

Credential Evaluation Services (NACES) and acceptable to the Board, and any other documentation the Board deems necessary.

(a)

**DIVISION OF CONSUMER AFFAIRS
OFFICE OF WEIGHTS AND MEASURES
Notice of Readoption
Weighmasters; Weights and Measures
Readoption: N.J.A.C. 13:47E**

Authority: N.J.S.A. 51:1-61.

Authorized By: David Freed, Acting State Superintendent, Office of Weights and Measures.

Effective Date: November 30, 2020.

New Expiration Date: November 30, 2027.

Take notice that pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:47E were scheduled to expire on January 27, 2021. The rules provide weighmasters with vehicle weighing and recordkeeping procedures. Subchapter 1 governs procedures for measuring gross, tare, and net weights. Subchapter 2 provides general provisions that weighmasters are required to follow when retaining public or certified weighing records.

The Division of Consumer Affairs, Office of Weights and Measures, has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated, as required by N.J.S.A. 52:14B-5.1. Therefore, pursuant to N.J.S.A. 51:1-61, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without change and shall continue in effect for a seven-year period.

TREASURY—GENERAL

(b)

**DIVISION OF PENSIONS AND BENEFITS
PUBLIC EMPLOYEES RETIREMENT SYSTEM
World Trade Center Accidental Disability Rules
Adopted New Rules: N.J.A.C. 17:2-9**

Proposed: September 8, 2020, at 52 N.J.R. 1667(a).

Adopted: November 18, 2020, by the Public Employees Retirement System, Jeff Ignatowitz, Secretary, Division of Pensions and Benefits.

Filed: December 3, 2020, as R.2021 d.001, **without change**.

Authority: N.J.S.A. 43:15A-1 et seq.; and P.L. 2019, c. 157.

Effective Date: January 4, 2021.

Expiration Date: December 13, 2024.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The adopted new rules meet the applicable Federal standards, that is, 26 U.S.C. § 403(b). There are no other Federal standards applicable to the subject matter of this subchapter.

Full text of the adopted new rules follows:

**SUBCHAPTER 9. WORLD TRADE CENTER ACCIDENTAL
DISABILITY**

17:2-9.1 Purpose

P.L. 2019, c. 157, the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act (Act), permits certain members or retirees of the Police and Firemen's Retirement System of New Jersey (PFRSNJ),

State Police Retirement System (SPRS), and Public Employees' Retirement System (PERS) to receive an accidental disability retirement allowance for disability resulting from participation in the 9/11 World Trade Center rescue, recovery, or cleanup operations. The purpose of this chapter is to establish the rules necessary to implement the provisions of this law.

17:2-9.2 Definitions

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

"Emergency medical technician" means a person who was trained in basic life support services, as defined in section 1 of P.L. 1985, c. 351 (N.J.S.A. 26:2K-21), and certified by the Department of Health to perform these services, as of the date(s) the member or retiree participated in World Trade Center rescue, recovery, or cleanup operations.

"Public service" includes paid and volunteer positions.

"Qualifying condition or impairment of health" includes: diseases of the upper respiratory tract and mucosae, including conditions of conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions; diseases of the lower respiratory tract, including, but not limited to, bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic; diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure; diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions; diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure; and new onset diseases resulting from exposure as such diseases occur in the future, including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease, and chronic psychological disease.

"Tier 1" means a member or retiree enrolled in PERS before July 1, 2007.

"Tier 2" means a member or retiree eligible for enrollment in PERS on or after July 1, 2007, and before November 2, 2008.

"Tier 3" means a member or retiree eligible for enrollment in PERS on or after November 2, 2008, and on or before May 21, 2010.

"World Trade Center Health Program" means the program created by the James Zadroga Health and Compensation Act of 2010, including the Clinical Centers of Excellence administered by the Centers for Disease Control/National Institute for Occupational Safety and Health.

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001.

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan.

17:2-9.3 Eligibility

(a) The event(s) on which an application for accidental disability retirement benefits is based shall be presumed to have occurred during, and as a result, of the performance of a member's regular or assigned duties and not the result of the member's willful negligence, if the member:

1. Participated in World Trade Center rescue, recovery, or cleanup operations for:

i. A minimum of eight hours; or

ii. Less than eight hours, and the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001, that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, and the documented physical injury is a qualifying condition or impairment of health that resulted in a total and permanent disability for which the member seeks a presumption under this subsection;

2. Is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations;

3. Is a member of PERS:

i. Who is or was enrolled in PERS because the member did not meet the age or medical requirements for enrollment in PFRSNJ on the basis of the position held; or

ii. Who is an emergency medical technician;

4. Is enrolled in Tier 1, Tier 2, or Tier 3 of PERS; and

5. Passed a physical examination for entry into public service that failed to disclose evidence of a qualifying condition or impairment of health that formed the basis for the total and permanent disability.

(b) A retiree who retired on a service retirement, early retirement, or an ordinary disability retirement shall be eligible to apply to the board of trustees to have the retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the application for recalculation, if the retiree:

1. Participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours;

2. Is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations;

3. Is a retiree of PERS:

i. Who was enrolled in PERS because the retiree did not meet the age or medical requirements for enrollment in PFRSNJ on the basis of the position held; or

ii. Who is an emergency medical technician;

4. Was enrolled in Tier 1, Tier 2, or Tier 3 of PERS; and

5. Passed a physical examination for entry into public service that failed to disclose evidence of a qualifying condition or impairment of health that formed the basis for the total and permanent disability.

17:2-9.4 Filing requirements

(a) A member or retiree must file a written and sworn Eligibility Registration Form with the Division indicating the dates, locations of service, and number of hours of participation in World Trade Center rescue, recovery, or cleanup operations by July 8, 2021, to qualify for the presumption or recalculation pursuant to N.J.A.C. 17:2-9.3, unless a retiree files an application for recalculation, pursuant to N.J.A.C. 17:2-9.3(b), before July 8, 2021, then such application for recalculation shall serve as the Eligibility Registration Form. This form allows eligible PERS members or retirees the right to file for an accidental disability retirement should they become totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations.

(b) A retiree seeking recalculation of a retirement allowance pursuant to N.J.A.C. 17:2-9.3(b) must file an application for recalculation, on a form prescribed by the Division, within 30 days of the date that the retiree knew or should have known of the existence of a total and permanent disability caused by a qualifying condition or impairment of health and its relation to World Trade Center rescue, recovery, or cleanup operations. Retirees who knew, or should have known, of the existence of a total and permanent disability caused by a qualifying condition or impairment of health and its relation to World Trade Center rescue, recovery, or cleanup operations before July 8, 2019, must have filed an application for recalculation, on a form prescribed by the Division, by October 15, 2019 (within 30 days of September 16, 2019, the date members and retirees were notified of the enactment of P.L. 2019, c. 157, and the requirement to file).

(c) A member with an Eligibility Registration Form on file with the Division must file an application with the prospective date of retirement pursuant to N.J.A.C. 17:2-6.1.

(d) N.J.S.A. 43:15A-43 requires the Board to designate physicians to perform medical examinations of members who apply for accidental disability retirements. If a member or retiree who is enrolled in the World Trade Center Health Program provides medical documentation for treatment provided, or paid, by the World Trade Center Health Program sufficient to allow the Medical Review Board to certify that the member or retiree is totally and permanently disabled by a qualifying condition or impairment of health as a direct result of participation in World Trade

Center rescue, recovery, or cleanup operations, no further evaluation is necessary. However, if the medical documentation is not sufficient to establish a total and permanent disability caused by a qualifying condition or impairment of health as a direct result of participation in World Trade Center rescue, recovery, or cleanup operations after review by the Medical Review Board, then an independent medical examination shall be required pursuant to N.J.A.C. 17:1-7.10.

17:2-9.5 Calculation of accidental disability

If a member or retiree is approved for an accidental disability retirement under the provisions of P.L. 2019, c. 157, the annual allowance shall be 72.7 percent of the member or retiree's salary at the time of participation in World Trade Center rescue, recovery, or cleanup operations. If a member or retiree was not a member of PERS at the time of participation in World Trade Center rescue, recovery, or cleanup operations, the annual allowance shall be 72.7 percent of the member or retirees' salary at the time of enrollment in PERS.

TREASURY—TAXATION

(a)

DIVISION OF TAXATION

Notice of Readoption
Office of Criminal Investigation

Readoption: N.J.A.C. 18:31

Authority: N.J.S.A. 54:40A-22, 54:1-8, and 54:50-1.

Authorized By: John J. Ficara, Acting Director, Division of Taxation.

Effective Date: December 1, 2020.

New Expiration Date: December 1, 2027.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 18:31 were to expire on February 11, 2021. N.J.A.C. 18:31 provides that the Division of Taxation, Office of Criminal Investigation, will conduct background checks on certain prospective appointees to Division of Taxation positions, Division of Revenue positions, and certain subcontractor positions. The background investigation consists of a routine inquiry to confirm a job applicant's education, prior employment, references, and a check to investigate the applicant's criminal record, if any, and motor vehicle and tax compliance record. N.J.A.C. 18:31 further promulgates basic and in-service training requirements for a Division of Taxation special agent. An exemption is granted to an individual who has successfully completed training courses of other law enforcement agencies with requirements equivalent to those at N.J.A.C. 18:31-1.2(a)1. The Division of Taxation has reviewed the rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 18:31 is readopted without change and shall continue in effect for a seven-year period.

(b)

DIVISION OF TAXATION

Notice of Readoption
Conference and Appeals

Readoption with Technical Changes: N.J.A.C. 18:32

Authority: N.J.S.A. 54:50-1.

Authorized By: John Ficara, Acting Director, Division of Taxation.

Effective Dates: November 30, 2020, Readoption;
January 4, 2021, Technical Changes.

New Expiration Date: November 30, 2027.