

NEW JERSEY REGISTER



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(a)

AGRICULTURE

STATE BOARD OF AGRICULTURE

Proposed Deletion of Gypsy Moth Quarantine Rules

The State Board of Agriculture has proposed to delete in its entirety Chapter 20, Quarantines, Subchapter A, Gypsy Moth, as adopted by the State Board of Agriculture on February 25, 1969 pursuant to N.J.S.A. 4:1-21.5 and 4:7-36-38, by mail ballot received by the New Jersey Secretary of Agriculture as of January 8, 1971, due to the fact that the United States Department of Agriculture, ARS Plant Protection Division, Domestic Quarantines, Chapter III, Part 301 (301.45-2a) effective January 8, 1971, has declared the entire State of New Jersey to be infested with the gypsy moth. Therefore the State Board of Agriculture regulation dealing with the State gypsy moth quarantine is no longer necessary.

The deleted text is as follows:

The fact has been determined by the New Jersey State Board of Agriculture, and notice is hereby given that a dangerously injurious insect, the gypsy moth (*Porthetria dispar* L.) exists in the State of New Jersey.

Now, therefore, we the New Jersey State Board of Agriculture, under authority conferred by Chapter 7, Title 4, Revised Statutes of the State of New Jersey, 1937, do declare the same to be epidemic and do hereby designate within the State of New Jersey a regulated area described below and by this notice of quarantine do order that the regulated articles as designated below shall not be moved or allowed to be moved from points within the regulated area to points outside that area in manner or method or under conditions other than those prescribed in the regulations supplemental hereto.

Regulated Area:

Bergen County: the entire county.

Burlington County: The townships of Bass River, Chesterfield, Evesham, Medford, New Hanover, North Hanover, Pemberton, Shamong, Southampton, Springfield, Tabernacle, Washington and Woodland; and the boroughs of Medford Lakes, Pemberton, and Wrightstown.

Essex County: The entire county.

Hudson County: The entire county.

Hunterdon County: The entire county.

Mercer County: The townships of East Windsor, Hamilton, Princeton, Washington, West Windsor, and that portion of Hopewell lying within an area bounded on the east,

north, and west by Hunterdon and Somerset County lines and on the south by County Highway 518; and the boroughs of Hightstown, Hopewell, and Princeton.

Middlesex County: The entire county.

Monmouth County: The entire county.

Morris County: The entire county.

Ocean County: The entire county.

Passaic County: The entire county.

Somerset County: The entire county.

Sussex County: The entire county.

Union County: The entire county.

Warren County: The entire county.

Regulations Imposed:

Regulated materials as follows, may not be moved from points within the regulated area to points outside that area, unless such materials have been inspected and a certificate issued therefore, by an inspector of the Department authorized to make such inspections and certification in accordance with the laws of New Jersey.

Regulated Articles

All stages of the gypsy moth (*Porthetria dispar* L.)

All timber products, manufactured or unmanufactured, including poles, piles, bark, pulpwood, lumber, excelsior, shavings, and sawdust. Manufactured wood products, such as furniture, containers, and similar articles, except when maintained under conditions of exposure to infestation, are exempt from regulation.

All trees, shrubs, plants, and vines having persistent woody stems, and parts thereof, excepting seed and fruit other than cones.

Stones and quarry products.

Miscellaneous hazardous material: Railroad cars, scrap materials such as salvaged lumber or other products of demolished buildings, fences, scrap metals, bricks, building blocks, concrete or cinder, trailers, camping equipment, cable reels, construction equipment and any other materials which have been exposed within the regulated area in such manner as to make them capable of harboring the gypsy moth in any of its stages.

Further information concerning this proposed deletion can be secured by writing or calling:

The Director, Division of Plant Industry
New Jersey Department of Agriculture
P.O. Box 1888
Trenton, New Jersey 08625
Phone: (609) 292-5440

Philip Alampi, Secretary
State Board of Agriculture
Department of Agriculture

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules filed by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-5.

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Subscriptions to the New Jersey Register are available from the Division of Administrative Procedure. Rates, payable in advance, are, one year, \$6, single issue, 50 cents.

(a)

BANKING

Rules Implementing New Jersey Mortgage Finance Agency

On January 11, 1971, Robert A. Watson, Executive Director of the New Jersey Mortgage Finance Agency in the Department of Banking, 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 rules and regulations designed to effectuate the general purpose of the New Jersey Mortgage Finance Agency Act, as proposed in the Notice published December 10, 1970 at 2 N.J.R. 98(b).

An order adopting the above rules was filed and effective January 13, 1971 as R.1971 d.7.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Limits on Amounts of Real Estate Loans and Investments

On January 15, 1971, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of the "Savings and Loan Act (1963)" as amended (N.J.S.A. 17:12B-168) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a regulation concerning the limitation on amounts of real estate loans and investments for State chartered savings and loan associations substantially as proposed in the Notice published December 10, 1970 at 2 N.J.R. 97(c).

An order adopting the above rule was filed and effective January 15, 1971 as R.1971 d.8.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

BANKING

THE COMMISSIONER

Rule Implementing Governmental Unit Deposit Protection Act

On January 15, 1971, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9-41 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule relating to the implementation of the Governmental Unit Deposit Protection Act as proposed in the Notice published December 10, 1970 at 2 N.J.R. 97(d).

An order adopting the above rule was filed and effective January 15, 1971 as R.1971 d.9.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

BANKING

THE COMMISSIONER

Short Term Investment Of Cash in Fiduciary Accounts

On January 15, 1971, James C. Brady, Jr., Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-43 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a rule relating to the short term investment of variable amounts of cash held in fiduciary accounts, substantially as proposed in the Notice published December 10, 1970 at 2 N.J.R. 98(a).

An order adopting the above rule was filed and effective January 15, 1971 as R.1971 d.10.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(e)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Rules Concerning Administration of Funds

Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:27D-3, proposes to adopt regulations governing the administration of funds received by the State of New Jersey under the federal Higher Education Act of 1965, as amended (20 U.S.C. 1001 et seq.) and to adopt therefore Chapter 50 of Title 5 of the New Jersey Administrative Code, as follows:

Subchapter I—General Provisions

N.J.A.C. 5:50-1.1 As used in these regulations, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

"Act" means Title I of the federal Higher Education Act of 1965, as amended, 20 U.S.C. 1001 et seq.;

"Administrator" means the administrator designated by the commissioner to administer the grant from the federal government to the State of New Jersey under the federal Higher Education Act of 1965, as amended;

"Commissioner" means the commissioner of the Department of Community Affairs;

"Community service program" means an educational program, activity, or service offered by an institution or consortium of institutions of higher education designed to assist in the solution of community problems in rural, urban, or suburban areas with particular emphasis on urban and suburban problems. The term may include but is not limited to a research program, an extension or continuing education activity, or a course, provided, however, that such courses are extension or continuing education courses and are either fully acceptable toward an academic degree, or of college level as determined by the institution offering such courses;

"Council" means the Title I State Advisory Council established by these regulations;

"Department" means the Department of Community Affairs.

N.J.A.C. 5:50-1.2 Title I of the Higher Education Act of 1965, as amended, (20 U.S.C. 1001 et seq.) authorizes the appropriation of federal moneys for the purpose of assisting the people of the United States in the solution of community problems such as housing, poverty, government, recreation, employment, youth opportunities, trans-

portation, health, and land use through the use of grants to strengthen community service programs of colleges and universities.

N.J.A.C. 5:50-1.3 As permitted by the act (20 U.S.C. 1003) the State of New Jersey designated the Department of Community Affairs as the agency responsible for the development, submission, administration and supervision of the State plan for utilization of Title I funds in New Jersey. This designation was accomplished by a letter from the Governor to the Commissioner, Office of Education, U.S. Department of Health, Education and Welfare, dated June 12, 1967.

N.J.A.C. 5:50-1.4 Pursuant to the authority vested in him by the designation of the Governor and Title I of the Higher Education Act of 1965, as amended, the Commissioner has appointed a Title I Administrator in the Division of Human Resources. All correspondence regarding this program should be directed to: State Administrator, Title I Program, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

Subchapter 2, Title I—Advisory Council

N.J.A.C. 5:50-2.1 As required by Title I of the Higher Education Act, the Commissioner hereby formally establishes a 15 member Title I State Advisory Council. Seven of the council members shall be representatives from colleges and universities within the State; six shall be selected from among residents of the State who have an active interest in the goals of this program. The Chancellor of Higher Education and the Commissioner of Education shall also serve as members of the council. All members shall have full voting rights.

This Council shall be the successor in interest to the council which has served in an advisory capacity since the inception of the Title I program in New Jersey.

N.J.A.C. 5:50-2.2 The Commissioner shall appoint the seven members representing colleges and universities and the six members from among New Jersey residents. The Chancellor of Higher Education and the Commissioner of Education shall serve for their term of office.

Of the seven representatives from colleges and universities first appointed, three shall be appointed for a term of one year each, two for a term of two years each and two for a term of three years each. Of the six members chosen from among New Jersey residents, two shall be appointed for a term of one year each, two for a term of two years each and two for a term of three years each. The successors of the members first appointed shall be appointed for four-year terms. Vacancies other than by expiration of terms shall be filled for the unexpired term.

N.J.A.C. 5:50-2.3 The duties of the Council shall be to advise the State Administrator and the Commissioner on the administration of Title I funds in the following areas:

a) the preparation and completion of the Annual State Plan

b) review of proposals submitted to the State Administrator with a request for funds by colleges and universities.

c) methods of evaluation of current programs utilizing Title I funding and review of completed evaluations with regard to their use and application.

d) communication with the federal or State government about the relationship between the Title I program and relevant college or university community service programs.

e) such other policy matters arising in the development or administration of the State Plan as the State Administrator or Commissioner may bring to the attention of the Council.

The Department retains all power regarding final decisions on programs funded with Title I moneys. In the event of a disagreement between the State Administrator and the Advisory Council, the final decision on the matter shall be made by the Commissioner.

N.J.A.C. 5:50-2.4 The Council shall meet at least once annually at the call of the Commissioner and at such other times as the Council shall determine the time and place of such other meeting to be fixed by resolution of the Council.

Subchapter 3—General Grant Information

N.J.A.C. 5:50-3.1 Grants may be made only to colleges or universities located in New Jersey. A grant may be made to one college or university acting as the representative of a consortium of colleges.

N.J.A.C. 5:50-3.2 Grants may be for any program through which the college will provide some form of community service to assist in the solution of community problems in fields such as housing, poverty, government, recreation, employment, youth opportunities, transportation, health and land use.

N.J.A.C. 5:50-3.3 Priority shall be given to programs which: a) increase the capacity of the university to provide continuing assistance in the solution of community problems after the particular Title I program is completed, and b) indicate some commitment by the college to continue its community service activity beyond the grant period.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before March 1, 1971, to:

Administrator
Title I Program
Department of Community Affairs
Post Office Box 2768
Trenton, New Jersey 08625

The Commissioner of Community Affairs, upon his own motion or at the instance of any interested party, may thereafter adopt the above regulations substantially as set forth without further notice.

Edmund T. Hume
Commissioner
Department of Community Affairs

(a)

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND URBAN RENEWAL

Rules Governing Limited-Dividend And Nonprofit Housing Corporations

On January 18, 1971, Edmund T. Hume, Commissioner of Community Affairs, pursuant to authority of N.J.S.A. 55:16-11 and 52:27D-22 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a repeal of all previously adopted regulations of the Public Housing and Development Authority, and adopted therefor, as Chapter 13 of Title 5 of the New Jersey Administrative Code, rules governing limited-dividend and nonprofit housing corporations and associations as proposed in the Notice published September 10, 1970 at 2 N.J.R. 70(b).

An order adopting these rules was filed January 22, 1971 as R.1971 d.15.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments to Rules Concerning Teacher Certification

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, proposes to amend the rules relating to Teacher Certification by repealing Subchapter E "Methods of Certification" and adopting Subchapter E "Bases for Certification" (N.J.A.C. 8:11-50 et seq.).

The rules and regulations set forth in N.J.A.C. 8:11-50 et seq. would supersede present rules pertaining to requirements for a New Jersey teacher certificate, approved programs and equivalent out-of-state programs for certification, requirements for temporary certificate, approved teaching major and minor programs, substandard certificates, procedures for application, exchange and foreign teachers, certification appeals and interstate contracts.

Copies of the complete revision proposed are on file and may be obtained from:

Clyde E. Leib
Office of the Commissioner
New Jersey State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before 4 p.m., March 2, 1971 to the above address.

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

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

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Repeal of Certain Rules Pertaining to Teacher Certification

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, proposes to amend the rules relating to Teacher Certification by repealing N.J.A.C. 8:11-71 (a), (b), (c), (e), (f), from Subchapter F.

The above rules relate to teaching certificates required for nursery school, elementary, secondary, subject or field certificate and classroom teachers of the handicapped.

Copies of the proposed deletions from Subchapter F are on file and may be obtained from:

Clyde E. Leib
Office of the Commissioner
New Jersey State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before 4 p.m., March 2, 1971 to the above address.

The State Board of Education, upon its own motion or at the instance of any interested party, may thereafter repeal the above rules substantially as set forth without further notice.

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

(c)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Rules Concerning Supplement to Standards For State Approval of Teacher Education

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, proposes to adopt a rule pertaining to Supplement to Standards for State Approval of Teacher Education (N.J.A.C. 8:11-100 et seq.), as follows:

8:11-100 Supplement to Standards for State Approval of Teacher Education

This Supplement will be used by the Office of Teacher Education and Certification in the following ways:

(1) in conjunction with the Standards for State Approval of Teacher Education (Circular 351) to evaluate and approve teacher education programs in New Jersey colleges

(2) as the basis for defining the additional requirements to be met in order to qualify for a regular certificate, by applicants who have completed only an approved teacher education minor program and are, therefore, eligible initially only for a Temporary certificate

(3) as the basis for evaluating the eligibility of candidates for certificates who (a) have completed teacher education programs in out-of-State colleges, or (b) wish to qualify in accordance with the Rules regarding the issuance of New Jersey certificates to experienced teachers from other states

(4) as the basis for defining the nature and extent of the general education background, professional, and subject matter specialization studies that will constitute the under-graduate and/or graduate Certificate Programs designed by colleges for candidates who already possess the academic degree required for a certificate

(5) as the basis for evaluating the eligibility of individuals for emergency and provisional certificates, when teacher shortages make it necessary for local public school districts to apply for such certificates to persons who do not qualify for regular certificates (see Rules, Appendix B)

8:11-101 Common Requirements - All Teacher Education Programs

Except when specifically indicated below, the following requirements apply to all college programs leading to a New Jersey teacher's certificate:

I. Bachelor's Degree

Approved programs, except where noted otherwise below, will lead to a bachelor's or higher degree. Certificate

programs designed for students who already hold the appropriate degree required for the certificate will apply the accreditation policies indicated in II, below.

II. College Accreditation

(a) Except as indicated below, degrees will be recognized for purposes of college programs leading to teacher certification in New Jersey only from colleges approved by the National Council for Accreditation of Teacher Education, or accredited by the State Board or Department of Education of the state in which the college exists.

(b) Professional preparation presented by students for transfer credit to New Jersey colleges offering teacher certificate programs will be accepted only from other New Jersey colleges approved for the preparation of teachers by the New Jersey State Board of Education and, except as indicated below, from such out-of-State colleges as are approved or accredited for purposes of teacher preparation by the National Council for Accreditation of Teacher Education, or by the State Board or Department of Education in the state in which the college is established.

(c) College degrees and professional preparation from colleges in states in which the State Board or Department of Education lacks authority to regulate the establishment of colleges or to give approval for purposes of teacher education, will be accepted as transfer credit for purposes of teacher certificate programs in New Jersey only if the college is accredited by the National Council for Accreditation of Teacher Education, or if such degrees and professional preparation are accepted for purposes of teacher certification by the State Department of Education in the state in which the college exists.

III Recommendations of National Academic and Professional Organizations

National learned societies and professional associations with special interest in curricula for the preparation of teachers have significant contributions to make to the improvement of teacher education programs. On the basis of extensive study and research, some of these organizations have developed guidelines for the preparation of teachers. It is expected that an institution will work out the rationale for its various teacher education curricula with due consideration given to such guidelines. Due consideration means that the institution is acquainted with these guidelines and has critically examined them in relation to developing the teacher education curricula offered.

IV General Education

Except where indicated otherwise below, approved programs will include a minimum of forty-five semester-hour credits of college study in general education areas such as the following, including study in at least four areas: English, mathematics, science, social studies (anthropology, economics, geography, history, political science, sociology), fine and practical arts, foreign languages, music, philosophy, psychology. Programs leading to the elementary endorsement must include study in English, mathematics, science, and social studies.

Recommendations and guidelines of the appropriate national academic and professional groups should be given due consideration in developing college programs in general education.

V Professional Education

Except where indicated otherwise below, approved programs will include a minimum of fifteen semester-hour credits in professional education distributed over four or more of the following areas, and including study in each starred (*) area. This study may be accomplished in

either separate or integrated courses. These fifteen credits do not include student teaching.

* a. **Methods of Teaching.** Studies designed to develop understanding of the aims and techniques of instruction, including courses such as the following: general methods, methods of teaching elementary, secondary, vocational-technical subjects, or handicapped children, visual aids in education, and individualizing instruction. Programs for the preparation of elementary teachers must include study of the teaching of each of the following curriculum areas: (1) creative arts, such as fine arts, industrial arts, crafts, music; (2) health, safety, and physical education; (3) language arts, including reading; (4) mathematics; (5) science; (6) social studies.

* b. **Educational Psychology.** Studies designed to develop understanding of human development and learning, including courses such as the following: psychology of learning, human growth and development, child psychology, adolescent psychology, psychology of the handicapped, psychological foundations of education, educational measurements and mental hygiene.

c. **Field Experiences.** Pre-student teaching field experiences and studies in working with inner-city, suburban, and rural children, youth and adults in a variety of community and school programs, including activities such as tutoring, small group leadership, community agency participation and individual case studies.

d. **Human and Intercultural Relations.** Studies designed to develop understanding of social interaction and culture change, including courses such as the following: urban sociology, history of minority groups, intergroup relations, and suburban and inner-city problems.

e. **Curriculum.** Studies designed to develop understanding of curriculum design and construction, including courses such as the following: principles of curriculum construction, the elementary, secondary, special education, or vocational-technical curriculum, a study of the curriculum in a specific subject or field of teaching, and extra-curricular activities.

f. **Foundations of Education.** Studies designed to develop understanding of the educational implications of social, political, historical, cultural and philosophical context in which schools are conducted, including courses such as the following: history of education, philosophy of education, social foundations of education, comparative education, and educational sociology.

g. **Student Personnel Services.** Studies designed to develop understanding of the student personnel and special services program of the school, including courses such as the following: student personnel problems, principles of guidance, tests and measurements, educational, vocational, psychological, and health counseling, school psychology, school social work, educating the handicapped.

h. **Electives in professional education.**

VI Student Teaching

One hundred and fifty clock hours of approved student teaching. At least ninety clock hours must be devoted to responsible classroom teaching; sixty clock hours may be employed in observation and participation. This requirement is in addition to the fifteen credits in professional education in V, above.

VII Physiology and Hygiene

In accordance with the provisions of New Jersey Statutes (RS 18:13-4, 1903) students must take an examination in physiology and hygiene. In lieu of this examination the applicant may take college study in areas such as biology, personal health problems, community health, school health, family health, health counseling, nutrition, or

health administration. This requirement does not apply in the fields of art, business education, foreign languages, health education, industrial arts, library studies, music, and physical education.

Copies of the complete text may be obtained from:
Clyde E. Leib
Office of the Commissioner
New Jersey State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-4040

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before 4 p.m., March 2, 1971 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 above rule substantially as set forth without further notice.

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

(a)

EDUCATION

STATE BOARD OF EDUCATION

Programs for Learning Disabilities

On January 18, 1971, 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 regulations relating to programs for learning disabilities as proposed in the Notice published December 10, 1970 at 2 N.J.R. 99(c).

An order adopting the above regulations was filed and effective January 2, 1971 as R.1971 d.12.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Learning Disabilities Teacher-Consultants

On January 18, 1971, 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 regulations relating to learning disabilities teacher-consultant as proposed in the Notice published December 10, 1970 at 2 N.J.R. 99(a).

An order adopting the above regulations was filed and effective January 22, 1971 as R.1971 d.13.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Provisional Learning Disabilities Teacher-Consultant Endorsement

On January 18, 1971, 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 new rule relating to Provisional Learning Disabilities Teacher-Consultant Endorsement as proposed in the Notice published December 10, 1970 at 2 N.J.R. 99(b).

An order adopting the new rule was filed January 22, 1971 as R.1971 d.14.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

DIVISION OF MARINE SERVICES

BUREAU OF NAVIGATION

MOTOR BOAT NUMBERING SECTION

Proposed Revision of Boat Regulation 1-11 (Equipment)

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to authority of N.J.S.A. 12:7-34.49, proposes to revise Regulation 1-11 (Equipment) of the New Jersey Boat Regulation to read as follows:

REGULATION 1-11 EQUIPMENT

No person shall operate or allow any person to operate any motorboat in or on the waters of this State unless said motorboat is carrying on board the minimum equipment for motorboats as is required in the Federal regulations set forth in the Federal Boating Act of 1940, amendments thereto of 1958, and as may be amended.

The equipment set forth in the above paragraph will be required to be produced by the operator when requested to do so by a Marine Patrolman or any law enforcement officer of the State on the motorboat whenever such motorboat is in operation. Failure to produce such equipment will be a violation of this regulation.

Interested persons may present statements or arguments in writing relevant to the proposed revised regulation on or before April 5, 1971, to:

James K. Rankin
Acting Director
Division of Marine Services
Post Office Box 1889
Trenton, New Jersey 08625

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

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules Establishing Surface Water Quality Criteria

Richard J. Sullivan, Commissioner of Environmental Protection, pursuant to the authority of N.J.S.A. 13:1D-1, et seq. (P.L. 1970, c.33), proposes to adopt "Rules and Regulations Establishing Surface Water Quality Criteria", a synopsis of which follows:

SYNOPSIS

The proposed regulations are intended to amend and update "Regulations Establishing Certain Classifications to be Assigned to the Waters of this State and Standards of Quality to be Maintained in Waters so Classified", as adopted by the New Jersey State Department of Health (the predecessor agency) effective September 1, 1964, and amended on March 1, 1966 and May 1, 1967.

The proposed Surface Water Quality Criteria will comprise the following:

1. Statement of policy on the protection and enhancement of water resources.
 2. Glossary of terms.
 3. Parameters of quality consisting of numerical values and narrative descriptions for defined water uses.
- The parameters of quality are proposed for all of New Jersey's fresh, tidal and coastal waters (interstate and intrastate). These parameters will include the following:
- a. Floating solids, settleable solids, oil, grease, color and turbidity.
 - b. Toxic or deleterious substances including but not limited to mineral acids, caustic alkali, cyanides, heavy metals, carbon dioxide, ammonia or ammonium compounds, chlorine, phenols, pesticides, etc.
 - c. Taste and odor producing substances.
 - d. pH.
 - e. Dissolved oxygen.
 - f. Temperature.
 - g. Radioactivity.
 - h. Bacterial quality.

Copies of the proposed "Rules and Regulations Establishing Surface Water Quality Criteria" may be obtained from:

Bureau of Water Pollution Control
Division of Water Resources
Room 403, Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

Interested persons may present to the Division of Water Resources at the above address statements or arguments in writing relevant to the proposed action prior to March 16, 1971 on all matters desired to be brought to the attention of the Department.

A public hearing on the foregoing proposed action will be held on March 16, 1971, beginning at 10:00 A.M. at the Student Center Theatre, Rider College, Route 206, Trenton, New Jersey.

The Department of Environmental Protection, upon its own motion or at the instance of any interested party, may thereafter adopt the proposed "Rules and Regulations Establishing Surface Water Quality Criteria" substantially as set forth without further notice.

Richard J. Sullivan
Commissioner
Department of Environmental Protection

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

Proposed Manual for Hospital Services

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963, c.413 (N.J.S.A. 30:4D-1 et seq.), proposes to adopt a manual of rules and regulations governing hospital service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of hospital services available to eligible recipients of the New Jersey Health Services Program. (See Explanatory Note below). This manual establishes definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Medical Care Administration
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-7672

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 25, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

Proposed Manual for Special Hospital Services

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963 c.413 (N.J.S.A. 30:4D-1 et seq.), proposes to adopt a manual of rules and regulations governing special hospital service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of special hospital services available to eligible recipients of the New Jersey Health Services Program. (See Explanatory Note below). This manual establishes definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Medical Care Administration
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-7672

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 25, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Manual for Pharmaceutical Services

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963 c.413 (N.J. S.A. 30:4D-1 et seq.), proposes to adopt a manual of rules and regulations governing pharmaceutical service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of pharmaceutical services available to eligible recipients of the New Jersey Health Services Program. (See Explanatory Note below). This manual establishes definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Chief, Pharmaceutical Services
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-7633

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 25, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Manual for Physician's Services

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963 c.413 (N.J. S.A. 30:4D-1 et seq.), proposes to adopt a manual of rules

and regulations governing physician's service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of physician's services available to eligible recipients of the New Jersey Health Services Program. (See Explanatory Note below). This manual establishes definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Medical Care Administration
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-7672

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 25, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Manual for Vision Care Services

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of the New Jersey Medical Assistance and Health Services Act, P.L. 1963 c.413 (N.J. S.A. 30:4D-1 et seq.), proposes to adopt a manual of rules and regulations governing vision care service participation in the New Jersey Health Services Program.

The proposed manual is concerned with the provision of vision care services available to eligible recipients of the New Jersey Health Services Program. (See Explanatory Note next page). This manual establishes definitions, general policies and procedures for authorization and billing for eligibility to obtain reimbursement under the New Jersey Health Services Program.

Copies of the manual may be obtained from:

Vision Care Unit
Division of Medical Assistance and Health Services
36 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-7160

Interested persons may present statements or arguments in writing relevant to the proposed manual on or before February 25, 1971, to the Division of Medical Assistance and Health Services at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

EXPLANATORY NOTE:

The above five proposed manuals all refer to regulations under the so-called "Medicaid" program as it operates in New Jersey.

An explanation of the program, together with rules as to individuals who are eligible, is included below, as it appears verbatim in each of the manuals:

FOREWORD

"The New Jersey Medical Assistance and Health Services Act (Chapter 413, Laws of 1968) established a program of assistance and services for defined groups of persons to enable them to secure quality medical care. This is the New Jersey version of a program commonly known as "Medicaid" or "Title XIX".

"In identifying persons eligible for such assistance and services this will be known as the New Jersey Health Services Program.

"This manual is designed for use by providers billing for services furnished under the program. It contains informational and procedural material the provider will need to assist in prompt and efficient payment of claims and to answer questions which patients may ask about the program.

"The procedures described in this manual have been devised to achieve the goals of the program with due consideration to the needs of the covered persons and effective relationships with providers.

"A careful effort has been made to insure that the provisions of the law and the regulations are accurately reflected. This issuance should help to assure that the law is uniformly applied without regard to where covered services are furnished."

CHAPTER I

GENERAL INFORMATION ABOUT THE PROGRAM

"100. WHO IS ELIGIBLE

"In general, Medical Assistance will be available to the following individuals:

"All individuals receiving financial assistance under the State programs of Old Age Assistance, Assistance for Dependent Children, Aid to the Blind and Assistance to the Permanently and Totally Disabled. (These are referred to as "categorical assistance" programs.)

"Persons who would be eligible for financial assistance under one of the above programs except for a requirement that is specifically prohibited by Federal law or regulations, such as execution of a reimbursement agreement.

"Persons who meet the standard of need applicable to their circumstances under one of the categorical assistance programs, but who are not receiving and do not apply for such assistance.

"Children between 18 and 21 who, except for school attendance requirements, would be eligible for the State program of Assistance for Dependent Children.

"Children under 21 years of age in foster placement under supervision of the Bureau of Children's Services for whom maintenance is being paid in whole or in part from public funds.

"The spouse of a recipient of old age assistance, assistance for the permanently and totally disabled, or assistance for the blind who is living with such recipient and whose needs are taken into account in determining the amount of financial assistance for the recipient."

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF PUBLIC WELFARE

Proposed Amendment of the Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to amend Section 2101. "Definitions" of the Division of Public Welfare Manual of Administration, as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

2101. Definitions

.15 Parent Person

a. Legal Authority

In ADC, by law, certain relatives may be recognized as taking the place of a parent. The term "parent person" will be used to designate one or more such relatives who include, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Such relative must be one with whom the dependent child is living in a place of residence in New Jersey maintained by one or more of such relatives as his or their own home.

b. Interpretation

The relatives enumerated in the law are interpreted to include the following:

1) Any such blood relatives, including those of half blood, and such persons of preceding generations as denoted by prefixes of "grand", "great", or "great-great" are within this definition.

2) Persons who legally adopt another person (the adopted person need not be a minor) as well as the natural and other legally adopted children of such adopted persons. Under New Jersey law, relatives of persons who adopt children become legally related to such adopted children to the same extent as they are related to natural children of the adopting person.

[3] The mother and the maternal grandparents of an out of wedlock child.

4) The father, and the paternal grandparents of an out of wedlock child when such relationship is determined from a court order of filiation or a written voluntary admission of the reputed father.]

3) A maternal relatives of an out of wedlock child, within the relationships enumerated in a., and b., may be considered as a parent person.

4) A paternal relative of an out of wedlock child, within the relationships enumerated in a., and b., may be considered as a parent person only when the paternity of the child has been established by judicial process or by written voluntary admission of the father.

5) Spouses of any such persons named in above groups. Such relatives may be considered "parent persons" even though the marriage is terminated by death or divorce.

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before February 25, 1971, 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 the above amendment substantially as set forth without further notice.

Lloyd W. McCorkle
Commissioner

Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Changes in Medical Assistance for Aged Manual

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to revise the Medical Assistance for the Aged Manual of Administration as follows (deletions indicated in brackets [thus]):

3520. METHODS OF PAYMENT

3521. Medical Services

All approved medical services shall be paid for by vendor payments.

[3522.] [Nursing Home Patient Requiring Hospitalization]

[Whenever a recipient of medical assistance must be removed from a nursing home to receive hospitalization, and the county welfare board determines that continued payment of medical assistance for nursing home care is necessary to maintain availability of accommodations in the same facility to which the recipient can return, such payment shall be approved for a period of 14 days or for the period of hospitalization, whichever is less, either]

[a. at the regular rate established for the particular nursing home; or]

[b. at a lower rate guaranteeing availability of accommodations as established by any existing agreement between the welfare board and the nursing home.]

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before February 25, 1971, 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 set forth without further notice.

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES DIVISION OF PUBLIC WELFARE

Proposed Amendments to Manual of Administration

Lloyd W. McCorkle, Commissioner of Institutions and Agencies, pursuant to authority of N.J.S.A. 44:10-3 and 44:7-6, proposes to revise the Manual of Administration by adding Section 2238 "Diagnostic Examinations" and deleting County Series #3, Attachment #7, "Procedures and Maximum Allowances for Certain Medical Care Needs," and in its place add amendments to Procedures and Maximum Allowances, 2200 Appendix XIII, as follows (additions indicated in bold face thus; deletions indicated in brackets [thus]):

2238. Diagnostic Examination Services

.1 Statement of Policy

This section is concerned with medical specialty consultant evaluation services and diagnostic studies (i.e. clinical laboratory, diagnostic x-ray and special diagnostic examinations) incident thereto, authorized by a county

welfare board upon recommendation of the medical review team or a physician consultant to the local agency (including a medical consultant employed by the Division of Medical Assistance and Health Services), when deemed essential as part of the initial determination of medical eligibility in one of the categorical assistance programs requiring such a decision. This section is not applicable to a recipient receiving health benefits (medical assistance) as an eligible person under a categorical assistance program or programs administered by the Bureau of Children's Services.

These examinations and procedures are exclusively for diagnostic purposes as an incident of program eligibility. are chargeable as matchable administrative costs, and a medical vendor payment should be promptly made upon approval of the consultant's report by a reviewing physician employed by the State agency.

.2 Maximum Allowances for Medical Specialty Consultant Evaluation Services

The following schedule of fees is exclusive of laboratory, x-ray and other special diagnostic studies which may be required.

a. Diagnostic consultation and Report (ophthalmologic includes refraction; otological includes audiometric screening) other than psychiatric or neurologic \$25.00

b. Diagnostic Consultation requiring complete psychiatric or complete neurological examination or complete neuropsychiatric examination, with detailed Report \$35.00

c. Limitations on Payment

Payment of the above allowance is to be approved only when:

1) the specialist has received prior authorization from the Agency to perform the diagnostic evaluation and,

2) the examination is performed by a qualified specialist (i.e. eligible for or certified by the appropriate American Board; recognized by hospital, community and peers as a specialist; and practice is limited to the specialty). See current Membership Directory of the Medical Society of New Jersey.

.3 Diagnostic X-ray and Interpretation; Radio Isotope Studies

a. The fee(s) as listed in Schedule of Maximum Plan Payments, Series 575 (Appendix XIII), as issued by the Medical-Surgical Plan of New Jersey (Revised 1/1/70) shall be approved when diagnostic x-ray or radio isotope studies are deemed essential by the medical specialist authorized to perform the diagnostic consultant evaluation.

b. Limitation on Payment

Payment based on the allowances listed by the Medical-Surgical Plan, Series 575, shall be limited to medical specialists as defined in 2238.2c 2).

.4 Clinical Laboratory and Special Diagnostic Examinations

a. The fee(s) as listed on the Schedule of Maximum Plan Payments, Series 575 (Appendix XIII), issued by the Medical-Surgical Plan of New Jersey (Revised 1/1/70) shall be approved when laboratory and/or special diagnostic studies are deemed essential by the medical specialists authorized to perform the diagnostic consultant evaluation.

b. Limitation on Payment

1) When multi-channel automated laboratory equipment is available in the community and the clinical laboratory studies required by the consultant are included in the battery of tests available in a multi-channel automated laboratory determination, the sum of the charges for three or more clinical laboratory studies ordered by the consultant shall be billed to the Agency at a cost not to exceed a charge reflecting the customary fee for the entire

automated battery. Under no circumstances shall payment exceed the Medical-Surgical Series 575 schedule for each test when less than four clinical laboratory studies are deemed essential by the consultant and are available as part of the determination furnished by an automated laboratory, regardless of whether the test is performed individually or as part of the profile produced by the multi-channel test battery.

2) The most frequent biochemical procedures performed and reported by multi-channel automated profiles are: (1) Blood glucose, (2) Cholesterol, (3) Uric Acid, (4) Transaminase (Sgot), (5) Total Protein, (6) Serum Albumin and the Albumin-Globulin Ratio, (7) Alkaline Phosphatase, (8) Urea Nitrogen, (9) Calcium, (10) Bilirubin, (11) Lactic Acid Dehydrogenase and (12) Inorganic Phosphorus.

3) Laboratory services provided by an independent laboratory must be charged to the Agency by the consultant ordering the studies at the same cost charged the physician plus a fee of \$1.50 for drawing the blood sample. A copy of the laboratory report must be attached to the consultant's report to the Agency.

Copies of the complete amendments may be obtained from:

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

Interested persons may present statements or arguments in writing relevant to the proposed action, on or before February 25, 1971 at the above address.

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

Lloyd W. McCorkle
Commissioner
Department of Institutions and Agencies

(a)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Proposed Fire Protection and Life Safety Standards for Homes for the Aged

The State Board of Control, pursuant to authority of N.J.S.A. 30:11-1 et seq. and N.J.S.A. 30:11A-1 et seq., proposed at its meeting on December 17, 1970 to adopt new fire protection and life safety standards for homes for the aged.

A summary of the rules follows:

1. That residential sections of homes for the aged meet the fire protection and life safety standards currently required for boarding homes for sheltered care as contained in Chapter III of the Manual of Standards for New Boarding Homes for Sheltered Care.

2. That nursing units in homes for the aged meet the fire protection and life safety standards currently required for nursing homes as contained in Section III, Subsection J., and Sections IV and VI in the Manual of Standards for Nursing Homes.

3. That where residential and nursing units of homes for the aged are located in the same structure, the fire protection and life safety standards for a nursing home be made applicable to both the residential and nursing units.

4. That homes for the aged be granted a two-year period

to meet the proposed standards and that following promulgation of the standards, the homes for the aged be requested to submit a written proposal to the Department within 60 days indicating a plan to be in conformity with the standards within a two-year period.

The proposed standards shall be applicable to all existing and new facilities licensed or approved as a home for the aged under the provisions of N.J.S.A. 30:11-1 et seq. and N.J.S.A. 30:11A-1 et seq.

Copies of the complete text of the proposed standards may be obtained from:

Office of the Commissioner
Department of Institutions and Agencies
135 West Hanover Street
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action to the Office of the Commissioner, Department of Institutions and Agencies at the above address, on or before February 24, 1971.

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

Lloyd B. Wescott
President
State Board of Control
Department of Institutions and Agencies

(b)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES

BUREAU OF COMMUNITY INSTITUTIONS

Supervision Regulations for Nursing Home Administrators

On December 21, 1970, Lloyd B. Wescott, President of the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1, et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted supervision regulations for nursing home administrators substantially as proposed in the Notice published November 5, 1970 at 2 N.J.R. 90(c).

An order adopting the above rules was filed and effective December 29, 1970 as R.1970 d.154.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

INSTITUTIONS AND AGENCIES

DIVISION OF COMMUNITY AND PROFESSIONAL SERVICES BUREAU OF COMMUNITY INSTITUTIONS

General Guidelines for Long-Term Care Units in Hospitals

On December 21, 1970, Lloyd B. Wescott, President of the State Board of Control of the Department of Institutions and Agencies, pursuant to authority of N.J.S.A. 30:11-1, et seq. and in accordance with applicable provisions of

the Administrative Procedure Act of 1968, adopted general guidelines for long-term care units in hospitals as proposed in the Notice published November 5, 1970 at 2 N.J.R. 90(b).

An order adopting the above rules was filed and effective December 29, 1970 as R.1970 d.155.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Automobile Insurance Plan

On December 30, 1970, Robert L. Clifford, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-3.1 and 17:1C-c(e) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to the New Jersey Automobile Insurance plan as proposed in the Notice published December 10, 1970 at 2 N.J.R. 101(b).

An order adopting the above rules was filed and effective January 5, 1971 as R.1971 d.4.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF PROFESSIONAL BOARDS STATE BOARD OF MEDICAL EXAMINERS

Podiatry Internship Rule

On January 13, 1971, the State Board of Medical Examiners, pursuant to authority of N.J.S.A. 45:9-2 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted a new rule concerning podiatry internship as proposed in the Notice published December 10, 1970 at 2 N.J.R. 101(e).

An order adopting the above rule was filed and effective January 13, 1971 as R.1971 d.6.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF PENSIONS

PROPOSED AMENDMENTS OF NEW JERSEY PRISON OFFICER'S PENSION FUND

Joseph R. Jablonski, Secretary of the Prison Officer's Pension Fund in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:7-19, proposes to amend N.J. A.C. 17:7-7 "Appeal from Commission Decisions" of the New Jersey Officer's Pension Fund Rules, as follows (Additions indicated in bold face thus; deletions indicated by brackets [thus]):

17:7-7. APPEAL FROM COMMISSION DECISIONS:

[Appeals from any decision of the Commission must be registered in writing with the Fund within 45 days following formal advice to the aggrieved party. If no written statement is received within the 45-day period, the determination of the Commission shall be considered final.]

The following statement shall be incorporated in every written notice setting forth the Commission's determination in a matter where such determination is contrary to the claim made by the claimant or his legal representative:

"If you disagree with the determination of the Commission in this matter, you may appeal by sending a written statement to the Commission within 45 days from the date of this letter, informing the Commission of your disagreement and all of the reasons therefor. If no such written statement is received within the 45-day period, this determination shall be considered final."

Interested persons may present statements or arguments in writing, orally in person or by telephone relevant to the proposed action before 4:00 p.m., February 24, 1971, to:

Joseph R. Jablonski, Secretary
Prison Officer's Pension Fund
137 East State Street
Trenton, New Jersey
Phone: (609) 292-3404

The New Jersey Prison Officer's Pension Fund, upon its own motion or at the instance of any interested party, may thereafter adopt this amendment substantially as above without further notice.

Joseph R. Jablonski
Secretary
Prison Officer's Pension Fund

(d)

TREASURY

DIVISION OF TAXATION

Proposed Emergency Transportation Tax Rule

Sidney Glaser, Acting Director of the Division of Taxation, pursuant to authority conferred upon him by the provisions of Section 19(b) of the Emergency Transportation Tax Act, L.1961, c.32, as amended, and based on an opinion of the Attorney General dated June 6, 1962, proposes to adopt the following rule of the Emergency Transportation Tax Bureau concerning the obligation to file the annual New Jersey Emergency Transportation Tax Return:

Emergency Transportation Tax Rule

Any resident of New Jersey subject to the tax imposed by the Emergency Transportation Tax Act, L.1961, c.32, as amended, who has filed a 1970 income tax return with the State of New York and has paid the amount of income tax liability thereon to that State, shall not be required to file a return with the New Jersey Division of Taxation under the New Jersey Emergency Transportation Tax Act, as amended, based upon his 1970 income derived from sources in New York.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action on or before March 1, 1971, to:

Augustus J. Costigan
State Supervisor
Emergency Transportation Tax Bureau
Tax Building
State and Willow Streets
Trenton, New Jersey 08625
Telephone: (609) 292-5044

The Acting Director of the Division of Taxation, upon

his own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as set forth without further notice.

Sidney Glaser
Acting Director
Division of Taxation
Department of the Treasury

(a)

TREASURY

DIVISION OF PENSIONS

COUNCIL OF SUPPLEMENTAL ANNUITY COLLECTIVE TRUST

Proposed Amendments in Rules Of Supplemental Annuity Collective Trust

William J. Joseph, Secretary of the Supplemental Annuity Collective Trust, pursuant to authority of P.L.1963, c.123, proposes to amend N.J.A.C. 17:8-3, 17:8-22.1 and 17:8-22.2, as follows (additions indicated in bold face thus; deletions indicated within brackets [thus]):

17:8-3. APPEALS FROM COUNCIL DECISIONS:

[Appeals from any decision of the council must be registered in writing with the Division of Pensions within 45 days following formal advice to the aggrieved party. If no written statement is received within the 45 day period, the determination of the council shall be considered final.]

The following statement shall be incorporated in every written notice setting forth the council's determination in a matter where such determination is contrary to the claim made by the claimant or his legal representative:

"If you disagree with the determination of the council in this matter, you may appeal by sending a written statement to the council within 45 days from the date of this letter, informing the council of your disagreement and all of the reasons therefor. If no such written statement is received within the 45-day period, this determination shall be considered final."

17:8-22.1. FULL MONTHLY PAYMENTS:

No annuity shall be due to a retirant or beneficiary unless it constitutes a payment for an entire month.

17:8-22.2. APPROVED ANNUITY:

A participant shall have the right to (a) withdraw, or (b) cancel or change an application for retirement at any time before his annuity becomes due and is paid; thereafter the annuity shall stand as approved.

Interested persons may present statements or arguments in writing, orally in person or by telephone, relevant to the proposed action before 4 p.m. on January 27, 1971 to:

William J. Joseph, Secretary
Supplemental Annuity Collective Trust
137 East State Street
Trenton, New Jersey 08625
Telephone: (609) 292-3676

The Council of the Supplemental Annuity Collective Trust, upon its own motion, may thereafter adopt the regulations substantially as proposed without further notice.

William J. Joseph, Secretary
Supplemental Annuity Collective Trust
Department of the Treasury

(b)

TREASURY

STATE INVESTMENT COUNCIL

Classification of Funds

On January 9, 1971, Norman E. Hardy, Deputy State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted revisions of State Investment Council Regulations 16:3-5.140 concerning "Classification of Funds" as proposed in the Notice published December 10, 1970 at 2 N.J.R. 102(c).

An order adopting the above rules was filed and effective January 4, 1971, as R.1971 d.1.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF TAXATION

TRANSFER INHERITANCE TAX BUREAU

Transfer Inheritance Tax Rules

On January 4, 1971, Sidney Glaser, Acting Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:50-1, et seq. and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted certain rules and amendments to existing rules concerning the taxation of decedents under the Transfer Inheritance Tax Act (N.J.S.A. 55:33-1, et seq.) as proposed in the Notice published December 10, 1970 at 2 N.J.R. 102(g).

An order adopting the above rules was filed and effective January 4, 1971, as R.1971 d.2.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF TAXATION

MOTOR FUELS TAX BUREAU

Motor Fuels Tax Act

On January 4, 1971, Sidney Glaser, Acting Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:39-10 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted amendments to N.J.A.C. 18:18-1G(9)a as proposed in the Notice published December 10, 1970 at 2 N.J.R. 102(f).

An order adopting the above rules was filed and effective January 4, 1971 as R.1971 d.3.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF THE STATE LOTTERY

STATE LOTTERY COMMISSION

Rules for State Lottery

On January 5, 1971, Ralph F. Batch, Executive Director of the State Lottery Commission in the Department of the Treasury, pursuant to authority of N.J.S.A. 5:9-7(a) and in accordance with applicable provisions of the Administrative Procedure Act of 1968, adopted rules and regulations for the establishment and operation of the New Jersey State Lottery Commission substantially as proposed in the Notice published December 10, 1970 at 2 N.J.R. 104(a).

An order adopting the above rules was filed and effective January 5, 1971 as R.1971 d.5.

Albert E. Bonacci
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

EFFECTIVE ENFORCEMENT OF NEW DIESEL EXHAUST CONTROL LAW WILL INVOLVE THREE AGENCIES

The newest major action by the state in fighting pollution—control of exhaust smoke from diesel-powered motor vehicles—becomes effective in June and involves joint enforcement by three different state agencies.

It is covered by a new Chapter 14 of the State Air Pollution Control Code, which was adopted in December, as reported in the Jan. 1971 New Jersey Register, 3 N.J.R. 4(a), to become effective six months later.

Although spearheaded by the Department of Environmental Protection, it also enlists facilities of the State Division of Motor Vehicles and of the Public Utilities Commission.

Chapter 14 prohibits any person from operating or allowing to be operated on New Jersey's highways any diesel-powered motor vehicle which he owns which, when in motion, emits visible smoke in the proximity of the exhaust outlet, for a period of more than five seconds.

The diesel code also sets inspection standards for diesel-powered trucks and buses subject to on-the-premises inspection by the State Division of Motor Vehicles or the Public Utilities Commission, and spells out the procedures to be followed in carrying out such inspections.

Where the owners' or lessee's business premises are equipped with necessary facilities, the State Division of Motor Vehicles will inspect trucks on a chassis dynamometer. A dynamometer is a device constructed to simulate highway driving conditions on a vehicle driven onto it and run in place. Trucks placed on the dynamometer will undergo tests involving simulated load by power absorption. With the engine's revolutions per minute reduced by such loading to 80 percent of the truck's govern-

ed speed, the peak smoke opacity measured over a period of five to ten seconds shall be considered the engine's standard smoke opacity. This smoke opacity must not exceed 20 percent.

When a dynamometer is not available, Motor Vehicle inspectors will use an alternate test method in which a truck will actually be driven in low gear with the load simulated by braking action. Here, too, the standard smoke opacity shall be the peak opacity measured over a period of five to ten seconds, and this opacity must not exceed 20 percent.

Buses inspected by the Public Utilities Commission (PUC) on their owners' premises will, after Chapter 14 becomes effective, be tested by PUC for smoke opacity of their emissions as a part of the regular inspection procedure. With a smokemeter (a device for measuring smoke opacity by light obstruction between a light source and a photoelectric cell) attached to the bus' exhaust outlet, the bus will be driven with rapid acceleration to approximately 20 miles per hour. The peak smoke opacity measured during this acceleration will be considered the standard smoke opacity, and must not exceed 40 percent. Further requirements pertaining to buses inspected by PUC are that engines tested must be at normal operating temperature; separate measurements must be made on each exhaust outlet on buses equipped with dual and separated exhaust outlets; and a single combined measurements must be made on the exhaust outlets of vehicles equipped with dual, adjacent exhaust outlets.

Chapter 14, entitled "Control and Prohibition of Smoke from Diesel-Powered Motor Vehicles", was the subject of a public hearing on August 19, 1970. While modifications in the proposed code have been made in the final, promulgated version, the revisions are essentially consistent with the standards set forth in the original proposal, according to William A. Munroe, Chief of the Bureau of Air Pollution Control in the Department of Environmental Protection.

Evidence presented at the hearing gave overwhelming support for the control of smoke from diesel-powered vehicles. However, information brought forth at the hearing indicated that certain modifications in the original proposal would more effectively achieve the department's purpose.

Also, since the hearing date the Division of Motor Vehicles has made it possible to test moving vehicles on the owners' premises, rather than stationary vehicles in an inspection station situation. This change has made it possible to eliminate the free-acceleration test for stationary vehicles at inspection stations. The new operating modes in the inspection standards of Chapter 14 are adapted to the new self-inspection concept of the Division of Motor Vehicles.

The Public Utilities Commission has also modified its inspection procedures so that, under the present circumstances, it can test a bus for diesel smoke emissions according to the new operating modes specified by the Department of Environmental Protection, at the same time that it is testing the vehicle's brakes.

The "Visible Smoke" definition in proposed Chapter 14, held by some at the August hearing to be too vague, has been dropped from the promulgated form of the chapter. Section 2 ("Public Highway Section") of the final form of Chapter 14 refers briefly to "visible smoke within the proximity of the exhaust outlet". In the original version, a distance of 12 inches from the exhaust outlet was established as the range of smoke observation. The current modified version not only eliminates the definition but also

modifies the smoke observation procedure so that it can be "reasonably and uniformly" enforced by enforcement officers with proper training.

Further revisions of the original form of Chapter 14 were made to assure consistency of New Jersey standards with the federal standards for new diesel vehicles. Field studies conducted by the department have established that diesel-powered vehicles which meet federal standards will meet the proposed standards set forth in the promulgated form of Chapter 14.

Munroe emphasized that, while tests might indicate that a diesel engine was capable of complying with New Jersey and federal regulations, whether it did actually comply under running conditions would depend on various conditions such as maintenance of the engine, driver habits, fuel quality and vehicle loading.

Munroe also pointed out that the enforcement of Chapter 14 would rest largely with Motor Vehicles personnel and, under certain on-the-road situations, with state and local police, not with personnel of the Department of Environmental Protection, as in the case of all other air pollution control regulations.

The Motor Vehicle Law which supplements the New Jersey Air Pollution Control Act gives to the department, after consultation with the Director of the Division of Motor Vehicles, power to promulgate codes, rules and regulations pertaining to control of air pollution from motor vehicles. It further stipulates that any motor vehicle subject to inspection by the Division of Motor Vehicles must meet any such rules and regulations as a matter of compliance with inspection procedures. Thus an inter-relationship is established between these two agencies of state government for the purpose of achieving a substantial reduction of air pollution in the form of smoke from diesel vehicles.

WALLHAUSER APPOINTED NEW PUBLIC UTILITY COMMISSIONER

The state Board of Public Utility Commissioners was back at full strength last month with the appointment by Governor William T. Cahill of George M. Wallhauser Jr. as the third member.

The swearing of the new Commissioner to the \$20,000 a year post took place Jan. 14, in the office of the Governor, who termed Wallhauser "an outstanding leader and concerned citizen." Pointing to his work in the business field, for his church, Boy Scouts and the YMCA, the Governor declared, "he brings to his job proven dedication to the needs of the citizens of this state."

PUC President William E. Ozzard welcomed the new member to the board, and Commissioner Anthony J. Grossi also attended the private ceremony. Wallhauser replaces Brendan T. Byrne of East Orange, former Commissioner who was named a Superior Court justice on Dec. 30, 1970.

Wallhauser, 43, of Maplewood, is a chartered life underwriter and general agent for New England Mutual Life Insurance Company. He is a lifelong resident of Essex County, the son of former Congressman George M. Wallhauser Sr., and is currently Essex County Republican chairman.

Wallhauser received a Bachelor of Science degree in economics from the Wharton School at the University of Pennsylvania in 1951. He served in the U.S. Army Air Corps from 1945 to 1947.

STUDY BEGINS OF REHABILITATION PROGRAM FOR PRISON INMATES

A commission appointed last month by Gov. William T. Cahill has begun its study of a rehabilitation program for inmates of New Jersey's prisons.

The 15-member commission has begun operations under a \$25,000 budget; it is anticipated it will have an interim report in six months and a final report to the Governor about a year from now.

It will examine present training programs, methods of classifying and screening prisoners for work projects, existing state laws which limit goods and services which may be produced by prisoners, and the work-study release program. The work study operation introduced about a year ago releases prisoners during the day to work in the community.

The commission is also expected to recommend a program of vocational guidance and education for individuals while in prison and after release.

In naming the group, Governor Cahill said, "The absence of effective and meaningful job training for prison inmates cannot continue."

"To ignore these members of our society is, at best, poor economics and, at worst, a tragic disregard of human dignity and resources," he declared.

The commission includes representatives of labor, industry, law enforcement and education. It is headed by Raleigh Rajoppi, of Springfield, president of the New York Council of Carpenters. Nicholas D. Heil, administrative assistant to the Governor, serves as executive secretary.

NEW FISH AND GAME DIRECTOR COMES FROM MASSACHUSETTS

Governor William T. Cahill has announced appointment of a 46-year-old Massachusetts man as new director of the New Jersey Division of Fish, Game and Shellfisheries in the Department of Environmental Protection.

Russell A. Cookingham from Monument Beach, Mass., a career fish and game specialist, fills the vacancy created by the retirement late last year of Lester G. MacNamara. He began duties Feb. 1 at a \$21,558 salary.

The new director was selected by the Fish and Game Council and approved by Commissioner Richard J. Sullivan of the Department of Environmental Protection.

Cookingham, a native of Ellenville, N. Y., served the past six years as assistant director of the Massachusetts Division of Fisheries and Game. Earlier, he had served 13 years as district wildlife manager at Buzzards Bay, Mass., supervising the division's fisheries and wildlife management programs. From 1948 to 1951 he was an assistant game research investigator for the New York State Conservation Department.

While in Massachusetts, Cookingham helped recodify that state's fish and game laws. In 1966, he was chairman of the Northeast Wildlife Conference held in Boston and has since held major roles in other such conferences.

A 1948 graduate of Cornell University, Cookingham majored in wildlife management and received a bachelor of science degree. He served three years in the Marine Corps during World War II, one year in the Pacific.

The new director is married, with one son. A leader in Boy Scout and Cub Scout activities, his hobbies include hunting, fishing, shellfishing, bird dog training, gardening, home refinishing and oil painting.