECF services. Thus a \$60 deductible remains applicable in the situation where a Medicare patient begins a hospital stay beginning in 1971, even though he receives services in 1972, so long as the benefit period has not terminated. However, where the benefit period begins in 1972, the deductible amount for a day of inpatient hospital services from the 61st day to 90th day will be \$17 for a lifetime reserve day \$34, and for an ECF day \$8.50.]

However, where the benefit period begins in 1973, the deductible amount will be \$72, the coinsurance amount for a day of inpatient hospital services from the 61st day through the 90th day will be \$18, for a lifetime reserve day \$36, and for an ECF day from the 21st day through the 100th day \$9.

.2g.1)

If the client is otherwise eligible, the amount of medical assistance to be granted for a benefit period which begins in 1973, shall be the total of the following items if applicable: \$72.00 for the first 60 days of hospital care, \$18.00 per diem for the next 30 days of such care, \$36.00 for a lifetime reserve day, \$9.00 for an ECF day and physician's services up to the amount of \$48.00 (80 per cent of the \$60.00 deductible) if the client has Supplementary Medical Insurance Part B and if such payment is necessary to satisfy the deductible or 80 per cent of the reasonable charges if the client does not have such coverage.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

Division of Public Welfare
129 East Hanover Street
Trenton, N.J. 08625

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Rule Concerning Lost Or Stolen Assistance Checks

Robert L. Clifford, Commissioner of Institutions and

Agencies, pursuant to authority of N.J.S.A. 44:7-6 and 44:10-3, proposes to adopt a new rule within the Manual of Administration concerning lost or stolen assistance checks.

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

Full text of the proposed new rule follows:

2540. Lost or Stolen Assistance Checks

In most situations, a duplicate check will be issued within three working days of receipt of notification from the client that his assistance check has been lost or stolen. During this period, the client shall complete an affidavit stating that he did not receive the original check or its proceeds, and the agency shall file a stop payment order with the bank.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

Robert L. Clifford
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Revisions to General Assistance Manual Concerning Service Payments

Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq., proposes to revise a portion of the General Assistance Manual 2.300A, Section IV, Service Payments.

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

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

IX [CHILD CARE AND HOMEMAKER] SERVICE PAYMENTS

Service payments [for the provision of child care or homemaker service] as enumerated in this Section may be made through General Assistance, in accordance with the following regulations. Such payments are in addition to and not limited by the maximum assistance allowances in Schedules I and II.

C. Travel Costs for Health Care

Provision of transportation necessary for eligible persons to secure and use health services and resources, when such transportation is not available from any other source, shall be recognized as a service. Such service may be purchased by the agency, or purchased by the client with prior authorization by the agency, at the most reasonable rate obtainable.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Revisions to Schedules for Maximum Assistance Allowances

On January 2, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:8-107 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the schedules for maximum assistance allowances, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 304(b).

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

An order adopting these revisions was filed and effective January 4, 1973, as R.1973 d.7.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Revisions to Special Hospital Manual

On January 23, 1973, Robert L. Clifford, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:4D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the special hospital manual, as proposed in the Notice published January 4, 1973, at 5 N.J.R. 10(b).

The revisions will be included in Chapter 53 of Title 10 of the New Jersey Administrative Code.

An order adopting the revisions was filed January 26, 1973, as R.1973 d.33 to become effective February 1, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

INSURANCE

THE COMMISSIONER

Amendment to Rule on Identification Insurance Card

On January 3, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable

provisions of the Administrative Procedure Act of 1968, adopted an amendment to the rule on identification insurance card, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 307(a).

Such amendment may be cited as N.J.A.C. 11:3-6.2.

An order adopting this amendment was filed and effective January 3, 1973, as R.1973 d.3.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Rules on Renewals of Private Passenger Liability Insurance Policies

On January 24, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on renewals of private passenger liability insurance policies, substantially as proposed in the Notice published December 7, 1972, at 4 N.J.R. 305(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

Such rules will constitute a new Subchapter 8 in Chapter 3 of Title 11 of the New Jersey Administrative Code and may be cited as N.J.A.C. 11:3-8.1.

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

The following two paragraphs are omitted and the subsequent paragraphs are accordingly renumbered.

11:3-8.1(c)[5. Subject to reasonable rules to be established by the Commissioner, use of the automobile in excess of the mileage contemplated by the applicable rating classification.]

11:3-8.1(c) [9. Giving permission to another person to operate the automobile with respect to which person any of the above causes for non-renewal exist, if such operation of the automobile results in an accident or such person is convicted for a motor vehicle law violation committed in the course of such permissive use.]

11:3-8.1 (e) Nothing in this regulation shall be construed as prohibiting a renewal policy from being issued for higher limits of coverage and/or additional coverage(s) provided that such additional protection is specifically requested by the insured and the insurer is willing to provide it. Conversely, nothing shall prohibit the renewal policy from being issued for lower limits of coverage and/or fewer coverages provided that such reduction in protection is specifically requested by the insured person and provided further that coverage in no case shall fall below the level or levels otherwise required by law.

11:3-8.1 (f) Notice of non-renewal based upon one or more of the reasons stated below shall be deemed to have the consent of the Commissioner of Insurance required under Section 3 of the New Jersey Automobile Reparations Reform Act. Any refusal to renew an automobile insurance policy not based upon such reasons shall be submitted to the Commissioner of Insurance no later than 90 days prior to the expiration of the policy and shall only be issued to the insured with the consent of the Commissioner.

11:3-8.1(c)2i.(7) Accident involved a claim or payment only under the personal injury protection coverage.

Note: In 11:3-8.1(c)3. dealing with convictions the reference "has been convicted" has been amended to read "has been convicted, entered a plea of nolo contendere, or forfeited bail bond or other security".

An order adopting these rules was filed January 24, 1973, as R.1973 d.30 to become effective January 25, 1973.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

INSURANCE

THE COMMISSIONER

Revisions On Insurance Identification Cards

On January 26, 1973, Richard C. McDonough, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1 and 17:1C-6(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning insurance identification cards.

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

11:3-6.3 Temporary identification card (Form IV.2)

(a) The specification for the temporary identification cards for motor vehicles not insured through the New Jersey Automobile Insurance Plan are as follows:

1. Size: Same as permanent identification card.
2. Weight: 24-pound stock (minimum).
3. Color: Pink stock, black print.
4. Number of Copies: Original and one duplicate.
5. Content: Same as permanent identification card except as noted below:

- i. Title. "TEMPORARY" to precede heading on card.
- ii. Policy Number. Indicate policy number if available; otherwise the application or binder number is acceptable.
- iii. Effective Date. Month, day and year that coverage becomes effective. Expiration date is not required.
- iv. Expiration. The form shall contain the following statement: "This card expires 60 days after the effective date shown above."

(b) The specifications for the temporary identification cards for motor vehicles insured through the New Jersey Automobile Insurance Plan are:

1. Size: Same as permanent identification card.
2. Weight: 24-pound stock (minimum).
3. Color: Buff, black print.
4. Number of Copies: Original and one duplicate.
5. Content: Same as permanent identification card except as noted below:

- i. Title. "Temporary" to precede heading on card.
- ii. Two check off boxes with the following legend:
999 New Jersey Automobile Insurance Plan on Behalf of an Insurer to be Designated by the Plan

An authorized New Jersey insurer will issue an owner's policy of liability insurance, in accordance with the provisions of the New Jersey Automobile Insurance Plan. If this vehicle is being added to or is replacing a vehicle presently insured in the Plan, the name of the existing insurance company and policy number must be set forth as indicated below.

Next to second check off box space for company number, name of insurance company and policy number. Com-

(Continued on page 23)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

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

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

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

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

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

RULES NOT YET PRINTED IN CODE

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

Notes:

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

(Continued on next page)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

BANKING — TITLE 3

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

CIVIL SERVICE — TITLE 14

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

EDUCATION — TITLE 6

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

TRANSPORTATION — TITLE 16

| | | | |
|----------------------|--|-------------|----------------|
| 16:24-1.3(d) | Revise executor and distribution | R.1973 d.37 | 5 N.J.R. 58(b) |
| 16:62-1.1 et seq. | Contract administration rules now Chapter 65 | R.1973 d.28 | 5 N.J.R. 57(c) |
| 16:62-1.1 et seq. to | | | |
| 16:64-1.1 et seq. | Reserved for rules of aeronautics | R.1973 d.28 | 5 N.J.R. 57(c) |
| 16:62-1.1 et seq. | Special aircraft operating restrictions | R.1973 d.29 | 5 N.J.R. 58(a) |

TREASURY GENERAL — TITLE 17

| | | | |
|---------------------|--|--------------|-----------------|
| 17:1-1.1 et seq. | General administration of pensions | R.1972 d.214 | 4 N.J.R. 310(d) |
| 17:2-1.1 et seq. | Public employees retirement system | R.1973 d.257 | 5 N.J.R. 23(a) |
| 17:4-1.1 et seq. | Revisions to Police and Firemen's Retirement System | R.1973 d.26 | 5 N.J.R. 60(b) |
| 17:5-1.1 et seq. | Revisions to State Police Retirement System | R.1973 d.26 | 5 N.J.R. 60(b) |
| 17:6-1.1 et seq. | Revisions to Consolidated Police and Firemen's Pension Fund | R.1973 d.26 | 5 N.J.R. 60(b) |
| 17:9-1.1 et seq. | Revise Health Benefits Program and supplemental annuity trusts | R.1973 d.8 | 5 N.J.R. 59(b) |
| 17:9-3.1 | Definitions (Dependents and children) | R.1972 d.200 | 4 N.J.R. 283(c) |
| 17:9-6.1(e) & (f) | Retired employee (Definition) | R.1972 d.200 | 4 N.J.R. 283(c) |
| 17:15A-1.1 et seq. | Use of state buildings and grounds | R.1972 d.183 | 4 N.J.R. 250(a) |
| 17:15A-1.8 | Distribution of written or printed material, deletion | R.1972 d.205 | 4 N.J.R. 284(a) |
| 17:16-5.3 | Static group (Classification of funds) | R.1972 d.143 | 4 N.J.R. 199(a) |
| 17:16-5.3 | Static group fund classification | R.1972 d.234 | 4 N.J.R. 311(b) |
| 17:16-5.5 | Temporary reserve group | R.1972 d.143 | 4 N.J.R. 199(a) |
| 17:16-5.5(a) | Revise temporary reserve group | R.1973 d.22 | 5 N.J.R. 60(a) |
| 17:16-5.6 | Trust group fund classification | R.1972 d.234 | 4 N.J.R. 311(b) |
| 17:16-10.4(b) | Deleted | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-19.5 | Qualifications of mortgage brokers | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-19.6(a)6. | Qualifications of commercial banks | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-20.5(a)6. | Qualifications of commercial banks | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-26.1(a)1.iii. | Permissible investments (Pension and annuity groups) | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-26.2(c) | Limitations (Three party agreements; corporate) | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-28.3(f)3. | Limitations (Title II FHA insured mortgages) | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-28.4(a) | Legal papers (Title II FHA insured mortgages) | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-29.3 | Legal papers (Title II FHA insured construction mortgages) | R.1972 d.182 | 4 N.J.R. 249(b) |
| 17:16-32.2(g) | Permissible investments (Common Pension Fund A) | R.1972 d.229 | 4 N.J.R. 311(a) |
| 17:16-32.8(a)1.iv. | Valuation of units (Common Pension Fund A) | R.1972 d.229 | 4 N.J.R. 311(a) |
| 17:16-32.12 | Limitations (Common Pension Fund A) | R.1972 d.229 | 4 N.J.R. 311(a) |

(Continued from page 20)

pany code shall be in accordance with Subsection 11:3-6.1, Subsection X.

iii. Effective date. Month, day and year that coverage becomes effective.

iv. Expiration. The form shall contain the following statement: "This card expires 60 days after the effective date shown above."

Note: N.J.A.C. 11:3-6.4(g), (h) and (i) are deleted in their entirety and the following new N.J.A.C. 11:3-6.4(g) is substituted in place thereof.

(g) New Jersey law authorizes the Director of Motor Vehicles, after consultations with the Commissioner of Insurance, to promulgate rules concerning notice by insurers of termination of insurance. All terminations of insurance shall be forwarded to the Division of Motor Vehicles in accordance with regulations promulgated by the Director of the Division of Motor Vehicles pursuant to N.J.S.A. 29:3-4.

An order adopting these revisions was filed and effective January 26, 1973, as R.1973 d.35 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF DENTISTRY

Proposed Revisions For Foreign Graduates

Joseph L. Konzelman, Secretary of the State Board of

Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:6-1 et seq., proposes to revise N.J.A.C. 13:30-1.5(b) concerning foreign graduates by deleting a portion of the text of that rule.

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

13:30-1.5(b) Graduates of foreign colleges must present evidence of satisfactory completion of preliminary educational equivalent to that required for entrance by approved American dental colleges and may [at the discretion of the Board] be accepted as candidates for examination after [completing the last two years in a dental school approved by this Board] having been graduated in course with a dental degree from said approved dental school.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before February 28, 1973, to:

Joseph L. Konzelman, D.D.S.
Secretary, New Jersey State Board of Dentistry
150 East State Street
Trenton, New Jersey 08608
Telephone (609) 292-5416

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

Joseph L. Konzelman
Secretary, State Board of Dentistry
Division of Consumer Affairs
Department of Law and Public Safety

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

| | | | |
|---------------------|---|--------------|-----------------|
| 17:16-33.7 | Amend rule on county college capital projects | R.1973 d.9 | 5 N.J.R. 59(c) |
| 17:16-36.2(f) | Permissible investments (Common Pension Fund B) | R.1972 d.229 | 4 N.J.R. 311(a) |
| 17:16-36.8(a)1.iii. | Valuation of units (Common Pension Fund B) | R.1972 d.229 | 4 N.J.R. 311(a) |
| 17:16-36.12 | Limitations (Common Pension Fund B) | R.1972 d.229 | 4 N.J.R. 311(a) |
| 17:19A-1.1 et seq. | Facilities for physically handicapped in public buildings | R.1972 d.218 | 4 N.J.R. 310(e) |
| 17:20-1.1 et seq. | Daily lottery revisions | R.1972 d.238 | 5 N.J.R. 22(a) |
| 17:21-1.1 et seq. | Daily lottery revisions | R.1972 d.238 | 5 N.J.R. 22(a) |

TREASURY-TAXATION — TITLE 18

| | | | |
|--------------------|---|--------------|-----------------|
| 18:5-3.6 | Purchase of stamps; credit basis | R.1972 d.108 | 4 N.J.R. 169(a) |
| 18:10-21.3(c) | Emergency Transportation Tax return | R.1972 d.82 | 4 N.J.R. 142(c) |
| 18:10A-1.1 | Transportation Benefits Tax return | R.1972 d.83 | 4 N.J.R. 142(d) |
| 18:12-4.1 et seq. | Revaluations of real property by appraisal firms | R.1972 d.179 | 4 N.J.R. 249(a) |
| 18:20-24.1 et seq. | Accounting procedures for Sales Tax collections | R.1972 d.258 | 5 N.J.R. 23(b) |
| 18:24-20.1 et seq. | Accounting procedures relating to collection of Sales Tax | R.1972 d.126 | 4 N.J.R. 197(d) |
| 18:24-26 | Revised list of District Supervisors for Inheritance Tax | R.1972 d.113 | 4 N.J.R. 168(a) |

IN ADDITION —

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

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

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

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

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MORTUARY SCIENCE

Proposed Revisions Concerning Trainees and Mortuaries

Maurice W. McQuade, Executive Secretary of the State Board of Mortuary Science in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:7-38, proposes to revise the rules concerning trainees and mortuaries by deleting in its entirety N.J.A.C. 13:36-2.1 (Qualifications for registration) and renumbering the following Sections in Subchapter 2, Chapter 36, Title 13 to reflect that deletion.

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

13:36-5.4 Physical structure of mortuary; separation from living quarters

(a) All mortuaries must have at least one viewing room, equipment, facilities and two private lavatories suitable to serve the general public. However, the requirement for two lavatories shall not apply to any premises registered as a mortuary prior to the effective date of this amendment.

13:36-5.5 Preparation room requirements

(a) Every mortuary must contain a preparation room on the premises which is suitably located and private and shall comply with the following requirements. This [rule] Section shall have no effect on a funeral establishment licensed prior to the effective date of this regulation. [; provided, however, in the event of any transfer of ownership, or change in location of a funeral establishment in this State, following the adoption of this regulation, said funeral establishment's preparation room shall comply with these requirements:]

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before February 28, 1973, to:

Maurice W. McQuade
Executive Secretary
State Board of Mortuary Science
1100 Raymond Boulevard
Room 331
Newark, New Jersey 07102
Telephone: (201) 648-2532

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

Maurice W. McQuade
Executive Secretary
State Board of Mortuary Science
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Revision Concerning Rule on Financial Responsibility

Ray J. Marini, Director of the Division of Motor Vehicles

in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:5-30, proposes to delete in its entirety N.J.A.C. 13:19-10.9 concerning financial responsibility.

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

[13:19-10.9 Financial responsibility

Upon suspension of a driver license privilege under this Subchapter, proof of financial responsibility for the future will be required if one or more violations for which points are assessed resulted in an accident.]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

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

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Proposed Rules Concerning Notification By Insurance Companies of Termination Of Insurance Coverage for Motor Vehicles

Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, after consultation with Richard C. McDonough, Commissioner of Insurance, and pursuant to authority of N.J.S.A. 39:3-4, proposes to adopt rules concerning the notification by insurance companies of termination of insurance coverage for motor vehicles.

Full text of the proposed rules follows:

SUBCHAPTER 6. INSURANCE

13:18-6.1 Notification of insurance coverage termination

(a) An insurer shall issue a notice of termination (FS-4) whenever a motor vehicle liability insurance policy is cancelled within six months of the original effective date.

(b) An insurer shall not issue an FS-4 if the policy is not renewed, except where it is within six months of the original effective date, or when a vehicle is added to or dropped from a policy, or when the policyholder transfers his insurance to another state.

(c) The FS-4 shall be the same notice presently in use except that the policy effective or anniversary date should be shown immediately following the policy number.

(d) Two copies of the notice of termination (FS-4) shall be issued and mailed to the Division of Motor Vehicles within 30 days following (not before) the effective date of a cancellation.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to:

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

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

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

(a)

LAW AND PUBLIC SAFETY

VIOLENT CRIMES COMPENSATION BOARD

Rules on Practice and Procedures Before the Board

On December 18, 1972, the New Jersey Violent Crimes Compensation Board in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 52:4B-9 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on the practice and procedures before the Board, as proposed in the Notice published November 9, 1972, at 4 N.J.R. 277(a).

Such rules will constitute a new Subtitle K of Title 13 in the New Jersey Administrative Code and may be cited as N.J.A.C. 13:75-1.1 et seq.

An order adopting these rules was filed and effective December 21, 1972, as R.1972 d.261.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Quarterly Listing of Legislative Agents

George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-22(h) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, has released the required quarterly report of newly-registered legislative agents, for the third quarter of 1972.

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

Listing of the first 68 registered legislative agents was in the Notice published December 9, 1971, at 3 N.J.R. 267(b); second listing of an additional 48 agents in the Notice published April 6, 1972, at 4 N.J.R. 72(c); and a third listing of 29 legislative agents in the Notice published August 10, 1972, at 4 N.J.R. 190(b).

The following eight legislative agents have registered subsequently, and are listed with their appropriate registration number, name and New Jersey address, whom they are representing, and designation or title:

No. 82. Donald P. Marione, 540 Broad Street, Newark, N.J. 07101, N.J. Bell Telephone Co., assistant vice-president.

No. 87. William R. Holzapfel and Francis R. Perkins, 108 North Union Avenue, Cranford, N.J. 07106, N.J. CATV Association, attorneys.

No. 96. Dinah Stevens, 45 Academy Street, Newark, N.J.

07102, American Civil Liberties Union of N.J., legislative and chapter development director.

No. 110. Charles B. Cooper, 844 River Road, Teaneck, N.J. 07666, League for Conservation Legislation, legislative agent.

No. 117. NJPIRG, Harry Miller and Dr. Eleanor Lewis, 32 W. Lafayette Street, Trenton, N.J. 08608, Students Public Interest Research Group of New Jersey, director of legislative research, and executive director.

No. 119. Albert Johnson, Louis Fusco, Richard Darling, William Kile and Salvatore Buono, 326 West Roberts Avenue, Wildwood, N.J., Fraternal Order of Police, policeman.

No. 123. Robert J. Citrino Jr., 345 Centre Street, Nutley, N.J. 07110, Brunswick Corporation, Pawnbrokers Association of New Jersey and New Jersey Chiropractic Society, legislative agent.

No. 146. Edward T. Blazoski, 425 County Avenue, Secaucus, N.J. 07094, legislative agent.

The above listing of legislative agents for the third quarter of 1972 was filed December 26, 1972, as R.1972 d.262 (Exempt, Mandatory Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rule Concerning Mileage Reading On Certificates of Ownership

On January 2, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4 and 39:10-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule concerning the mileage reading on certificates of ownership, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 307(c).

Such rule may be cited as N.J.A.C. 13:21-5.8.

An order adopting this rule was filed and effective January 2, 1973, as R.1973 d.1.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

LAW AND PUBLIC SAFETY

DIVISION OF MOTOR VEHICLES

Rule on Transfer of Ownership Of Certain Motor Vehicles

On January 2, 1973, Ray J. Marini, Director of the Division of Motor Vehicles in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 39:10-4, 39:10-19 and 39:10-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule on the transfer of ownership of certain motor vehicles, as proposed in the Notice published December 7, 1972, at 4 N.J.R. 307(b).

Such rule may be cited as N.J.A.C. 13:21-5.9.

An order adopting this rule was filed and effective January 2, 1973, as R.1973 d.2.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MORTUARY SCIENCE

Revisions to General Rules of Practice

On December 5, 1972, Maurice W. McQuade, Executive Secretary of the State Board of Mortuary Science in the Division of Consumer Affairs of 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 to the general rules of practice, substantially as proposed in the Notice published June 8, 1972, at 4 N.J.R. 130(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Law and Public Safety.

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

13:36-8.6 Funeral arrangements involving cash or negotiable instrument

[(a) All pre-need funeral arrangements. A cash or negotiable instrument transaction shall be made pursuant to N.J.S.A. 2A:102-13 et seq.]

(a) Upon receipt of pre-need funds or any valuable consideration for a pre-need funeral, every licensed person responsible for the arrangements made shall:

1. Immediately execute an agreement between the funeral home and the person with whom the arrangements are made. Said agreement shall show the client's name, address, date of agreement and the total amount of charges involved.

2. Include any arrangements made regarding the accrual of interest on the account.

3. Place the funds received in an interest-bearing account immediately after receipt thereof in a financial institution as defined in the Banking Act of 1948, N.J.S.A. 17:9A-1 et seq. or the Savings and Loan Act of 1963, N.J.S.A. 17:12B-1 et seq. Said funds shall be so held on deposit, together with any accrued interest thereon. The monies deposited shall be placed in an account in the name of the person for whom the funeral arrangements have been made and shall be payable at death to the funeral director or the named person with whom arrangements have been made upon presentation of a certified copy of death.

(b) Whenever ownership of a mortuary is being transferred or dissolved, each client shall be notified in writing of the transfer and that the trust funds may be withdrawn if so desired.

(c) The estimated account of funeral service expenses along with copies of any communications written pursuant to this regulation shall be retained on record for a period of not less than six years after the demise of the purchaser.

(d) Any funeral home accepting pre-need funeral funds from a welfare recipient shall not accept funds over and above that amount allowed pursuant to N.J.S.A. 45:7-13. Violation of any section of this regulation may constitute unethical and unprofessional conduct, fraud and the performance of a fraudulent act in the conduct of practice.

An order adopting these revisions was filed and effective January 10, 1973, as R.1973 d.16.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

Rules on General Administrative Regulations

On December 13, 1972, Anthony J. Balsamo, Secretary of the State Board of Medical Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules on general administrative regulations, as proposed in the Notice published November 9, 1972, at 4 N.J.R. 272(b).

Such rules may be cited as N.J.A.C. 13:35-9.1 et seq.

An order adopting these rules was filed and effective January 19, 1973, as R.1973 d.27.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

LAW AND PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Revisions to the Form of Quarterly

Report of Legislative Agents

On January 25, 1973, George F. Kugler Jr., Attorney General of the State of New Jersey, pursuant to authority of N.J.S.A. 52:13C-18 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule which revised the quarterly report form which constitutes a part of the rules which implement the Legislative Activities Disclosure Act.

In addition to minor language changes in the introductory and concluding statements on the form, the revisions provide for the addition of a new question No. 2, the text of which follows:

With regard to each item of legislation upon which you acted during this quarter (identify by Bill number), state briefly the position taken (whether supported, opposed, sought amendment or other). Attach additional sheets if necessary.

These revisions will be included in Chapter 1A of Title 13 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective January 25, 1973, as R.1973 d.31 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Proposed Rules and Regulations

For the Office of Cable Television

William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:5A-1 et seq., proposes to adopt rules of practice and

regulations for the Office of Cable Television within the Department of Public Utilities.

Such rules and regulations, if adopted, will constitute a new Subtitle D, Cable Television, and will be included in a new Chapter 12 of Title 14 of the New Jersey Administrative Code.

The proposed rules and regulations concern: scope of rules, construction and amendments, definitions, offices, hours, sessions, communications, official records, radio, television, photographs and sketches, fees and charges, payment of fees and charges, practice before the Board or office, rights of parties, appearances, ethical conduct required, former employees, permitted representation, parties, pleadings and pleadings procedures, petitions, tariff filings, notices, complaint procedures, answers and replies, motions, intervention, hearing procedures, conferences, hearing examiners, reopening of hearings, rehearing, reargument or reconsideration, briefs, compliance with orders, decisions and recommendations, scope of regulations, definitions concerning regulations, plant, service, testing of service, offices, records, bills and payments for service, liability insurance, extension of service, technical standards for system operation, application for municipal consent and general provisions.

Copies of the full text of the approximately 75 pages of these proposed rules and regulations may be obtained from:

Ralph C. Caprio
Secretary
Board of Public Utility Commissioners
101 Commerce Street
Newark, New Jersey 07102

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973 to the Department of Public Utilities at the above address.

A public hearing on the proposed action will be held on March 5, 1973, at 10:00 A.M. in Room 208, 101 Commerce Street, Newark, New Jersey 07102, at which time and place comments, suggestions, recommendations, additions and modifications to the rules of practice and regulations and evidence with respect thereto will be received for the record.

The Board's rules of practice shall govern the proceedings. The time and place of any subsequent hearing, if necessary, will be announced at the March 5, 1973 hearing, but no notice of any such subsequent hearing will appear in the New Jersey Register.

The Board of Public Utility Commissioners, 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.

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

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Rules on Rate Increases and The Federal Price Commission

On December 1, 1972, William E. Ozzard, President of the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-1 et seq. and 42:14B-5(e) and in accordance with applicable provisions of the Administra-

tive Procedure Act of 1968, adopted rules on rate increases and the Federal Price Commission, substantially as proposed in the Notice published November 9, 1972, at 4 N.J.R. 278(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Public Utilities.

Full text of the adopted rules follows:

CHAPTER 1. RULES OF PRACTICE

SUBCHAPTER 17. COMPLIANCE WITH THE ECONOMIC STABILIZATION ACT OF 1970

14:1-17.1 Purpose

The purpose of this rule is to meet all requirements specified in Section 300.304 of the regulations of the Price Commission.

14:1-17.2 Scope

This rule shall apply to all hearings, final orders or proceedings on rate increases before the Board with respect to public utilities subject to price control under the provisions of the Economic Stabilization Act of 1970 as amended which have not been exempted from price controls under the rules of the Cost of Living Council.

14:1-17.3 Notice

(a) Notice of the filing of a proposed tariff change shall set forth the date, hour, place and nature of the hearing to all parties of interest at least twenty days in advance of hearing, unless good cause be shown that this time period be modified, N.J.A.C. 14:1-6.16(c).

(b) Service is required on the municipal clerks in each municipality affected by the rate application, N.J.A.C. 14:1-6.16(b)1.

(c) Public notice is required to all classes of current customers who may be affected by the rate application, N.J.A.C. 14:1-6.16(b)3.

(d) Public notice by transportation utilities is required to be by a conspicuous posting in the vehicles serving the routes affected by the proposed application, N.J.A.C. 14:1-6.16(b)3.

(e) The Attorney General of the State of New Jersey must be served, N.J.A.C. 14:1-6.16(b)2, and has statutory authority to designate rate counsel to represent the public interest.

(f) All necessary rate counsel expenses are assessed against the applicant, N.J.S.A. 48:2-31.1.

(g) Rate counsel is appointed in every major rate case to cross-examine witnesses and produce experts to testify in the public interest.

14:1-17.4 Criteria

(a) The Board will not, on or after the effective date of this rule, approve or authorize any application for an increase in rates by a public utility under its jurisdiction to become effective unless the Board finds and determines that such rate increase meets all five criteria set forth below:

1. The increase is cost justified and does not reflect future inflationary expectations.

i. The petitioner seeking rate relief must supply cost data for a recently completed test year and/or cost data for a test year including at least six months' actual experience. Any projections will be adjusted when actual data become available.

ii. Where necessary and practical, cost allocation studies with respect to rate base, revenues and operating expenses to selected classes and groups of customers are performed for consideration by the Commission as one element in the determination of just and reasonable rates for various categories of utility service. In the establishment of overall

rates for utility service at levels to cover just and reasonable costs of providing adequate service, the distribution of revenue requirements among different classes of customers shall not, on the whole, contribute to inflation.

iii. Estimated data will be adjusted or verified during the course of the proceedings to reflect appropriately actual cost data as it becomes available. Cost data will be normalized to eliminate the effects of abnormal or unrepresentative conditions which exist in that test year.

iv. Cost data will be annualized to reflect known changes occurring during the test year, but not reflected in test-year data. Adjustments may be made to reflect known changes in cost occurring subsequent to the test year, but reasonably related to test-year data. All known decreases in cost as well as increases will be reflected. Adjustments for changes in test year costs will not be made unless either the change is subject to definite computation or reasonable estimation, or in exceptional instances, a cost adjustment is dictated by overriding considerations of public policy and should be allowed despite difficulties in making accurate estimation. In the case of adjustments falling within the latter category—which might include an increased allocation for research and development or for a needed program to protect public health and safety—the Commission will require periodic reporting or impose other protective conditions to assure that the funds allowed are expended for the purpose intended. In no case will an adjustment be made on the basis of unjustified general predictions of future increased costs.

2. The increase is the minimum required to assure continued adequate and safe service or to provide for the necessary expansion to meet future requirements.

i. Costs associated with safety, expansion of service, improvement of service, environmental or ecological protection will be allowed only to the extent that such costs qualify as adjustments for the test year under 1. of this section.

ii. The Board, through its staff, shall review at least on an annual basis the earnings of all utilities subject to its jurisdiction, with recommendations for action where realized earnings exceed rates of return considered reasonable and just.

3. The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the public utility.

i. In determining the appropriate rate of return, the Board will consider the capital structure of the applicant at the end of the test year. Adjustments may be made in the capital structure, and in the costs of various types of capital, where: (1) Required to reflect new financings which are known to be imminent; (2) Required to permit the applicant to eliminate a discrepancy between the existing capital structure and an objective capital structure necessary to assure the financial soundness of the applicant (that is, to permit the replacement of excessive amounts of debt with some form of equity financing where the financial soundness of the applicant otherwise would be impaired); (3) Required to reflect the capital structure and requirements of associated companies; or (4) Required to correct for excessive capital costs resulting from improvident financing practices.

ii. Where the Board is satisfied that a rate base cannot reasonably be determined, operating ratios shall be supplied by the applicant which should be supported by detailed revenue and expense statements for an appropriate prior period, adjusted for all factors that have occurred during said period to annualize both revenues and expenses and further to normalize revenues and expenses to eliminate the effects of unrepresentative conditions. The Board may further require supplementary schedules or documents to show explicit details of those adjustments used

to develop the revenues and expense statements. The rate of return or operating ratio, where applicable, allowed by the Board will not reflect expectations of future inflation.

iii. While the Commission determines a specific rate of return on rate base in order to determine the overall cost of service and a specific revenue requirement, it is done with the understanding that an earned rate of return within a small range around the authorized rate of return is acceptable. If the earned rate of return on common equity subsequent to the rate case increases in several basic points above the specific rate of return incurred, for example, as a result of productivity gains, the Commission may consider this to be within the acceptable range and take no action to reduce the rates for utility service. Conversely, if the earned rate of return on equity fell several basic points below the specific rate of return, the Commission would expect the utility to regard this as a reasonable deviation from the precise rate of return specified in the proceeding.

4. The increase does not reflect labor costs in excess of those allowed by policies of the Federal Price Commission.

i. A wage or salary payment in excess of labor costs allowed by Price Commission regulations and policies will not be considered for ratemaking purposes other than as to that portion allowable under Price Commission regulations and policies, except in those instances where the increase is required by a contract which became binding before November 8, 1971, or where the disallowance of such consideration would create an undue hardship on the employer. In respect to the latter exception, the question of whether an undue hardship will be created on the employer will be considered and determined on an individual case basis, and be allowed only where the Board makes a finding that such disallowance would constitute an undue hardship.

5. The increase takes into account expected and obtainable productivity gains.

i. Expected productivity gains will be taken into account to the extent such gains are susceptible to quantitative measurement in accordance with 1. above. In particular, all productivity gains associated with increases in costs for which adjustments are allowed must be considered with a view to achieving a consistent and balanced projection of future operating experience.

ii. Obtainable productivity gains will be taken into account by identifying, to the extent practicable in a rate case, any present or projected expenditures of the applicant which are found to be excessive or unnecessary. Expenditures for promotional advertising will receive particular attention. Where it is shown that an applicant can reduce the costs of its operations by eliminating or curtail activity in the above area, or unnecessary expenditures, such expenses will be disallowed in computing costs for ratemaking purposes.

14:1-17.5 Inapplicable criteria

(a) The criteria enumerated in N.J.A.C. 14:1-17.4 do not apply to a rate increase authorized for a public utility by the Board under the following circumstances:

1. A rate increase that intends to pass through specific allowable costs, including taxes (except income taxes), purchase of gas expenses, fuel costs, and purchased power costs, but not including labor costs, under an order or approved tariff provision.

2. A rate increase that is intended only to adjust relationships between classes of customers without substantial revenue impact.

3. A rate increase that results from a revision or alternative of the nature or type of service offered to customers, and which does not increase the utility's aggregate annual revenues by more than one per cent.

14:1-17.6 Effect on pending matters

Any utility which, upon the effective date of these rules, has pending before the Commission a tariff filing or petition which would effectuate an increase in rates, shall, if such information is not already included in the utility's filing or in the record, make a showing that the criteria enumerated in Section IV above have been satisfied.

14:1-17.7 Future filings or petitions

Any utility which makes a tariff filing or files a petition for effectuation of a rate increase on or after the effective date of these rules, shall, as part of its filing, make a showing that the criteria enumerated in 14:1-17.4, above, have been satisfied.

14:1-17.8 Filing with Federal Price Commission

On or after the effective date of these rules, the Secretary of the Commission shall promptly forward to the Federal Price Commission a copy of such Commission orders, periodic reports or other information as the Price Commission may require by regulation or otherwise.

14:1-17.9 Effective date

This regulation shall be effective immediately.

An order adopting these rules was filed and effective December 29, 1972, as R.1972 d.264.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PUBLIC UTILITIES

BOARD OF PUBLIC UTILITY COMMISSIONERS

Revised Rules of Practice

On January 13, 1972, the Board of Public Utility Commissioners, pursuant to authority of N.J.S.A. 48:2-32 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule concerning revisions to the rules of practice.

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

14:1-6.10(a) 16. When the property to be sold or leased has a net book cost or fair market value of more than [\$20,000] **\$100,000**, the petitioner must attach to the petition copies of the advertisement required by subsection (b) of this Section and proof of publication;

14:1-6.10(b) Where the Board's approval of sale or lease is required by law and the property has a net book cost or fair market value of more than [\$20,000] **\$100,000**, the property shall be advertised. . . .

14:1-6.10(d) 1. The sale of personal property, other than autobuses, having a net book cost and sale price not in excess of [\$20,000] **\$50,000** and which is no longer used by or useful to the utility;

14:1-6.10(d) 2. Except as provided in this Section, the lease or permission to use or occupy real property or any interest therein having a net book cost not in excess of [\$50,000] **\$100,000** and a net rental not in excess of [**\$5,000**] **\$10,000** per annum;

14:1-6.10(d) 3. The sale or release of real property, or any interest therein, not used by or useful to the utility and having a net book cost and sale price not in excess of [\$20,000] **\$100,000**.

An order adopting these revisions was filed and effective January 10, 1973, as R.1973 d.15 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION

THE COMMISSIONER

**Proposed Rules Establishing
Utility Accommodation Policy**

John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1-5, 27:1A-6, 27:7-13, 27:7-19, 27:7A-7, 40:62-35, 40:62-65, 40:62-134, 40:178-40, 48:7-1, 48:7-2, 48:9-17, 48:9-25-4, 48:13-10, 48:13-11, 48:17-8, 48:17-10, 48:17-16 and 48:19-17, proposes to adopt rules establishing the Department's utility accommodation policy.

Such rules, if adopted, will constitute a new Chapter 25 in Title 16 of the New Jersey Administrative Code.

The proposed rules concern the establishment of criteria used by the Commissioner of Transportation in controlling the use of the right-of-way of State highways and federal aid roads that are subject to the provisions of the U.S. Department of Transportation, Federal Highway Administration Policy and Procedure Memorandum 30-4.1.

The proposed rules apply to all public and private and cooperatively owned utilities, including electric power, telephone, telegraph, water, gas, oil, petroleum products, steam, chemicals, sewage, drainage, irrigation and similar lines that are to be located, adjusted or relocated within the rights-of-way of highways under the auspices of the New Jersey Department of Transportation. Such utilities may involve underground, surface or overhead facilities, either singularly or in combination.

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

Victor A. Rice Jr.
Administrative Practice Officer
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 February 28, 1973 to 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.

John C. Kohl
Commissioner
Department of Transportation

(c)

TRANSPORTATION

THE COMMISSIONER

**Redesignation of Chapters
In New Jersey Administrative Code**

On January 22, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule which

redesignated certain Chapters in Title 16, Transportation, of the New Jersey Administrative Code.

The effect of this rule is to:

1. Transfer Chapter 62 "Contract Administration" of Subtitle K "Fiscal Management", to Chapter 65 of the same Subtitle K, renumbering the Chapter and Sections as appropriate.
2. Designate the present reserved Chapters 62 through 64 as reserved Chapters of Subtitle J, "Aeronautics", to allow for future expansion of that Subtitle.

An order adopting this rule was filed and effective January 23, 1973, as R.1973 d.28 (Exempt, Internal Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TRANSPORTATION THE COMMISSIONER

Rules Concerning Special Aircraft Operating Restrictions

On January 22, 1973, John C. Kohl, Commissioner of Transportation, pursuant to authority of N.J.S.A. 6:1-29 and 27:1A-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted emergency rules concerning special aircraft operating restrictions.

Full text of the adopted rules follows:

SUBTITLE J. AERONAUTICS

CHAPTER 62.

SPECIAL AIRCRAFT OPERATING RESTRICTIONS

SUBCHAPTER 1.

RESPONSIBILITIES AND RESTRICTIONS

16:62-1.1 Definitions

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Rotorcraft" means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

"Gyroplane" means a rotorcraft whose rotors are not engine-driven except for initial starting, but are made to rotate by action of the air when the rotorcraft is moving; and whose means of propulsion, consisting usually of conventional propellers, is independent of the rotor system.

"Gyrocopter" means a small, single or dual plane, open frame, wingless rotorcraft aircraft utilizing a blade (airfoil) rotating on a vertical axis for lift and either towed or engine-driven pusher propeller for thrust.

"Helicopter" means a rotorcraft that, for its horizontal motion, depends principally on its engine-driven lift rotors.

16:62-1.2 Purpose

These rules, imposing operating restrictions for experimental, amateur, homebuilt, rotorcraft type aircraft, are promulgated in the interest of flight safety in order to prevent needless aircraft accidents which may result in damage to public or private property, personal injury or loss of life.

16:62-1.3 Operating requirements for experimental, amateur and homebuilt rotorcraft aircraft

(a) No person shall operate a rotorcraft in New Jersey unless they have complied with the following requirements:

1. The rotorcraft must be inspected and issued a current airworthiness certification by a representative of the Federal Aviation Administration Engineering and Manufacturing District Office;

2. The operator of the rotorcraft must:

i. Complete a formal ground school course in the fundamental basic flying skills;

ii. Complete a formal flight instruction course in conventional aircraft or rotorcraft up to and including his third supervised solo;

iii. Accumulate at least 20 hours of certified pilot flying time;

iv. Be certified competent for solo flight by a certified flight instructor currently qualified in the appropriate rotorcraft aircraft in which the flight instruction is being provided;

v. Comply with Federal Air Regulation, Volume II, Part 21 Certification Procedures for Products and Parts, Subpart A—General, Section 21.191 Experimental Certificates; and Federal Air Regulation, Volume IX, Part 61 Certification: Pilots and Flight Instructors, Subpart A—General, Section 61.61 Eligibility requirements; Section 61.63, Requirements for solo flight; Section 61.65 Airplane operations: flight area restrictions: Federal Air Regulation, Volume VI, Part 91, General Operating and Flight Rules, Subpart A—General, Sections 91.1 through 91.5, 91.9 and 91.42 and Part 91 Subpart B—Flight Rules—General and any other applicable Federal Regulation and directed restriction.

16:62-1.4 Aircraft operator responsibility

(a) Upon demand by the airport manager, the operator of a rotorcraft shall provide documentation indicating:

1. Airworthiness of the aircraft and engine;

2. Pilot qualification:

i. Pilot certificate;

ii. Date of issuance;

iii. Pilot's log;

iv. Instructor's signature.

16:62-1.5 Sanction

Any person who knowingly or willfully makes misrepresentation or false statements pursuant to or violates the provisions of the rules contained in this Chapter 62 shall be subject to the fines and penalties as provided by Laws of 1938, Chapter 48, as amended.

These regulations are available for inspection during normal business hours at the New Jersey Department of Transportation's Office of Aeronautical Development, 1035 Parkway Avenue, Trenton, N.J.

An order adopting these rules was filed and effective January 23, 1973, as R.1973 d.29 (Exempt, Emergency Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TRANSPORTATION THE COMMISSIONER

Revision to Rule On Execution and Distribution

On January 26, 1973, John C. Kohl, Commissioner of

Transportation, pursuant to authority of N.J.S.A. 27:1A-6 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a revision to the rule concerning execution and distribution.

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

16:24-1.3(d) Following execution of the agreement or order by the utility, the Chief, Bureau of Utilities shall forward the agreement or order to the [Chief Counsel] Section Chief, Legal Services for approval as to form and execution, after which it shall be initialed by the Chief Engineer, Design and the State Highway Engineer. The agreement shall then be recommended for approval and execution to the Commissioner on [Form AD-12] a Department action slip, which shall be prepared by the initiating division.

An order adopting this revision was filed and effective January 26, 1973, as R.1973 d.37 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules On Review Of Examination Procedures

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J. S.A. 54:1-35.34, proposes to adopt new rules concerning the review of the examination of applicants for certification as tax assessor pursuant to P.L. 1967, c.44.

Full text of the proposed rule follows:

18:17-1.5 Review of examination procedures

(a) The availability of examination reviews and instructions for requesting a review are to be announced by proctors at examination centers before each examination commences.

(b) To be scheduled for an examination review unsuccessful examinees must write to the Division of Taxation, Local Property and Public Utility Branch, West State and Willow Streets, Trenton, New Jersey 08625, setting forth several alternative dates and times which would be convenient to attend such a review. One of the dates will be selected and the examinee will be advised of the appointment date and time.

(c) Review of a particular examination will be granted only to those who were not successful in passing such examination.

(d) All examination reviews will be conducted in the offices of the Local Property and Public Utility Branch offices in the Division of Taxation Building, West State and Willow Streets, Trenton, New Jersey 08625.

(e) Requests for examination reviews must be made within two months of the date which appears on the notice of the mailing of the examination results.

(f) Examination reviews will be conducted by a representative or representatives of the Local Property and Public Utility Branch. No one other than representatives of the said branch and the person for whom the review is being conducted (the unsuccessful examinee) shall be present at the examination review.

(g) The examination review will consist of:

1. Informing the applicant of his grade and an explanation of how the grade is calculated.

2. Informing the applicant of the grade required for passage of the examination.

3. Specifying the categories which the questions covered and informing the applicant how he fared, category by category. Questions are usually grouped in each examination by categories.

4. Occasionally the reviewer may take up an individual question and go over it specifically with the applicant. This practice however will be limited.

(h) No applicant will be permitted to copy any questions or answers.

(i) No applicant will be permitted more than one review of a particular examination.

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action on or before February 28, 1973, to:

Division of Taxation
Taxation Building
West State and Willow Streets
Trenton, New Jersey 08625
Attention: Henry Ditmars
Telephone: (609) 292-7844

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

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(b)

TREASURY

DIVISION OF PENSIONS

Revisions to State Health Benefits Program And Supplemental Annuity Collective Trusts

On January 2, 1973, William J. Joseph, Secretary of the State Health Benefits Commission in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:14-17.27 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to certain portions of Chapter 9 in Title 17 of the New Jersey Administrative Code concerning the State health benefits program and supplemental annuity collective trusts, as proposed in the Notice published November 9, 1972, at 4 N.J.R. 282(a).

An order adopting these revisions was filed and effective January 4, 1973, as R.1973 d.8.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

STATE TREASURER

Amendments to Rules on Authorization of Bonds or Notes Issued for County College Capital Projects

On December 27, 1972, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 18A:64A-22.1

et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the rules on the authorization of bonds or notes issued for county college capital projects, as proposed in the Notice published November 9, 1972, at 4 N.J.R. 279(a).

Such amendments may be cited as N.J.A.C. 17:16-33.7.

An order adopting these amendments was filed and effective January 4, 1973, as R.1973 d.9.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amend Temporary Reserve Group Listing

On January 15, 1973, the State Investment Council in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a procedural rule which amended the listing of the temporary reserve group by adding the general revenue sharing fund to that listing.

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

17:16-5.5 Temporary reserve group

(a) The temporary reserve group shall include:

1. General Investment Fund;
2. General Revenue Sharing Fund;
- [2] 3. General Trust Funds;
- [3] 4. Higher Education Buildings Construction Fund (Act of 1971);
- [4] 5. Housing Assistance Fund;
- [5] 6. Local Emergency Aid Fund;
- [6] 7. Motor Vehicle Security Responsibility Fund;
- [7] 8. New Jersey Educational Facilities Authority;
- [8] 9. New Jersey Housing Finance Agency;
- [9] 10. 1964 Higher Education Construction Fund;
- [10] 11. Outstanding Checks Account;
- [11] 12. Pension Increase Fund;
- [12] 13. Public Buildings Construction Fund;
- [13] 14. Revolving Housing Development and Demonstration Grant Fund;
- [14] 15. School Building Aid—Capital Reserve Fund;
- [15] 16. State Health Benefits Fund;
- [16] 17. State Lottery Fund—Investment;
- [17] 18. State of New Jersey—Alternate Benefit Program;
- [18] 19. State 1960 Institution Construction Fund;
- [19] 20. State 1964 Institution Construction Fund;
- [20] 21. State Recreation and Conservation Land Acquisition Fund;
- [21] 22. State Recreation and Conservation Land Acquisition Fund (Act of 1971);
- [22] 23. State Transportation Fund;
- [23] 24. State Water Development Fund;
- [24] 25. Transportation Benefit Fund;
- [25] 26. Unclaimed Personal Property Trust Fund;
- [26] 27. Unemployment Compensation Auxiliary Fund;
- [27] 28. Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
- [28] 29. Water Conservation Fund.

An order adopting this amendment was filed and effective

January 16, 1973, as R.1973 d.22 (Exempt, Procedure Rule).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Revisions Concerning Police, Firemen's and State Police Pension Funds

On January 18, 1973, Elmer G. Baggaley, Secretary of the Police and Firemen's Retirement System, the Police and Firemen's Pension Fund and the State Police Retirement System in the Division of Pensions of the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16-7, 43:16A-13 and 53:5A-30 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the Police and Firemen's Retirement System, the Police and Firemen's Pension Fund and the State Police Retirement System, as proposed in the Notice published November 9, 1972, at 4 N.J.R. 283(b).

Such revisions will be included in Chapters 4, 5 and 6 in Title 17 of the New Jersey Administrative Code.

An order adopting these revisions was filed and effective January 19, 1973, as R.1973 d.26.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

NEW JERSEY MORTGAGE FINANCE AGENCY

Revisions to Rules of Mortgage Finance Agency

On January 24, 1973, Robert A. Watson, Executive Director of the New Jersey Mortgage Finance Agency, pursuant to authority of N.J.S.A. 17:1B-4 et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions to the rules of the New Jersey Mortgage Finance Agency, as proposed in the Notice published January 4, 1973, at 5 N.J.R. 23(c).

Such revisions will be included in N.J.A.C. 19:1-1.8 and 19:1-1.13.

An order adopting these revisions was filed and effective January 26, 1973, as R.1973 d.36.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Revisions to Schedule of Charges And Extension of Airline Leases

On December 7, 1972, the Committee on Operations of

the Port Authority of New York and New Jersey adopted revisions to the schedule of charges of flight fees at Kennedy International and LaGuardia airports, as well as revisions to the schedule of charges and extension of airline leases.

Full text of the revisions follows:

Resolved, that the schedule of charges for the use of the public landing area, public ramp and apron area, public aircraft parking and storage areas and related services at LaGuardia Airport, adopted by this Committee by resolution of October 5, 1950 (appearing at page 34 et seq. of the committee minutes of that date), as amended, be and the same is hereby amended, effective January 1, 1973, by amending the first paragraph of Section 1 thereof to read as follows:

"For each aircraft take-off—\$1.25 per thousand pounds of maximum gross weight for take-off of such aircraft, provided that the minimum charge for each take-off shall be \$5.00."

Resolved, that the schedule of charges for the use of public landing area, public passenger ramp and apron area, public cargo ramp and apron area and public aircraft parking and storage areas at Kennedy International Airport adopted by the Committee at its meeting on January 5, 1950 (appearing at page 21 of the Committee minutes of that date), as amended, be and the same is hereby amended, effective January 1, 1973, by amending the first paragraph of Section 1 thereof to read as follows, subject to the approval of general counsel:

"1.(a) Except as set forth in paragraph 1.(b) below, the charge for each aircraft take-off shall be \$0.40 per thousand pounds of maximum gross weight, provided that the minimum charge for each such take-off shall be \$5.00."

Resolved, that the schedule of charges for the use of the public landing area, public passenger ramp area, public cargo ramp and apron area and public aircraft parking and storage areas at Newark International Airport adopted by the Committee by resolution of October 5, 1959 (appearing at page 45 et seq. of the Committee minutes of that date) as amended, be and the same is hereby amended, effective January 1, 1973, by deleting the figure "\$0.55" and substituting the figure "\$0.65" in the section entitled "Public landing charges".

Resolved, that the acting executive director be and he hereby is authorized on behalf of the Port Authority to enter into agreements with United Air Lines Inc., Trans World Airlines Inc., Eastern Air Lines Inc. and American Airlines Inc. extending the terms of their long-term leases at Newark International Airport to December 31, 1973, and providing for the payment of flight fees at the rate of \$0.65 per thousand pounds of maximum weight for take-off of each aircraft subject to the right of the Port Authority to terminate the leases and the letting thereunder on 30 days notice, such agreements being subject to the approval of general counsel.

An order adopting these revisions was filed January 5, 1973, as R.1973 d.12 (Exempt, Exempt Agency).

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Proposed Revisions to Rules of Commission

The Public Employment Relations Commission, pursuant to authority of N.J.S.A. 34:13A-11, proposes to revise several of its rules, which are cited as N.J.A.C. 19:10-1.1 et seq.

The proposed revisions concern posting of notice of petition, intervention and timeliness of petitions.

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

Public Employment Relations Commission
Labor and Industry Building
John Fitch Plaza
Post Office Box 2209
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before February 28, 1973, to the Commission at the above address.

A public hearing respecting the proposed action will be held on Tuesday, March 13, 1973, at 10:00 A.M. in the Auditorium, Health and Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Written submissions are invited.

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.

Maurice J. Nelliga, Jr.
Executive Director
Public Employment Relations Commission

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

PUC CUTS ELIZABETHTOWN WATER'S RATE REQUEST BY \$2.5 MILLION

The Board of Public Utility Commissioners on Dec. 29, 1972 reduced by \$2.5 million in revenues a proposed rate hike by Elizabethtown Water Company. The company had requested additional operating revenues of \$5.5 million and a rate of return of 8.66 per cent. Finding that excessive, the Board approved a revenue increase of approximately \$3 million and a 7.9 per cent rate of return.

Because the PUC had granted the water company interim relief on October 13, 1972, the actual new increase was about ten per cent over then existing rates, to produce \$1.7 million in additional revenues. The average residential water bill was increased by \$1.32 per quarter.

Elizabethtown Water provides service in Union, Somerset, Middlesex, Essex and Mercer Counties.

\$2.38 BILLION CAHILL BUDGET WOULD MEAN NO NEW TAXES

A \$2.38 billion "no tax budget" was presented Jan. 29, 1973 to the State Legislature by Gov. William T. Cahill, whose office and that of all 120 legislators is up for election in November.

In remarks to a joint session of the Legislature the Governor said he was "privileged and pleased to present a proposed budget for fiscal 1974 that is balanced without new or increased State taxes."

Cahill pointed out that the State's total financial resources available to meet the budgetary requirements will be \$2,407,645,788.

"Out of that sum, I am recommending appropriations of \$2,380,605,724 for the new fiscal year, which is an increase of \$308,481,582 over the amounts appropriated or proposed in the current fiscal year."

The new budget anticipates a surplus of more than \$27 million.

Cahill said he thought the budget is "responsible and reasonable, fair and just."

"It is a budget that provides for the necessary and desirable programs and services for our citizens," he said.

"And it is a budget that, despite mandated annual increases, additional State aid and substantial improvement in employed benefits is balanced within the State's available means."

TAX AVOIDANCE

He said the "no tax" aspect is the result of a "healthy and expanding economy, prudent, economical and efficient management of State government and the receipt from the Federal government of long-awaited revenue sharing."

Cahill reiterated earlier statements that the State could get along without an income tax and still have a balanced budget as "long as its citizens want to continue to fund education as it is being funded."

The Governor said that despite the fact that last year he called for \$146 million in new taxes, this year's budget does call for some new programs.

He then cited \$12 million for safe streets, and improvements in the prison program.

The Governor acknowledged to an extent that the budget does preclude new major programs and added: "But then we must do what I believe the citizens want done."

MAJOR INCREASES

Major increases in the budget for State aid are \$89.8 million for education; \$58.6 million for medical assistance to the needy; \$12 million for safe and clean neighborhoods; and \$8.1 million for local highway construction.

Other mandated increases were \$46.6 million for increased employees' salaries and benefits; \$18.4 million for continuing employees' pensions and health benefits; \$16.1 million for railroad and bus subsidies; \$6.6 million for staffing new and existing institutional facilities; and \$5.7 million for staffing increased enrollments in colleges and universities.

The budget also provides for major capital construction.

There is \$20 million for non-Federally aided highway projects; \$10 million for public transportation between New Jersey and Pennsylvania; and \$7.3 for redemption of outstanding bonds.

REVENUE SOURCES

"I believe this budget represents a significant achievement in the face of inflationary rises in the cost of living

and mandatory increases, many of them representing decisions by former governors and legislators," said Cahill.

Revenue sharing was a factor in the balanced budget. The receipts from Federal revenue sharing are projected to be \$145.8 million over the period that began Jan. 1 and will end June 30.

Of that sum, \$53.9 million was already received and "we have estimated that an additional \$30.4 million will be received or due by the end of the State's current fiscal year," said Cahill.

He said the amount projected for fiscal 1974 is \$61.5 million.

"Through wise and expeditious investment of these funds," the Governor said, "the State will earn an additional \$2.9 million in interest."

MAJOR ALLOCATIONS

In the new budget, the appropriation of \$61 million of new revenue, along with \$8.5 million of surplus remaining in the lottery fund, will be spent for some of these major allocations:

- \$22.7 million for local school aid.
- \$15.9 million for spaces for 14,779 additional college students.
- \$5.4 million for construction and renovations at State institutions.
- \$4.2 million for institutions for the retarded.
- \$4 million for correctional institutions, including additional correctional officers, medical staff, personnel and parole officers.
- \$2.6 million for scholarships and student loans.
- \$2 million for new Community Mental Health Centers at the Rutgers Medical School complex.

WORD FOR CRITICS

In conclusion, Cahill said he believes his budget is a "well conceived fiscal plan that meets the needs of the State."

"And it is responsive to the message you and I both receive from the people of New Jersey—they want relief from the relentless cycle of new and rising taxes at all levels of government," he said.

"As in every year, but especially so in this election year, this budget will have its critics; some charging that it does too much and others that it does too little."

Cahill said as always he welcomes constructive criticism from members of the Legislature.

"However, those who complain that this budget does not provide enough should accompany their complaints with specific recommendations on new or increased taxes to pay for additional spending."

He said "similarly, those who charge that the State is doing too much should tell the people what services and programs they would curtail or cut."

PUC ORDERS BELL TEL. COST-OF-SERVICE STUDY; CUTS RATE REQUEST 60 PER CENT

William E. Ozzard, Anthony J. Grossi and George M. Wallhauser Jr. of the Board of Public Utility Commissioners on Dec. 28, 1972 issued a precedent-setting Order as their first rate decision since the Board was certified by the Federal Price Commission.

(The new overall rules governing such rates increases appear as R.1972 d.264 at 55(a) in this issue of the New Jersey Register.)

Several major precedents were established in the Board's ruling on a request which came from the New Jersey Bell

STATE NEWS OF PUBLIC INTEREST

Telephone Company for a 22 per cent hike in rates that would have raised the utility's revenues by \$137,100,000. The PUC slashed that request to \$55,200,000 in rate relief.

It simultaneously ordered a cost-of-service study to reevaluate the giant utility's rate structure and proposed a comprehensive adjustment clause designed to require fewer rate cases.

The PUC said that the December decision was only Phase 1 of the case, in that it determines only the reasonable revenue requirements needed by the company to continue to provide safe, adequate and proper service.

Phase 2 will be an inquiry into the costs which determine the utility's various charges for service. The PUC Order indicated that the findings in Phase 2 could result in major changes in the company's various charges for service and in the elimination of any inequities which might exist in the manner in which those charges are applied.

The Board's proposal for a comprehensive adjustment clause will, under the State's Administrative Procedure Act, consist of a separate set of hearings. The PUC proposed an adjustment clause on salaries and wages, depreciation charges, taxes and miscellaneous expenses. The salary and wage adjustment would be limited to the 5.5 per cent guideline set by the Federal Wage Board and would be further reduced by the average productivity gain of three per cent.

The PUC emphasized that it was proposing the clause as a way of more closely matching operating costs and allowable expenses so that the consumer would face more gradual increases in charges for service. Since the expense for rate cases is borne eventually by the consumer, a lessening of the number of cases is expected to save several million dollars over the next five years.

In its decision, the PUC reduced by \$81.9 million the rate increase proposed by New Jersey Bell for intrastate service. The company's request would have resulted in a rate of return of 0.21 per cent; the Board approved a rate of return of 8.15 per cent and additional annual operating revenues of \$55,215,000.

In an earlier decision by the Federal Communications Commission, the Bell System has been allowed a rate of return of 8.5 to 9 per cent for interstate service.

\$1.5 MILLION IN STUDENT AID GRANTED BY STATE TO 14 PRIVATE COLLEGES

Gov. William T. Cahill recently presented checks totaling \$1,540,000 to 14 New Jersey private colleges and universities to aid them in providing higher education to 8,335 New Jersey students through financial assistance.

The ceremony in the Governor's office was attended by presidents or representatives of the 14 institutions and State Chancellor of Higher Education Ralph A. Dungan.

The checks were the first disbursement of State funds under the Independent Colleges and Universities Utilization Act signed into law last June. In the overall program of State aid to private colleges and universities, \$7 million was appropriated for this year.

In presenting the checks, Governor Cahill said:
"This program is intended to help keep these institutions

of higher learning as a vital part of our educational community and to meet the need to provide more places for New Jersey's young people in private colleges and universities."

The checks were under the cost of education portion of the Act, designed to encourage private colleges to enroll New Jersey students who need financial assistance. Under the legislation, 22 per cent of the first year's appropriation, or the \$1,540,000, is allocated for that program.

The 14 private colleges and universities which elected to participate this year are educating a total of 8,335 eligible New Jersey students, at an average of \$184 in aid for each student.

The institutions involved are Bloomfield College, Caldwell College, College of St. Elizabeth, Drew University, Fairleigh Dickinson University, Georgian Court College, Monmouth College, Princeton University, Rider College, St. Peter's College, Seton Hall University, Stevens Institute, Upsala College and Westminster Choir College.

WETLANDS ACT EXTENDED TO 30,000 ACRES IN THREE SHORE COUNTIES

Approximately 30,000 acres of mapped wetlands in Ocean, Monmouth, and Middlesex Counties are now under the protection of the State Wetlands Act of 1970, despite some public displeasure with the act.

According to Harold Barker, chief of the Bureau of Marinelands Management, which enforces the act, only a portion of the total wetlands (lands washed by tidal waters) in the three counties which have been mapped are protected by the law at this time.

Many smaller wetlands areas, he said, are still being mapped and will fall under protection when the maps are completed.

Under the act, owners of wetland property can not fill in and develop their property without a State permit.

The act is designed to slow down development of the State's wetlands as a means of preserving natural areas and wildlife, said Richard Goodenough, director of the State Marine Services Division.

(The rule covering the extension appeared in the January, 1973, New Jersey Register, at 5 N.J.R. 8(a), with the full text in the previous October issue at 4 N.J.R. 232(a).)

During public hearings on the Wetlands Act conducted by Goodenough in the three counties two months ago, many residents opposed the law.

They said it was unconstitutional because it took away the right of private property owners to do what they like with their property. Other residents claimed the law was vague and that the wetlands maps were incorrect and incomplete.

According to Goodenough, the law was scheduled to become enforceable 60 days after the hearings unless adjustments were made to the mapping or regulations based on the public criticism and opinions at the hearings.

No permits were necessary before the law took effect on Jan. 10, 1973.

Goodenough said 11 counties will eventually be affected by the Wetlands Act, and about 300,000 acres.

DAILY LOTTERY SALES SHORT OF EXPECTATIONS, TOTAL LOWER

New Jersey's daily lottery ticket sales have been running short of State officials' expectations to the extent that combined daily and weekly ticket revenues do not overcome

the deficit incurred by lottery competition from New York and Pennsylvania.

Daily lottery sales for a recent week, according to Lottery Commission Director Ralph Batch, were a little under two million tickets sold, or about \$1 million.

And the advent of the daily tickets has undercut the sale of weekly tickets by 20 per cent, from nearly four million tickets last summer, to under three million tickets, he added.

The combined total of five million tickets with a gross income of \$2.5 million and a net of \$1 million for educational purposes—is a million under the number of weekly tickets sold before New York and Pennsylvania went into the weekly lottery business.

At its height a year ago, Batch said, the State was selling slightly more than 6.1 million tickets a week.

In the early part of 1972, however, both New York and Pennsylvania began copying the New Jersey weekly system, and Pennsylvania added a special "Lucky-7" drawing on Tuesdays.

New Jersey revenues dropped during the first six months of 1972 to about 3.8 million tickets sold weekly. Revenues now are \$500,000 per week behind their initial peaks.

Part of the problem with the daily lottery lies in a balky distribution system. At least a third of the distributors of the weekly tickets have refused to carry the daily traffic because there are no rebates on unsold tickets.

FIRST CONSTRUCTION AWARD MADE FOR MEADOWLANDS SPORTS COMPLEX

First contract for construction at the Hackensack Meadowlands sports complex was awarded last month by the New Jersey Sports Authority. It was for building steel coffer dams that will permanently surround the foundations of the stadium and race track.

Terminal Construction Corp. of Wood-Ridge, the lowest of 14 bidders at \$2,659,000 has already begun the construction.

In effect, the coffer dams are steel shields that will surround the site on which the foundations for the stadium and track will be built, below the surface. They will serve as a buffer for floods and surrounding water.

The Sports Authority also announced that it has retained nationally-known environmentalist Dr. Jack McCormick on a two-year contract, in conformance with the environmental recommendations of the Hackensack Meadowlands Development Commission and the State Department of Environmental Protection.

McCormick's environmental firm will coordinate the many recommendations of the two State agencies following five weeks of environmental impact hearings last summer.

McCormick's firm will be paid \$207,000 for the two years. Its duties will be to work closely with the architects, engineers and contractors "to insure compliance with the recommendations of the State", a Sports Authority spokesman explained.

McCormick will also provide a full-time resident environmental inspector throughout the construction.

McCormick's duties include planning the restoration of the 130-acre Berry's Creek tidal marsh, which the Sports Authority has set aside for an environmental education center.

YOUTH AND FAMILY SERVICES OFFICE BEGINS FULL OPERATIONS STATE-WIDE

The State Division of Youth and Family Services, following eight months of research and planning, began formal

STATE NEWS OF PUBLIC INTEREST

operations last month as the first comprehensive social service agency for families and children in New Jersey.

The new agency has responsibility for meeting the basic service needs of more than 30,000 children now under State supervision.

The Division, a major component in the Department of Institutions and Agencies, is under the direction of Frederick A. Schenck, 44, of Trenton, a 15-year State employee appointed at a \$29,171 salary.

Its responsibilities include adoption and foster care placements; protective services for abused, abandoned and neglected children; casework, counseling and tangible services to families; day care services; residential facilities for neglected and troubled children; and parole supervision of children under 16 years.

In announcing the start of operations, Commissioner Robert L. Clifford of the Department of Institutions and Agencies, stated:

"It is our hope that the new Division wherever and whenever possible will strive to prevent family break-ups by responding affirmatively and quickly when the first signs of difficulty or problems arise.

"When separation is inevitable for the best interests of all, the Division will offer a suitable array of helping services necessary to reunite the family or to allow its members to function individually or independently."

The Division consists of the staffs, powers and responsibilities of the Bureau of Children's Services, which were reassigned Jan. 1 to the new agency from the Division of Public Welfare; the Office of Juvenile Justice and the Community Coordinated Child Care Committee formerly in the Department of Community Affairs; and the day-care licensing powers and early childhood demonstration programs formerly in the Department of Education, and the Day Care 100 Program, transferred from Community Affairs.

For the remainder of the current 1972-73 fiscal year, the Division will utilize the remainder of some \$33 million in Federal funds and \$16.3 million in State funds appropriated to the units that now comprise it. The Division has submitted a higher full year's budget request covering the 1973-74 fiscal year beginning July 1.

STATE TAKES STRICTER STAND ON CANCELLATIONS OF AUTO INSURANCE

State Insurance Commissioner Richard McDonough last month adopted new regulations tightening procedures for non-renewal of car insurance policies for individual owners.

The new regulations spell out for the first time specific guidelines for companies on renewal of policies.

They are included in this issue as R.1973 d.30 at 5 N.J.R. 48(a).

"With these regulations," McDonough said, "the Department is pushing aside all those frivolous reasons for refusing to renew that had nothing to do with the operation of a car."

The Commissioner noted that until now companies had dropped policyholders for a number of reasons, including separation or divorce, age or occupation of the insured, and even if a young person decides to live alone.

"These non-renewal situations are improper," McDonough said, "because they have nothing to do with the operation of an automobile."

Under the new guidelines, renewals may be rejected only if:

- More than one accident involving bodily injury, or more than one accident involving at least \$200 in total property damages occur, for which the company either paid or established a loss reserve.

- The insured is convicted of drunken driving, driving under the influence of drugs, leaving the scene of an accident, criminal negligence, or driving while license is revoked or suspended.

- There is fraudulent or false application for an insurance claim.

- The automobile is used for professional racing.

- The auto is driven while the insured is physically or mentally impaired.

- The insured refuses to submit to a medical examination at the company's expense when the company doubts the operator's ability to drive safely.

McDonough said the regulations were developed to help implement a provision of the State's new no-fault insurance law which says no insurance company can "refuse to renew the required coverage stipulated by this act without the consent of the Commissioner of Insurance."

BOOKLET SUCCINCTLY DESCRIBES NEW RIGHTS OF 18-YEAR-OLDS

The Community Affairs Department last month began distribution of a "Guide to 18-Year-Old Adulthood in New Jersey"—a colorful 20-page pamphlet designed solely to aid New Jersey's estimated 500,000 "new" adults.

A copy has been sent to each municipal mayor in the State, noting that it could serve as "an excellent guide" in explaining the new rights of those youth-now-adults who on Jan. 1 attained the age of majority. Other copies went to schools, colleges, drug programs and anti-poverty agencies.

The booklet summarizes the legal rights and responsibilities acquired by the State's 18-21 population under the new Age of Majority law. It was prepared by the Department's Office of Youth Services and is endorsed by Gov. William T. Cahill and the State Departments of Education, Law and Public Safety and Division of Motor Vehicles.

"This new law will free you from the double standard that made you old enough for some adult rights but not old enough for others," Governor Cahill notes in a personal letter.

"It will give you what you long sought and rightly deserved: The full rights and responsibilities of citizenship and the opportunity to participate fully in our society."

The Governor adds that the new law is "ample proof that we believe the youth of New Jersey have acted and will act responsibly, and in that we have placed our trust. Please remember that the lives of others may depend on your judgment, judgments which may affect you for the remainder of your life."

In simple language, the guidebook covers the young adults' new rights and obligations in these many areas: Adoption, alcohol, buying and selling, contracts, the draft, gambling, appointment to governing bodies and offices, incorporating a business, insurance needs, jury duty, State licenses and permits, marriage and divorce, medical and surgical consent, entering certain occupations and professions, public employment, school rights, suing and being sued, supporting a relative, voting, welfare, and wills and inheritance.

"Guide to 18" explains, for instance, that the new adults now have the right to:

- Buy, sell and consume alcoholic beverages in New Jersey. They may not, however, buy liquor for a minor or drive under the influence of alcohol.

- Contract, borrow money and use credit, but they may have a problem in doing so, because credit ratings are based largely on length of employment and residence, income assets and liabilities.

- Be treated as adults in school, signing their own report cards and absence excuses, but they must still obey school rules and regulations.

- Marry without parental consent, or file for divorce.

- Agree to medical treatment or voluntarily admit themselves for pregnancy, drug or venereal disease examination or treatment.

The publication cautions that the new legislation is in general terms and subject to administrative and judicial interpretation.

"Consequently this booklet should be looked upon as only a guide. It should not be used as a definitive statement of your legal rights in all situations. It is advisable to seek help from legal counsel when you are unsure of your rights or when you think your rights are being violated."

As additional information and advice, a question and answer section and list of aid agencies are included in the booklet.

For those in trouble who cannot afford their own attorney, the booklet lists three agencies which provide free services. For civil offenses, these are: in the Department of Community Affairs, the Office of Legal Services, 363 West State St., Trenton, N.J. 08625, Tel. (609) 292-7262, or the American Civil Liberties Union, 45 Academy St., Newark, N.J. 07102, Tel. (201) 642-2084. Civil Liberties also has aid offices in Camden, New Brunswick and Atlantic City.

For criminal offenses, the State Public Defender, 10-12 North Stockton St., Trenton, N.J. 08625, Tel. (609) 292-7087, or their office at 1100 Raymond Blvd., Newark, N.J. 07102, Tel. (201) 648-2621.

A copy of the booklet may be obtained gratis from the Department's Office of Legal Services listed above.

FORMER GOVERNOR HUGHES ENDORSES CAHILL'S PAROLE REFORM EFFORTS

Former Democratic Governor Richard J. Hughes fully supports the controversial Cahill administration bill which provides for earlier and automatic parole eligibility for prisoners.

"The parole process is the chief underlying cause of prison unrest," Hughes recently said after meeting in the State House with Gov. William T. Cahill's counsel on prison reform problems.

Hughes told Cahill's counsel, James Petralla and James R. Heaney, that the national commission is "quite pleased at what Gov. Cahill has done" in the area of prison reform.

"The members wanted me to ask that Gov. Cahill and Institutions Commissioner Robert L. Clifford continue efforts to improve the correctional process in New Jersey," he said.

Hughes is chairman of the American Bar Association's Commission on Penal Reform, which has been working nationally to improve prison conditions.

"The real danger is the apathy of the American public towards prison reform, and the American citizen who has the 'Archie Bunker' concept of law and order," Hughes said.

"The situation in the prisons right now in New Jersey and

throughout the country couldn't be worse. It is explosively dangerous," he warned.

The parole reform bill—which would make all inmates technically eligible for release after serving six months—has been bottled up in the State Legislature.

Hughes pointed out the measure has appropriate safeguards so that "the government won't release men who are murderers, rapists and dangerous robbers out into society after six months."

"But, by the same token, the bill will help relieve the congestion in our institutions and the constant unrest triggered by the cavalier treatment of the parole boards," he said.

Hughes praised Cahill's efforts towards prison reform during his three years in office.

"Gov. Cahill has done some fine things, already," he said, particularly noting the full-time parole board and the recent creation of a Statewide school district for the prisons.

"The public must understand that prison reform means more than just being humane or charitable. To keep one man incarcerated for years in a festering prison atmosphere that turns out hardened, bitter and dangerous convicts costs the public \$11,800 a year," Hughes pointed out.

The former Governor explained the cost included welfare for the man's family and his own upkeep while serving time.

"Yet, it costs less than \$1,000 a year to keep a man on excellent parole," Hughes pointed out.

"We're very short-sighted," Hughes said. "But we're not alone. It's a common situation throughout the country. The American public has to understand that the way these men come out of prison is very important to their own future and safety."

STATE PLANNING FORCE TO MAKE RECOMMENDATIONS TO GOVERNOR

A 13-man State Planning Task Force to prepare and maintain a comprehensive State physical development plan was created recently by executive order of the Governor.

The new group will particularly concern itself with reviewing the State's capital program as it relates to physical development, and in coordinating such programs and activities of State Departments which affect the environment and the growth of the State.

Members of the task force include ten Cabinet officers and three public members appointed by Governor Cahill to serve at his pleasure. They will prepare recommendations for him on the environmental, social and economic impact of major developments.

The task force thus serves as an interim planning group pending the adoption of legislation creating a permanent State Planning Council.

The Governor pointed out: "We must start immediately on our proposed program of State planning because municipalities and counties are increasingly looking for guidance to the State's development policies for conducting their own planning programs."

"In addition, the Congress of the United States is considering Federal support for the preparation of statewide land use plans and such support will be contingent upon the availability of specific proposals for conducting a statewide planning program responsible to the State's chief executive."

The unit is also charged with integrating State planning policies into the plans of interstate planning agencies and other committees, councils and commissions which prepare plans affecting New Jersey.

The Assistant Commissioner of the Department of Com-

munity Affairs responsible for planning will serve as executive secretary of the task force, and staff services will be provided by the Division of State and Regional Planning.

20 PER CENT CUT IN INFANT DEATHS IS MAJOR AIM OF STATE HEALTH COUNCIL

Lowering the State's infant mortality rate from the 1970 level of 20 deaths per 1,000 live births to a figure of 16 deaths by 1975 tops the list of high priority objectives of the State Health Planning Council in its efforts to improve New Jersey's health care system.

The non-white infant mortality rate is running nearly twice as high as that for white infants. The 1970 figures were 33.2 deaths per 1,000 non-white births compared to 17.3 for whites.

The 1975 mortality rate for non-whites has been projected at 27, and the Council seeks to lower that figure to 25. The 1975 forecast for whites is 15.3 and the Council believes that 14.8 can be reached.

The Council, which earlier had selected a wide range of personal and service health goals, now has begun the process of action.

Reduction in infant mortality is one of six goals upon which the SHPC is focusing its work program. The others are:

- Reduction in rates of disability, particularly for occupational injuries, motor vehicle accidents and venereal disease.

- Reduction in frequency and seriousness of drug addiction.

- Reduction in frequency and seriousness of alcoholism.

- Reduction in those physical environment hazards, such as lead poisoning.

- Development of an efficient, well-coordinated health system under which individual health needs can be met. This will involve consideration of various means of providing health services, such as health maintenance organizations and expanded use of physicians' assistants.

In each category the Comprehensive Health Planning Agency staff, the administrative arm of the Council, is developing realistic alternatives for future implementation, a spokesman said.

The Council is responsible for coordinating all health planning for New Jersey under the Federal Partnership for Health program.

SAFE AND CLEAN STREET PROGRAM SEEN GAINING WIDE LOCAL INTEREST

Numerous inquiries to his office indicate that city mayors are "very much interested" in the Safe and Clean Neighborhoods program proposed to the Legislature by Gov. William T. Cahill, according to Community Affairs Commissioner Lawrence F. Kramer.

The proposal, which also includes cleaning streets and clearing vacant lots, recommends a \$12 million State matching-fund expenditure to return walking police patrols to city neighborhoods. The program would be administered through the Department of Community Affairs.

"Calls we have received since the Governor made his recommendation less than two weeks ago reflect a real readiness by many municipal officials to participate in this 'policeman on the beat' program," Kramer said last month.

He noted that the concept is the one which proved effective in the past—"having the neighborhood policeman-friend in the area, the man who knew everyone by name and where they live or work".

STATE NEWS OF PUBLIC INTEREST

"What is sorely missed today is the policeman who, because of his familiarity with a neighborhood, is able to sense something amiss before it happens and is within ear-shot when something does happen," Kramer stated.

The Commissioner said that because it is a recognized fact that walking patrols are an expensive budget item since their range is more limited than car patrols, the State's plan was devised to aid in meeting the costs.

The program, if adopted by the Legislature, will be offered to 24 municipalities now receiving urban aid, he said. No municipality would receive more in additional State dollars than its current allotment under the urban aid program, with a maximum of \$1 million for all municipalities.

Cities which qualify for the maximum amount are Camden, Jersey City, Newark, Paterson and Trenton.

Other cities which could participate are Asbury Park, Atlantic City, Bayonne, Bridgeton, East Orange, Elizabeth, Hoboken, Irvington, Lakewood, Long Branch, Millville, Neptune, New Brunswick, Orange, Passaic, Perth Amboy, Plainfield, Union City and Vineland.

Kramer said municipalities would have to submit specific plans for the matching funds to the Department of Community Affairs for consideration. If they meet the requirements, the program would be implemented, with a continuing check by the State to insure proper use of the grants.

"One thing we will be particularly concerned with in this portion of the program," according to Kramer, "is that the funds not be diverted from walking patrols into other areas of law enforcement."

STATE CLEAN AIR COUNCIL RECOMMENDS LAND USE PLAN

The New Jersey Clean Air Council has recommended that a State-wide land use plan and zoning guidelines be established to control rapid growth and preserve natural resources.

These and other recommendations are contained in the Council's fourth annual report to Commissioner Richard J. Sullivan of the State Department of Environmental Protection.

They include:

- That Sullivan recommend to Governor Cahill that each state agency be required to submit to the Governor's office an environmental impact statement on any plan or program to be carried out by that agency.

- That a mass transit plan be implemented to reduce air pollution caused by automobiles.

- That an environmental health center be established to research the direct and indirect relationships between air pollution and the health of New Jersey citizens.

The recommendations are an outgrowth of the 1972 public hearings conducted by the Council dealing with the environmental impact of air pollution in New Jersey.

The major considerations were: long-range medical effects of air pollution, effects of growth on air quality, and effects of land use and zoning on air quality.

The annual report, issued by Dr. John Horton, then chairman of the Council, was prepared by Irwin S. Zonis who

served as chairman of the public hearings. Zonis has since succeeded Dr. Horton as Council Chairman.

Copies of the report are available by writing: Bureau of Air Pollution Control, Department of Environmental Protection, Box 1390, Trenton 08625.

PARKWAY TAKES A CUT IN GAS STATION INCOME

The New Jersey Highway Authority has awarded a six-year contract to the Humble Oil Co. to operate four service stations on the Garden State Parkway, which will reduce such income to the toll road by \$60,000.

The contract, which began Feb. 1, calls for the company to pay the Authority 6.7 cents per gallon of gasoline sold at the stations.

An authority spokesman said Cities Service Oil Co. (Citgo) had been paying nine cents per gallon under a contract which expired Jan. 31. He attributed the reduction in the contract terms to the rising market for gasoline in the New Jersey area.

He added that under the new contract, Humble will provide maintenance for the Authority-owned pumps and tanks at the stations, and has agreed to install additional tanks if necessary because of newly-developed gasolines.

Contracts for the Parkway's other five service stations, some of which are also operated by Citgo, expire in 1974.

In other action, Harry D. Sussna of Lakewood was sworn in as a Commissioner on the Highway Authority, bringing it to its full complement of five Commissioners.

The 1973 operating budget for the Authority estimates that income from the Parkway's nine service areas will decrease by \$60,000 because of the decrease in revenue to be paid by Humble.

The Authority's 1973 budget of more than \$57 million represents an increase of \$1.1 million over this year.

A spokesman said approximately \$809,000 of the increase is due to estimated salary increases for toll and maintenance personnel, whose contracts expire July 1, 1973.

38 HEALTH FACILITIES GRANTED CERTIFICATE OF NEED ASSISTANCE

Dr. James R. Cowan, State Commissioner of Health, last month granted Certificates of Need to 38 health facilities projects with a combined estimated cost of \$15,769,235.

Seven proposed projects which were not granted the certificates would have cost \$3,882,870.

The approvals and denials were for review cycle number four which began Aug. 15, 1972 and concluded Nov. 15, 1972.

After the initial portion of the review process, which is conducted at the regional level, the State Health Planning Council reviews all project applications and makes a recommendation to the State Commissioner of Health.

Based upon the recommendations and the material submitted with them, the Commissioner makes a judgment of approval or denial. In case of approval, a Certificate of Need is issued immediately.

Among the latest projects approved were:

1. A plan by Bridgeton Hospital to provide preventive, maintenance, diagnostic and therapeutic medical services for adults and children on an ambulatory basis in the form of a family health care outpatient clinic. The project is estimated to cost \$150,000.

2. Creation of an inpatient psychiatric unit of ten beds in East Orange General Hospital, at \$149,412.

3. Construction of a 250-bed facility consisting of 60 skilled nursing and 190 sheltered care beds by the Little Sisters of the Poor in Paterson. This \$6,943,750 project will

replace two existing facilities currently operated by the Little Sisters of the Poor, one in Paterson and one in Newark.

4. An increase in the number of boarding home beds in the Home for the Armenian Aged in Emerson from 34 to 74, at a cost of \$247,500.

5. Establishing a family health center in Vineland adjacent to the Black and Puerto Rican community, at \$365,000.

6. Approval to the Rutgers Community Health Plan in New Brunswick to establish a health maintenance organization to serve residents of Middlesex, Somerset, Union and Mercer Counties. Project cost, \$300,000.

INFORMATION MEETINGS SET TO EXPLAIN PROPOSED NEW COMMUNITY PLANNING LAW

Four public meetings to answer questions about the Community Planning Law proposed by the Department of Community Affairs have been scheduled for this month.

Commissioner Lawrence F. Kramer said that top officials of all the State's 567 communities have been sent copies of the proposed new law and invited to attend one of the sessions.

Sidney L. Willis, assistant commissioner in the Department in charge of planning, is coordinating the meetings.

He says that "the major objectives of the bill are to give greater clarity and certainty to planning and zoning law, to streamline the processing of development applications and to strengthen planning and its implementation".

Willis noted that the bill has been endorsed by the Federation of Planning Officials, the State League of Municipalities and the State Association of Realtor Boards.

The four regional meetings will be: Feb. 13, Blake Hall, Rutgers University, New Brunswick, 7:30 P.M.; Feb. 15, Musconetcong Golf and Country Club, Hackettstown, 7:30 P.M.; Feb. 20, Cherry Hill Inn, Cherry Hill, 7:30 P.M.; and Feb. 22, Field House, Fairleigh Dickinson University, Teaneck, 8 P.M.

NEW JERSEY PUBLIC TELEVISION IS WINNER OF NATIONAL AWARD

The New Jersey Public Broadcasting Authority and Princeton film producer John Drimmer have been named winners of Alfred I. duPont-Columbia University Awards in Broadcast Journalism for 1971-1972.

Drimmer and the NJPBA were presented the journalism achievement awards at ceremonies Jan. 30 at Columbia University, New York, for their 30-minute production "Towers of Frustration" telecast on the NJPBA's Trenton station, WNJT-TV, Channel 52.

The program provides an inside view of people, problems and conditions in the Stella Wright public housing complex in Newark's central ward.

Both Drimmer and the NJPBA are the youngest recipients of the award. Drimmer is 25 years old, and the N.J. TV network was less than a year old when the program was aired. The award was one of ten presented nationally this year by duPont and Columbia.

In naming Drimmer and the NJPBA as winners, jurors commented, "Experiment and controversy on the nation's public TV stations was at an all-time low because of short funds and sagging morale. There were exceptions, WNJT (Channel 52) the public station in Trenton, N.J. put together a half hour documentary, 'Towers of Frustration' of which any network could have been proud."

"If anyone in Washington wanted proof of a local public TV operation doing top-quality work worthy of network distribution, this well-edited, thoroughly reported half hour was it."

The film, according to the jurors, "depicts problems which are indeed national in application, shared as they were by dozens of instant high-rise slums coast to coast".

The selection of winners was made by a seven-member jury of men and women distinguished in the fields of journalism and public affairs. The duPont-Columbia awards program was established at Columbia in 1968 through agreement between the Alfred I. duPont Awards Foundation and the university's Graduate School of Journalism.

COMMITTEE BEGINS SEARCH FOR STATE PRISON OMBUDSMAN

Commissioner Robert L. Clifford of the Department of Institutions and Agencies announced the appointment of Donald B. Heeb, of East Windsor, and James D. Compton, of Livingston, as members of the Commissioner's Ombudsman Search Committee.

David Norcross, special assistant to Gov. William T. Cahill, completes the committee as chairman.

While the committee is seeking a permanent ombudsman for the State prison complex, Commissioner Clifford last Dec. 20 appointed Joseph F. Steliga of Trenton as the temporary ombudsman.

The position of Commissioner's Ombudsman was established to provide a mechanism for continuing resolution of problems of inmates and correction officers within the State prisons at Trenton, Rahway and Leesburg.

The ombudsman, directly responsible to the Commissioner, will deal with issues which cannot be resolved at the local prison level and look into unresolved personal complaints.

Heeb, an attorney, has been a consultant to Commissioner Clifford the past two years and was an aide during his term as State Commissioner of Insurance.

Compton is executive assistant to the president of the International Union of Electrical, Radio and Machine Workers, AFL-CIO, a member of the board of institutional trustees of the Department of Institutions and Agencies, chairman of the board's committee on correction and parole and active in many civic and welfare organizations.

FOYE IN NEW ADMINISTRATOR POST AT GREYSTONE PARK PSYCHIATRIC HOSPITAL

Morris C. Foye III, of Newton, has been appointed by Commissioner Robert L. Clifford of the Department of Institutions and Agencies to the newly-created post of hospital administrator and chief executive officer of Greystone Park Psychiatric Hospital at Morris Plains.

The appointment was unanimously approved by the hospital's board of trustees on Jan. 18, at a \$30,428 annual salary.

Foye has assumed full administrative responsibilities for the 2,500-bed hospital, which serves a varied urban, suburban and rural area, including Sussex and Morris Counties and heavily-populated Passaic and Bergen Counties. The hospital is part of the Department's Division of Mental Health and Hospitals.

Commissioner Clifford said that Dr. Frank D. Fenimore, who has been acting medical director, at a \$36,116 salary, will continue as medical director with full responsibility for coordinating the therapeutic treatment program.

The Commissioner expressed his gratitude to Dr. Fenimore for having taken on the burdensome tasks of administration in addition to his extensive medical duties during a difficult period.

STATE NEWS OF PUBLIC INTEREST

In announcing the new appointment, Commissioner Clifford noted that Greystone has been functioning under a series of acting medical directors for the past 3½ years.

"The hospital has had continuing problems in the past because of our inability to recruit a permanent qualified medical director with the necessary experience in hospital administration," he commented. "There is a national shortage of psychiatrists, let alone administratively experienced ones."

But the Commissioner feels that the appointment of Foye is "scarcely revolutionary".

"Actually, we are only trying to catch up with the times," he pointed out. "Non-medical administrators are the rule in most hospitals today. In the past several decades a new type of hospital director has developed because of the increasing complexity of the health system and the emergence of the concept of hospitals as fiscally responsible business entities rather than philanthropic money-lovers."

The 40-year-old administrator comes to Greystone from a post as administrator of the Newton Memorial Hospital. Foye's prior administrative posts were at the Millville Hospital, Salem County Memorial Hospital, Delaware Hospital, Wilmington, Del. and the South Shore Memorial Hospital, South Weymouth, Mass.

Foye was graduated from the Babson Institute of Business, Wellesley College, with a B.S.B.A., and holds a master's degree in hospital administration from the University of Michigan. While on duty with the U.S. Army, he attended the Adjutant General's School in personnel management. He also has participated in various seminars in management under the sponsorship of the American College of Hospital Administrators.

He is a member of the College of Hospital Administrators and the American Hospital Association.

Foye resides at 12 Country Club Lane, Newton, with his wife and three children.

NEW JERSEY PUBLIC TV CHIEF ELECTED TO NATIONAL BOARD

Dr. Lawrence T. Frymire, executive director of the New Jersey Public Broadcasting Authority, has been elected to a three-year term on the board of directors of the Public Broadcasting Service.

Dr. Frymire thus joins 11 other public and educational TV executives across the country in setting policy for the national public TV organization, which interconnects the nation's non-commercial TV stations.

Dr. Frymire has been the chief executive officer of the NJPBA since the spring of 1970. New Jersey Public Broadcasting now operates WNJT-TV, Channel 52 in Trenton; and WNJS-TV, Channel 23 in South Jersey. WNJM-TV, Channel 50 in Montclair and WNJB-TV, Channel 58 in New Brunswick will join the New Jersey network this spring.

Dr. Frymire came to the New Jersey Public Broadcasting Authority after serving as professor, radio-television, department of speech and theater, University of Illinois at Chicago Circle from 1969 to 1970. From 1967 to 1969 he was executive director of the Illinois Telecommunications Commission.

HEALTH CARE FINANCING AUTHORITY NAMES DIRECTOR, UNDERWRITING FIRMS

Appointment of J. Robert Lackey as acting executive director of the New Jersey Health Care Facilities Financing Authority has been announced by Dr. James R. Cowan, State Commissioner of Health.

The Authority, recently created by an act of the Legislature, is empowered to sell low-interest, tax-free bonds on behalf of New Jersey health facilities wishing to raise capital for construction, renovation or other authorized expenditures.

Lackey is an assistant commissioner in the Department of Health. He resides in Ewing Township with his wife and two children.

Commenting on Lackey's appointment, Doctor Cowan said:

"The members of the Authority felt that Bob Lackey, who has broad experience in health matters, and was instrumental in the creation of this Authority and intimately involved in its affairs from its inception, was eminently qualified to serve as acting executive director.

"The next few months of intensive organization and preparation necessary for the marketing of bonds will require a firm and knowledgeable hand to assist the members of the Authority to fulfill their important new duties. It was our feeling that Bob Lackey was more than equal to the task."

Appointed as professional advisors to the Authority at their recent initial meeting were Ballard, Spahr, Andrews and Ingersoll as bond counsel; and as senior manager-underwriters, the company of Goldman Sachs. Other underwriters are Bache and Company, Kidder, Peabody and Company, and Salomon Brothers.

It was reported that approximately 30 health care facilities have already formally expressed interest in making application for capital financing through the Authority.

Institutions interested in making such application are urged to contact the acting executive director.

BROWN NAMED ASSISTANT COMMISSIONER TO COORDINATE HEALTH FACILITIES

Dr. James R. Cowan, State Commissioner of Health, recently announced the appointment of Arthur E. Brown to the \$31,700 post as Assistant Commissioner—Division of Health Facilities, effective Jan. 2.

Brown, 44, had been vice president and director of planning for the Hospital Research and Educational Trust, an affiliate of the New Jersey Hospital Association.

Brown's earlier experience included service as executive director of the Health Facilities Planning Council; executive director, Hospital and Health Council of Metropolitan New Jersey; and Chief—Bureau of Medical Facilities, Construction and Planning, Department of Institutions and Agencies.

From 1944 through 1967 he held various positions in Institutions and Agencies, including supervision of the Hill-Burton and Health Facilities Licensing programs.

Doctor Cowan said: "I feel we are especially fortunate to be able to utilize the immense and unique talents that Art Brown can bring to his new position. The work of the Division of Health Facilities is one of the most important aspects of the Department, dealing as it does with health facility licensing, Certificate of Need, the Hill-Burton program, health cost containment, auditing and reports, and other factors included in the implementation of the Health Facilities Planning Act (S-2088).

Brown succeeded William R. Peebles, who is on medical leave of absence from the Department.

He lives with his wife Mary and their three children in Ewing Township.

KENNY APPOINTED TO NEW POST AS ASSISTANT SECRETARY OF AGRICULTURE

Appointment of William E. Kenny of Trenton as Assistant Secretary of the Department of Agriculture has been announced by Secretary of Agriculture Phillip Alampi.

Naming of Kenny to the \$29,999 post marks the first time New Jersey has had an Assistant Secretary of Agriculture since the retirement of the late William C. Lynn in 1967.

Alampi said the appointment is the first step in a general reorganization of the Department of Agriculture for more effective and efficient service.

"William Kenny," he said, "will be of inestimable assistance to me in achieving this goal. His long career with the Department, spanning two decades, has been marked by extremely capable service. He has proved himself to be an excellent administrator."

Kenny, 48, had been director of the Department's Division of Administration since 1962. He joined the State in 1952 as supervisor of farm youth credit services, in 1956 became administrative secretary and in 1960 was promoted to assistant director of the Division of Administration.

He is a 1947 graduate of Rutgers University, where he majored in agriculture. During World War II he served three years in the U.S. Air Force in the European theatre. He recently retired as a Major in the Army Reserve where he served as aviation officer for the 78th Division.

Kenny is a member of the New Jersey State Personnel Council, the American Society for Public Administration, the Public Personnel Association, the Public Employees Relations Council and the New Jersey Agricultural Society.

He is married and father of two sons. Mr. and Mrs. Kenny reside at 6 Bernath Drive, Trenton.

FRINGER APPOINTED NEW ENTOMOLOGY BUREAU CHIEF

Appointment of Robert C. Fringer of Willingboro as chief of the Bureau of Entomology in the State Department of Agriculture at a \$16,207 salary has been approved by the State Board of Agriculture.

Fringer, 39, succeeds William M. Boyd of Lawrenceville, who retired Dec. 31. The new bureau chief had been principal biologist in the Division of Plant Industry since 1966.

He joined the Department in 1955 as an inspector in the Division of Plant Industry and subsequently was promoted to senior inspector and then, supervising inspector.

A native of Illinois, Fringer is a 1955 graduate of the University of Maine where he majored in fish and game management. He received his master of science degree in entomology and economic zoology from Rutgers University in 1972.

He is a member of the American Museum of Natural History and the Wildlife Society. Mr. and Mrs. Fringer reside at 10 Medley Lane in Willingboro with their three children.

ELLIS AND MISERENDINO NAMED TO STATE BOARD OF AGRICULTURE

Two new members of the State Board of Agriculture, as well as a farmer-member of the State Fish and Game Council, were elected at the closing session of the State Agricultural Convention held last month in Trenton.

The new Board members are Walter Ellis Jr., of Yardville and Charles J. Miserendino of Deptford Township, Gloucester County. Raymond Baker of Monmouth Junction was reelected to the State Fish and Game Council, representing the central counties.

The three were selected by the 94 delegates to the agricultural convention, who represented county boards of agriculture, State and Pomona Granges and State breed, commodity and general agricultural organizations. The names of the three will be submitted to Gov. William T. Cahill for appointment.

Ellis is a vegetable producer and Miserendino a swine farmer. They will take office July 1 for four-year terms and will succeed William H. Plenge of Asbury and Joseph K. Hepner Jr., of Cedarville.

Baker, who is a general farmer, will take office April 1 for a four-year term.

TOMS NAMED AS BOARD MEMBER OF HUNTERDON STATE SCHOOL

George L. Toms Jr., of Green Brook, following approval by Gov. William T. Cahill, has been appointed to the board of trustees of Hunterdon State School by the State Board of Institutional Trustees in the Department of Institutions and Agencies.

Toms, a graduate of Rider College, with a B.S. and master's program in secondary education, and graduate work at New York University in personnel administration, also holds an honorary degree from the Georgia Institute of Technology.

He is active in various community activities, youth programs and Cub Scouts, and is with the National Starch and Chemical Corp. as corporate employment director.

Hunterdon State School, newest of the State's seven residential facilities for the retarded, serves severely and moderately retarded residents of both sexes of five years of age and over.

ENVIRONMENTAL EDUCATION PROGRAMS MAKING SHARP GAINS IN STATE'S SCHOOLS

Two hundred forty-two school districts in New Jersey have or are developing environmental education programs, according to a survey conducted during the 1971-72 school year.

The 242 figure represents an increase of 30 per cent in three years in the number of schools actively pursuing environmental education. A similar survey in 1969 identified 185 school districts as being involved.

Commissioner of Education Carl L. Marburger said, "The number and scope of environmental education programs reported as being developed and offered is most encouraging in light of the environmental crisis we all face."

The survey, conducted by the State Council for Environmental Education in cooperation with the State Department of Education, drew a response from 402 of 581 operating school districts.

In the survey, 349 school districts indicated a willingness to cooperate in testing pilot environmental education curriculum materials and 252 are willing to assist in establishing citizens' committees for environmental education.

The survey will help implement the State's Master Plan for Environmental Education, which encourages environmental education in public and nonpublic schools, institutions of higher learning and through adult education and citizens' committees.

STATE NEWS OF PUBLIC INTEREST

WEATHER AND CROP SERVICE CELEBRATES 100TH ANNIVERSARY

Just 100 years ago, the Army Signal Service began issuing special weekly weather reports for farmers.

Last month, as the U.S. Weather and Crop Service began its second anniversary, more than 3,000 county agents, 13,000 weather observers and a corps of crop reporters were involved in supplying information that gives a current weekly picture of the nation's weather and how it is affecting crops.

The reports influence decisions about production, inventories, and ultimately the food supply—and prices consumers pay.

In New Jersey, the weather and crop service is a joint effort of three agencies—the State Department of Agriculture, the U.S. Department of Agriculture through the New Jersey Crop Reporting Service, and the National Oceanic and Atmospheric Administration (once the Weather Bureau) of the U.S. Department of Commerce.

Voluntary crop reporters throughout the State file a weekly progress report with the Crop Reporting Service, which provides basic material for New Jersey's Weekly Digest on crops, markets and the weather.

CODE PUBLICATION NOTICE

FOUR MORE DEPARTMENT'S RULES MAILED AS PART OF STATE CODE

Four more volumes in the New Jersey Administrative Code have just been mailed to subscribers, leaving rules of only two Departments of the State Government yet to be initially published.

Administrative Director Albert E. Bonacci announced that Departmental Titles issued in January were single volumes for Title 7—Environmental Protection and 11—Insurance, the first of three volumes of Title 12—Labor and Industry, and one volume for Title 19—Other Agencies.

Other than the remainder of Labor and Industry's rules, three volumes are yet to be issued for Title 10—Institutions and Agencies.

Total volumes so far distributed come to 16, with the five more due, plus an index volume, making up the full set in its original form.

Meanwhile, the first updating of rules for seven Titles already published have been distributed, with others to follow shortly, Bonacci said.

Supplementing the periodic updating service provided as part of the regular Code subscription, is the monthly Interim Index in the center pages of this New Jersey Register.

This lists all rules more recently adopted by those Departments for which updated rules have been printed. Namely, these are: Agriculture, Banking, Civil Service, Education, Transportation, Treasury-General and Treasury-Taxation.

1972 BOUND VOLUME AVAILABLE IN LIMITED SUPPLY AT \$9.00

The annual bound volume of the 12 monthly issues of the New Jersey Register for 1972 may still be ordered by subscribers, Albert E. Bonacci, Director of Administrative Procedure, announces.

Bonacci warned that the supply is limited, with orders accepted on a first-come basis.

Price is \$9.00 each, payable in advance, postpaid.

Check or money order should be made out to Treasurer, State of N.J. and orders mailed to the Division of Administrative Procedure, 10 North Stockton St., Trenton, N.J. 08608.

The volume will be of 324 pages in so-called Perfect bound form and is the same size as previously.

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

RULES ADOPTIONS ROSE 11 PER CENT LAST YEAR OVER FILINGS IN 1971

The rate of adoption of administrative rules by New Jersey State agencies—their regulations designed to protect and assist the public—accelerated in 1972, according to Albert E. Bonacci, Director of the Division of Administrative Procedure in the Department of State.

In a release to the press last month he said that the number of such new or amended regulations filed with his Division and going into effect last year rose to 267, an increase of 27 rules, or 11 per cent, over 1971.

The administrative director noted that such rules have the same effect and legality as do laws passed by the State Legislature and signed by the Governor.

The 267 new 1972 rules now in effect compare to 240 adopted in the previous year, Bonacci reported. At year-end, there were 78 more rules proposed but not yet adopted by the 17 major Departments and other agencies of the State Government. A year earlier, 77 such rules had been pending.

Among all State agencies, the greatest number of new rules last year were the 49 adopted or proposed by the Department of Law and Public Safety, which covers a wide area of responsibility, including Motor Vehicles Division, Alcoholic Beverage Control, State Police and various professional licensing boards, as well as the Attorney General's office.

Other major rules activities were by the Departments of Institutions and Agencies, with 40, and then Treasury, Agriculture and Environmental Protection, in that order.

All proposed new rules are printed in advance each month in this New Jersey Register to provide an opportunity for public consideration and suggested changes before they may be adopted, Bonacci noted.

Once adopted, such rules will later be printed in the regular update service of the New Jersey Administrative Code, the 23-volume, loose-leaf compilation of all New Jersey rules, also published by the Division of Administrative Procedure.

Both rules publications are available on subscription from the Division, 10 North Stockton St., Trenton, N.J. 08608.

IN THIS ISSUE

(CONTINUED FROM FRONT COVER)

TRANSPORTATION

- Proposed Utility Accommodation Rules . . . 5 N.J.R. 57(b)
- Redesignate Chapters in Code 5 N.J.R. 57(c)
- Adopt Aircraft Operation Rules 5 N.J.R. 58(a)
- Revise Execution Rule 5 N.J.R. 58(b)

TREASURY

- Proposed Examination Review Rules . . . 5 N.J.R. 59(a)
- Revise Health Benefits Program 5 N.J.R. 59(b)
- Amend County College Bond Rules 5 N.J.R. 59(c)
- Amend Reserve Group Listing 5 N.J.R. 60(a)
- Revise Police, Firemen's Pension Rules . . 5 N.J.R. 60(b)

NEW JERSEY MORTGAGE FINANCE AGENCY

- Revise Rules of Agency 5 N.J.R. 60(c)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

- Revise Airline Lease Schedule 5 N.J.R. 60(d)

PUBLIC EMPLOYMENT

RELATIONS COMMISSION

- Proposed Revisions to Rules 5 N.J.R. 61(a)

ADMINISTRATIVE CODE INTERIM INDEX - Page 21

PUBLIC INTEREST News Items - Pages 33-44

RULES FILING DEADLINE Next Issue - Feb. 23

OFFICIAL LISTING OF TITLES AVAILABLE TO CODE BUYERS

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

Four of the Departmental Titles involve such a number of rules as to require two or more volumes, with price based on a per-volume, rather than Title, basis.

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

1. CHIEF EXECUTIVE (Reserved)
2. AGRICULTURE
3. BANKING
4. CIVIL SERVICE
5. COMMUNITY AFFAIRS
6. EDUCATION
7. ENVIRONMENTAL PROTECTION
8. HEALTH
9. HIGHER EDUCATION
- *10. INSTITUTIONS AND AGENCIES—In 3 Volumes.
11. INSURANCE
- *12. LABOR AND INDUSTRY—In 3 Volumes.
13. LAW AND PUBLIC SAFETY—In 2 Volumes.
14. PUBLIC UTILITIES
15. STATE
16. TRANSPORTATION
17. TREASURY-GENERAL
18. TREASURY-TAXATION—In 2 Volumes.
19. OTHER AGENCIES.

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