

6. A completed Report of Possession of Abandoned Vehicle at a Repair Facility on the form provided by the Chief Administrator;

7. A legible pencil tracing or photograph of the motor vehicle's vehicle identification number;

8. One photograph each of the front, back, passenger, and driver's side of the motor vehicle;

9. A certification setting forth the form of sale, the sale amount, the expenses of the sale, the costs, and expenses incurred in the removal and storage of the motor vehicle, and the charges of the motor vehicle repair facility for the servicing and repair of the motor vehicle;

10. A certification from the motor vehicle repair facility stating that the sale of the motor vehicle was in conformity with the provisions of this subchapter; and

11. A copy of the purchaser's driver license or, if the purchaser is not an individual, the entity's identification number assigned by the Commission pursuant to N.J.A.C. 13:21-25.

TREASURY—GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

STATE HOUSE COMMISSION

Judicial Retirement System

Disability Retirement Process (P.L. 2019, c. 287)

Adopted Amendments: N.J.A.C. 17:10-1.5, 2.2, 2.3, 2.4, 3.4, 3.5, 4.5, 4.7, 4.9, 5.1, 5.2, 5.4, and 5.10

Adopted Repeal and New Rule: N.J.A.C. 17:10-3.6

Adopted New Rule: N.J.A.C. 17:10-1A

Proposed: November 16, 2020, as 52 N.J.R. 2051(a).

Adopted: April 26, 2021, by the State House Commission, Shirlene Scott, Secretary, Division of Pensions and Benefits.

Filed: May 3, 2021, as R.2021 d.055, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 43:6A-29.d.

Effective Date: June 7, 2021.

Expiration Date: May 17, 2023.

Summary of Public Comment and Agency Response:

No comments were received.

Summary of Agency-Initiated Changes:

The State House Commission (Commission) is changing N.J.A.C. 17:10-2.2 upon adoption to add the conjunction "and" to join the two phrases, thus, making the language easier to read.

The Commission is also changing N.J.A.C. 17:10-5.4(b) upon adoption to cross-reference N.J.A.C. 17:10-5.11. P.L. 2019, c. 287 (N.J.S.A. 43:6A-11.1), states that if a person "attains the age of 70 while serving as a county prosecutor, the person shall be deemed to be retired for purposes of section 7 of P.L. 1973, c. 140 (C.43:6A-7) and paragraph 3 of Section VI of Article VI of the Constitution of the State of New Jersey based on the approved application for the member's retirement the effective date of which has been deferred." As the adopted new rule impacts deferred retirement and compulsory retirement, a cross-reference to N.J.A.C. 17:10-5.11 is provided for reference.

Federal Standards Statement

A Federal standards analysis is not required because N.J.S.A. 43:16A-13(7) governs the subject of this rulemaking, and there are no Federal requirements or standards that affect the subject of this rulemaking.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***):

SUBCHAPTER 1. ADMINISTRATION

17:10-1.5 Records

(a) In addition to the provisions at N.J.A.C. 17:1-1.2, the approved minutes of the Commission are a matter of public record and may be inspected during regular business hours in the office of the secretary.

(b) The mailing address, telephone number, or email address of any active or retired member is considered to be a part of the member's confidential files and shall not be released for any purpose.

(c)-(e) (No change.)

SUBCHAPTER 1A. DEFINITIONS

17:10-1A.1 Definitions

The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Final salary" means the salary on which a member's Judicial Retirement System pension contributions are based upon as of the date of his or her retirement.

"In the aggregate of public service" means a member's total years of both judicial and non-judicial service credit in the Judicial Retirement System. This would include service purchased or inter-fund transferred into the Judicial Retirement System from another State-administered retirement system.

"Judicial service" means a member's years of service as a judge under the Judicial Retirement System.

SUBCHAPTER 2. ENROLLMENT AND PURCHASES

17:10-2.2 Enrollment following deferred retirement

Any member who was granted a deferred retirement ***and*** who again becomes a member while under the age of 60, shall be reenrolled in the JRS with a new account.

17:10-2.3 Eligibility for purchase

(a) Only active members of the Judicial Retirement System shall be eligible to make application for purchase of credit. An active member is a member who is contributing to the System. After a member separates from service, but does not retire or defer retirement, the member must purchase his or her requested service in a lump sum.

(b)-(c) (No change.)

17:10-2.4 Optional purchase of eligible service

(a) A member may purchase all, or a portion, of former membership in a New Jersey State-administered retirement system. A member may also purchase service rendered in an office, position, or employment of the State of New Jersey, or of a county, municipality, board of education, or public agency of the State of New Jersey. "Service" means public service rendered for which pension credit is allowed on the basis of contributions made by the State.

(b)-(c) (No change.)

SUBCHAPTER 3. INSURANCE AND DEATH BENEFITS

17:10-3.4 Survivor benefits

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

(c) If a member dies in "active" status, a return of contributions plus interest up until the date of death will be paid to the designated beneficiary on file or, if no beneficiary was selected, to the deceased member's estate.

17:10-3.5 Contributory group life insurance; beneficiary designation

(a) Contributory Group Life Insurance is an optional insurance plan available at different coverage levels of subsidized coverage, in which the member pays a portion of the premium through regular payroll deductions. Judicial Retirement System members who are not covered by contributory group life insurance may elect to enroll at any later time, but must then provide evidence of insurability. There are two contributory group life insurance plans available to JRS members: Group Term Life Insurance or Group Variable Universal Life Insurance (GVUL). Contributory Group Term Life Insurance coverage ends 31 days after a member ceases judicial service, whether for reasons of retirement, termination of service, or the end of a period of coverage under a leave of absence without pay. This contributory group life insurance plan can be

converted to an individual policy, without a medical exam, at a participant's own expense. Contributory GVUL is portable coverage, meaning that it can be continued after retirement or after a member leaves judicial service, at the participant's own cost.

(b) Members enrolled in the contributory group life insurance (Group Term life insurance or Group Variable Universal Life (GVUL) insurance) must designate their beneficiary or beneficiaries directly with the insurance provider. Any change of beneficiary designation for non-contributory group life insurance filed with the Division of Pensions and Benefits shall not affect the beneficiary designation for the contributory group life insurance.

(c) Members enrolled in the contributory group life insurance can elect to discontinue the contributory insurance after one year (12 months) following enrollment.

17:10-3.6 Death benefits in active service; death benefits in retirement

(a) Upon an active member's death, an eligible surviving spouse/partner receives a statutory monthly pension benefit equal to 25 percent of the member's final monthly salary; plus 10 percent of the member's final salary if there is one dependent child, or a total of 15 percent if there is more than one dependent child. If there is no surviving spouse/partner, or if the surviving spouse/partner remarries, one dependent child is to receive 15 percent of the member's final salary; two dependent children receive a total of 20 percent and three or more dependent children receive a total of 30 percent of the member's final salary.

(b) Upon a retired member's death, an eligible surviving spouse/partner receives a statutory monthly pension benefit equal to 25 percent of the current monthly salary for the judicial position the member held at retirement, plus 10 percent of the member's final salary if there is one dependent child, or a total of 15 percent to be divided evenly among two or more dependent children. If there is no surviving spouse/partner, or if the surviving spouse/partner dies, remarries, or enters into a civil union, the following benefit is payable to the member's dependent children: 15 percent of the member's final salary to one dependent child; 20 percent of final salary divided evenly between two dependent children; or 30 percent of final salary divided evenly among three or more dependent children.

SUBCHAPTER 4. MEMBERSHIP

17:10-4.5 Purchasing eligible service credit

(a) Only former public service in New Jersey may be purchased for service credit. Former non-Judicial Retirement System service will be calculated pursuant to N.J.S.A. 43:6A-14.2.a. "Service" means public service rendered for which pension credit is allowed on the basis of contributions made by the State.

(b) Military service after October 13, 1994, that is rendered after Judicial Retirement System enrollment occurs may be purchased at full cost in accordance with the requirements of the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

17:10-4.7 Deductions

(a) A full pension and contributory insurance deduction shall be taken for the JRS in any payroll period in which the member is paid a sufficient amount to make a full normal deduction. If wages are sufficient, deductions should also be made for any other arrears or loan deductions then in effect.

(b) No deductions shall be taken, nor service credit given, in any pay period for employers who report on a biweekly basis, in which the employee's salary is not sufficient to cover the required deductions for the JRS.

(c) (No change.)

17:10-4.9 Withdrawals

In accordance with the provisions of N.J.S.A. 43:6A-11, and in the event no other benefits are payable, a member of the Judicial Retirement System may apply for and receive the member's accumulated deductions to the Retirement System upon the member's withdrawal from the Retirement System and upon the filing of a proper application therefor.

SUBCHAPTER 5. RETIREMENT

17:10-5.1 Applications

(a) Applications for retirement must be made on forms prescribed by the Judicial Retirement System (System):

1. Such forms must be completed in all respects and filed with the Division for the Judicial Retirement System. Applications for retirement can be filed no more than one year in advance, except that a member whose employment has ended prior to his or her eligibility for a retirement benefit, may file an application for deferred retirement at any time thereafter.

2.-3. (No change.)

(b)-(d) (No change.)

17:10-5.2 Effective date

(a) A member's retirement allowance shall not become due and payable until 30 days after the date the State House Commission approves the application for retirement or 30 days after the date of retirement, whichever is later.

(b) The State House Commission shall retire the member at the time specified in the member's application, or at such other time within one month after the date so specified as the Commission finds advisable.

17:10-5.4 Deferred retirement

(a) No beneficiary shall be eligible for a benefit if the member who elected to receive a deferred pension shall die before attaining age 60.

(b) Notwithstanding the language at *N.J.A.C. 17:10-5.11 and* (a) above, a member of the JRS is permitted to resign as a judge and apply for, but defer, retirement in order to serve as a county prosecutor upon appointment by the Governor. To be eligible, the member must be at least 65 years of age and have at least 25 years of continuous service as a judge. The retirement would become effective after service as a county prosecutor ends. In addition, the health care benefits under the State Health Benefits Program that the person would be entitled to upon retirement as a State employee would also be deferred until after service as a prosecutor ends and the retirement becomes effective.

17:10-5.10 Disability retirement process; medical examinations; physicians

(a) Members may file for a disability retirement if they become totally and permanently disabled from their job duties. The process is as follows:

1. A member in service requesting medical disability retirement pursuant to N.J.S.A. 43:6A-12, must write to the Chief Justice, copying the Administrative Director and the Assignment Judge, and submit all the medical information available relative to his or her disability, including reports of their personal physician and consulting physicians, hospital records, and diagnostic test results. All medical reports must be complete and specific and should address the medical disability criteria set forth at N.J.S.A. 43:6A-12. To be eligible, an applicant must be a member in service. A member in service means that:

i. The member or employer was making contributions to the retirement system at the time of the request for medical disability; or

ii. The member was on an approved leave of absence, paid or unpaid, at the time of the request and has not resigned;

2. The Chief Justice takes the request to the Supreme Court for review and certification;

3. If the Supreme Court certifies the disability, the certification is transmitted to the Governor by the Chief Justice, along with the disability request and medical information;

4. The Governor presents the claim for review and certification by three physicians, who then examine the member and then report back their findings. Where the statute prescribes that a physician be designated by the Judicial Retirement System to perform a medical examination, such physician shall be selected from the current membership directory of the Medical Society of New Jersey and the New Jersey Association of Osteopathic Physicians and Surgeons; however, in the cases of those members whose personal physician has identified them as having a probable abbreviated life expectancy, such "imminent death" cases may be processed without the necessity of an examination by a physician designated by the retirement system if corroborating medical evidence of the diagnosis can be obtained;

5. The Governor notifies the Chief Justice of the determination. The Chief Justice notifies the Administrative Director, who in turn notifies the member; and

6. The member files an application for disability retirement identifying a date of retirement with the Division of Pensions and Benefits. The retirement cannot become effective until one month following the date of the application with the retirement system.

OTHER AGENCIES

(a)

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Procedures for Compliance with Alyssa’s Law Readoption of Specially Adopted New Rules: N.J.A.C. 19:32A

Proposed: December 16, 2019, at 51 N.J.R. 1851(a).
Adopted: April 27, 2021, by the New Jersey Schools Development Authority, Manuel M. DaSilva, Chief Executive Officer.
Filed: May 5, 2021, as R.2021 d.057, **without change**.
Authority: P.L. 2019, c. 33.
Effective Date: May 5, 2021.
Expiration Date: May 5, 2028.

Summary of Public Comments and Agency Responses:

The official comment period ended February 14, 2020. The School’s Development Authority (Authority) received comments from the following individuals:

1. Michael Vrancik, Director of Governmental Relations, New Jersey School Boards Association
2. Caryn Anderson, Assistant Business Administrator, Howell Township Board of Education
3. Assemblyman Wayne P. D’Angelo
4. Assemblyman Gordon M. Johnson
5. Joseph R. Mazzarella, President, Mutualink, Inc.

The number in parentheses after each comment identifies the respective commenter(s) listed above.

1. COMMENT: The commenter asks the date by which districts must demonstrate compliance with Alyssa’s Law. (1)

RESPONSE: As previously detailed in frequent internet notifications on both the New Jersey Schools Development Authority website, as well as the Department of Education (Department) website, school districts were required to demonstrate compliance with Alyssa’s Law or submit a proposal demonstrating a plan to become compliant under Alyssa’s Law, by the grant application deadline of December 21, 2020, in order to be eligible for security grant funding under the Securing Our Children’s Future Bond Act and the rules promulgated by the Department of Education for the administration of such grants. School districts that did not elect to apply for a school security project grant were required to apply for a compliance determination no later than 60 days after the grant application deadline.

2. COMMENT: The commenter asks whether, pursuant to N.J.A.C. 19:32A-1.1, charter schools and renaissance schools must have panic alarms under the law. (1)

RESPONSE: The specially adopted new rules do not impose obligations on charter schools or renaissance schools.

3. COMMENT: The commenter asks whether, pursuant to N.J.A.C. 19:32A-1.3, the definition of a “school building” includes temporary structures, such as trailers, and further asks whether such trailers must be compliant with Alyssa’s Law. (1)

RESPONSE: A “school building” pursuant to N.J.A.C. 19:32A-1.3 is defined as a structure that “permanently houses” students. A temporary structure, such as a classroom trailer, is not considered a school building independently subject to Alyssa’s Law requirements. A temporary structure, such as a classroom trailer, that provides temporary classroom

space in support of a permanent school building would be considered as ancillary to the school building it serves and should be covered by, the panic alarm or alternate emergency mechanism required by Alyssa’s Law for such school building.

4. COMMENT: The commenter asks the date of the grant application deadline with reference to N.J.A.C. 19:32A-2.1(c), and further asks when the last date is to apply to the Authority for a compliance determination. The commenter asks what occurs if a district misses these deadlines. (1)

RESPONSE: The grant application deadline was December 21, 2020. Districts were required to demonstrate compliance with Alyssa’s Law or must have submitted a proposal demonstrating a plan to become compliant under Alyssa’s Law, by the grant application deadline, in order to be eligible for security grant funding under the Securing Our Children’s Future Bond Act and rules promulgated by the Department of Education for the administration of such grants. School districts that did not elect to apply for a school security project grant were required to apply for a compliance determination no later than 60 days after the grant application deadline. If a district missed these deadlines, such district would be ineligible to receive grant funding for installation of equipment or systems required to achieve compliance with Alyssa’s Law.

5. COMMENT: The commenter asks, with reference to N.J.A.C. 19:32A-2.3(c), whether the Authority will be providing a standard application form. (1)

RESPONSE: Yes, a standard form for requesting a compliance determination is, and was, provided through the Department’s Electronic Web-Enabled Grants System (EWEG).

6. COMMENT: The commenter notes that the application process requires a certification of the superintendent or business administrator and asks for definitions of these positions to be included at N.J.A.C. 19:32A-1.3. (1)

RESPONSE: The rules intend for the certifications to be executed by an official with authority to act for a given school district, which in the Authority’s understanding and experience is generally the district superintendent or business administrator. If districts do not employ personnel with those specified titles, the Authority will accept certifications executed by persons with appropriate authority to act on behalf of a district; the district should contact the Authority to confirm acceptability of certifications issued by other employees or officials who have authority to execute certifications on behalf of a district. In light of the foregoing, no changes to the rulemaking will be made in response to this comment.

7. COMMENT: The commenter notes that applications will contain information regarding the nature and/or location of panic alarms or other mechanisms in the district, and recommends that the proposed rules include an amendment concerning whether this information shall be an accessible public record under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (1)

RESPONSE: To the extent that application materials are in the possession of the Authority, information regarding the nature and location of panic alarms or other emergency systems in a school facility would constitute building security information to be protected from disclosure under the Open Public Records Act pursuant to a homeland security exemption category contained in the Authority’s recent rules governing Procedures for Access to Government Records at N.J.A.C. 19:33. N.J.A.C. 19:33 will operate to protect the cited information from disclosure under the Open Public Records Act. No changes will be made to the rulemaking in response to this comment.

8. COMMENT: The commenter asks whether the application will require a board of education resolution as part of the application package. (1)

RESPONSE: No, a board of education resolution is not required as part of the school security grant application package.

9. COMMENT: The commenter refers to the Alyssa’s Law Compliance and School Security Grant Preliminary Guidelines (Preliminary Guidelines) jointly issued by the Department and the Authority in advance of the opening of the application process for school security grants under the Securing Our Children’s Future Bond Act, and notes that Section 1.2 of the Preliminary Guidelines requires that the “panic alarm” be a silent security system signal to law enforcement, but does not address the notification of building occupants in an emergent