

**Economic Impact**

The economic impact on the Commission consists of the costs of oversight of the autobus program, including the processing of applications for change or discontinuance of a route, which costs will be continued on readoption. The costs to the operator of the notification required by this chapter are *de minimis*, as are the costs of preparing applications in the event a change or discontinuance of a route is sought.

**Jobs Impact**

The rules proposed for readoption are not anticipated to result in the generation or loss of any jobs.

**Federal Standards Statement**

There are no Federal standards applicable to the subject matter of Subchapter 1. Subchapter 2 is consistent with, and does not exceed, the provisions of the Federal Motor Carrier Safety regulations, 49 CFR 387.25, which deal with liability insurance requirements and filing requirements for motor carriers of passengers operating in interstate or foreign commerce.

**Agriculture Industry Impact**

The rules proposed for readoption are not anticipated to have any impact on the agriculture industry in this State.

**Regulatory Flexibility Analysis**

The rules proposed for readoption impose reporting and recordkeeping requirements on autobus owners or operators, some of which may be defined as small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Subchapter 1 requires autobus and trolley owners to report changes in routes due to emergency situations and interruptions of routes anticipated to last longer than four hours. Subchapter 2 requires autobus and trolley operators to file with the Commission certificates of insurance provided by the insurance company. The cost of providing the certificates is borne by the insurance company that supplies the certificates directly to the Department of Transportation. The employment of outside professional services is not anticipated to be required in order to comply with the requirements of the rules proposed for readoption.

The Commission has given careful consideration to these matters and has determined that the rules as proposed for readoption are necessary to be applied to all autobus and trolley operators in order to promote safe, reliable, and financially responsible service. A waiver or other special accommodation for small businesses cannot, therefore, be accomplished without jeopardizing these objectives.

**Housing Affordability Impact Analysis**

The rules proposed for readoption will have no impact on the affordability of housing and there is an extreme unlikelihood that the rules would evoke a change in average costs associated with housing because they pertain solely to the operation of autobuses and trolleys.

**Smart Growth Development Impact Analysis**

Aside from the fact that the availability of reliable public transportation tends to combat sprawl, it is not anticipated that the rules proposed for readoption will have any effect on the achievement of smart growth or evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules pertain solely to the operation of autobuses and trolleys.

**Racial and Ethnic Community Criminal Justice and Public Safety Statement**

The Commission has determined that the rules proposed for readoption will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 16:52.

**TREASURY—GENERAL****(a)****BOARD OF TRUSTEES OF THE POLICE AND FIREMEN'S RETIREMENT SYSTEM****Police and Firemen's Retirement System  
Change of Definitions in Relation to Survivor's Benefits****Proposed Amendments: N.J.A.C. 17:4-1A.1 and 3.7**

Authorized By: The Board of Trustees of the Police and Firemen's Retirement System, Ed Donnelly, Chair.

Authority: N.J.S.A. 43:16A-12.1 and 43:16A-1(21); and *S.L.W. v. New Jersey Division of Pensions and Benefits*, 238 N.J. 385 (2019).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2020-036.

Submit comments by June 19, 2020, to:

Robert S. Garrison, Jr.  
Director of Legal Affairs  
Attention: Board of Trustees, Police and Firemen's Retirement System  
50 West State Street, 9th Floor  
Trenton, NJ 08625-0211  
[Robert.Garrison@treas.nj.gov](mailto:Robert.Garrison@treas.nj.gov)

The agency proposal follows:

**Summary**

The Police and Firemen's Retirement System provides benefits for surviving spouses, as well as children. (see N.J.S.A. 43:16A-12.1.) In response to the Supreme Court's Decision in *S.L.W. v. Division of Pensions and Benefits*, 238 N.J. 385 (2019), the Board of Trustees of the Police and Firemen's Retirement System (Board) proposes to change the eligibility for survivor's benefits for a child of a deceased PFRS member. The Board proposes to add N.J.A.C. 17:4-3.7(c) and add a definition of "child" at N.J.A.C. 17:4-1A.1. The additions are intended to require the surviving child to establish that the surviving children's disability manifested before they were emancipated. This is consistent with the legislative intent that children who have developmental disabilities are cared for, but that children who are emancipated and are able to provide for themselves, but then become disabled at some point after the emancipation act would not qualify for the survivor benefits.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed amendments address concerns raised by the Supreme Court's decision in *S.L.W. v. Division of Pensions*, which would allow any disabled child to collect survivor's benefits. This matter is distinguishable from the holding in *Saccone v. Board of Trustees*, 219 N.J. 369 (2014), in which the Court directed the Division of Pensions and Benefits to accept the request to name the party's special needs trust as the beneficiary for purposes of receiving the member's survivor's benefit. The party was disabled before he turned 18. Therefore, the proposed amendments should have a positive social impact in that they will clarify the legal process.

**Economic Impact**

The economic impact will be minimal. Prior to the decision in *S.L.W.*, disabled children must have manifested their disability before they were emancipated in order to qualify for survivor's benefits. Because the benefits have not been given to disabled children who became disabled after their emancipation, there will be limited economic impact.

**Federal Standards Statement**

A Federal standards analysis is not required because the proposed amendments are not subject to any Federal requirements or standards.

**Jobs Impact**

The proposed amendments will have no impact on jobs.

**Agriculture Industry Impact**

The proposed amendments will have no impact on the agriculture industry.

**Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required since the proposed amendments regulate only the members of the PFRS and will have no effect on small businesses, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

**Housing Affordability Impact Analysis**

The proposed amendments will have no impact on the affordability of housing in the State of New Jersey and will not have any impact on the average cost of housing in the State, as the rules simply clarify the long-standing policy of the Board, as required by the Court.

**Smart Growth Development Impact Analysis**

The proposed amendments are not anticipated to have an impact on housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, as the rules simply clarify the long-standing policy of the Board, as required by the Court.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Board has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

SUBCHAPTER 1A. DEFINITIONS

17:4-1A.1 Definitions

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

... **“Child,” for purposes of determining a survivor’s benefit under N.J.S.A. 43:16A-12.1 and 43:16A-1(21), shall mean a deceased member’s or retirant’s unmarried child that is:**

- 1. Under the age of 18;**
  - 2. Eighteen years of age or older and enrolled in a secondary school;**
  - 3. Under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member’s willful misconduct; or**
  - 4. Of any age, when, at the time of the member’s or retirant’s death, the child is disabled because of an intellectual disability or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his or her impairment has lasted, or can be expected to last, for a continuous period of not less than 12 months, as affirmed by the medical review board of the Board. For purposes of determining whether a child qualifies under this paragraph, the child’s disability must have developed before the child’s emancipation.**
- ...

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:4-3.7 Survivor benefits; establishing dependency

(a)-(b) (No change.)

**(c) For purposes of determining eligibility for survivor’s benefits under N.J.S.A. 43:16A-12.1 and 43:16A-1(21), the child’s disability must have developed before the child was emancipated by operation of law to be eligible for survivor’s benefits.**

**(a)**

**POLICE AND FIREMEN’S RETIREMENT SYSTEM  
WORLD TRADE CENTER ACCIDENTAL DISABILITY  
World Trade Center Accidental Disability Benefits  
Proposed New Rules: N.J.A.C. 17:4-8**

Authorized By: The Board of Trustees of the Police and Firemen’s Retirement System of New Jersey, Ed Donnelly, Chair.

Authority: N.J.S.A. 43:16A-13 and P.L. 2019, c. 157.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2020-037.

Submit comments by June 19, 2020, to:

Robert S. Garrison, Jr., Esq.  
50 West State Street-9th Floor  
Trenton, NJ 08608  
Attn: Board of Trustees of the Police and Firemen’s Retirement System of New Jersey  
[Robert.Garrison@treas.nj.gov](mailto:Robert.Garrison@treas.nj.gov)

The agency proposal follows:

**Summary**

The Board of Trustees of the Police and Firemen’s Retirement System of New Jersey (Board) is responsible for maintaining the administrative rules at N.J.A.C. 17:4. When the Board becomes aware of a change in the laws or a court decision that could affect the Police and Firemen’s Retirement System (PFRS), the Board reviews the administrative rules to determine where changes, if any, are required. Amendments to the affected rules are then proposed, in order to uphold the new statute or court decision effectively.

On July 8, 2019, Governor Murphy signed P.L. 2019, c. 157, the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act, which permits certain members of the PFRS, State Police Retirement System (SPRS), or the Public Employees’ Retirement System (PERS) to receive accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. The law, which became effective on July 8, 2019, states the Board shall promulgate rules necessary to implement the provisions of the law. Chapter 157 creates four categories of eligibility: 1. active members who participated for eight or more hours in the one-month period following September 11, 2001, and now manifest an injury or condition resulting from the event; 2. active members who sustained an injury between September 11th and September 12th, 2001, that is a qualifying condition and prevented them from working eight hours; 3. retired members who worked for eight or more hours in the one-month period following September 11, 2001, who have already retired and have now manifest a qualifying condition or disability, and will be eligible to have their benefits recalculated; and 4. retired members who sustained an injury between September 11th and September 12th 2001, that is a qualifying condition and prevented them from working eight hours and will be eligible to have their benefits recalculated.

Therefore, the Board proposes to adopt the following new rules, which affect retirements within the PFRS.

**Subchapter 8. 9/11 World Trade Center Accidental Disability**

The Board proposes to add new Subchapter 8, 9/11 World Trade Center Accidental Disability, in order to include provisions of P.L. 2019, c. 157, permitting certain members of the PFRS to receive an accidental disability retirement allowance for disability resulting from participation in 9/11 World Trade Center rescue, recovery, or cleanup operations. The new subchapter will set forth: the purpose of the subchapter, definitions, eligibility, and filing requirements.

As the Board has provided a 60-day comment period on the notice of proposal, the notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

**Social Impact**

The proposed new rules at N.J.A.C. 17:4-8 benefit certain PFRS members, retirees, and survivors of members who participated in the