

internal controls, provided that adequate written notice of the restrictions is provided to the patrons.

The proposed amendment to N.J.A.C. 13:69D-1.54(d) includes cashier generated gaming vouchers under the rule that all gaming vouchers shall expire one year from the date of issuance, provided that nothing shall preclude casino licensees from restricting the gaming voucher redemption locations based on specific voucher amounts, or after a specific amount of time in the casino licensee's internal controls, provided that adequate written notice of the restrictions is provided to the patrons.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed amendment should have no social impact.

#### Economic Impact

The proposed amendment should have minimal economic impact to the extent that it is not anticipated that a meaningful amount of impacted vouchers will reach expiration. Additionally, it is possible that if a casino does not comply with the requirements for the issuance and redemption of gaming vouchers as outlined in N.J.A.C. 13:69D-1.54, the casino licensee may be fined for regulatory non-compliance, however the impact of such action is also minimal.

#### Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is authorized by the provisions of the Casino Control Act, N.J.S.A. 5:12-1 et seq., and is not subject to Federal law.

#### Jobs Impact

The proposed amendment will not have any impact on the generation or loss of jobs in the State of New Jersey.

#### Agriculture Industry Impact

The proposed amendment will have no impact on agriculture in New Jersey.

#### Regulatory Flexibility Statement

The proposed amendment will affect the operations of New Jersey casino licensees, none of which qualifies as a "small business" as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., therefore, no regulatory flexibility analysis is required.

#### Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in the State of New Jersey because it affects the expiration of gaming vouchers in the State.

#### Smart Growth Development Impact Analysis

The proposed amendment will have no impact on housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan because it affects the expiration of gaming vouchers in the State.

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

### SUBCHAPTER 1. GENERAL PROVISIONS

13:69D-1.54 Gaming vouchers; procedures for issuance and redemption; redemption of coupons through a gaming voucher system

(a) –(c) (No change.)

(d) [With the exception of a cashier generated gaming voucher, a] **All** gaming vouchers shall expire one year from the date of [its] issuance; provided, however, that nothing shall preclude a casino licensee from restricting the redemption location for a gaming voucher after a specified period of time, above a specified value, or both, in accordance with internal controls, provided that adequate written notice explaining the restriction or restrictions is provided to patrons.

(e) –(l) (No change.)

## TREASURY — GENERAL

(a)

### DIVISION OF PENSIONS AND BENEFITS

#### Police and Firemen's Retirement System

#### Proposed Amendments: N.J.A.C. 17:4-1A.1 and 2.4

Authorized By: Police and Firemen's Retirement System Board of Trustees, Hank Schwedes, Secretary.

Authority: N.J.S.A. 43:16A-13(7).

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

Proposal Number: PRN 2016-151.

Submit comments by November 18, 2016, to:

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The agency proposal follows:

#### Summary

The Police and Firemen's Retirement System (PFRS) Board of Trustees proposes to amend subsection (b) of N.J.A.C. 17:4-2.4, Training Requirements, to include the training requirements established by the Department of Environmental Protection (DEP) for New Jersey's Forest Fire Service firefighters, who serve under the DEP's Division of Forestry and Parks. Current training requirements at N.J.A.C. 17:4-2.4(b) apply only to firefighters whose training and certification standards are established by the New Jersey Department of Community Affairs (DCA), Division of Fire Safety. In addition, the definition of "permanent firefighter" at N.J.A.C. 17:4-1A.1 must be modified to include the Forest Fire Service's permanent wildland and forestland firefighters, who serve in State Civil Service titles under the DEP but have different training standards, as provided above.

The provisions of N.J.S.A. 43:16A-1(2)(b) stipulate that permanent, full-time firefighters are "subject to the training and physical and mental fitness requirements applicable to the position of municipal firefighter established by an agency authorized to establish these requirements on a Statewide basis, or comparable training and physical and mental fitness requirements, as determined by the (PFRS) board of trustees." However, two different State agencies currently have the responsibility of determining fire service training and certification standards in New Jersey, so accordingly, two distinct sets of rules apply. The DEP establishes fire service training standards and qualifications for firefighter titles/positions in the Forest Fire Service, as provided at N.J.S.A. 13:9-7.1, while the DCA establishes the fire service training and certification standards for all other firefighters, as provided under N.J.A.C. 5:73. Further, N.J.A.C. 5:73-1.3(a)1, in the DCA's fire service training standards rules, specifically states that "fire service" does not include wildland and forestland firefighters in the State Forest Fire Service (whose training standards fall under the authority of the DEP and not the DCA). Therefore, the DCA certification and training standards provided at N.J.A.C. 5:73 are not applicable to the wildland and forestland firefighters in the DEP's State Forest Fire Service.

For the reasons stated above, it is necessary to amend the current PFRS rules regarding firefighter training at N.J.A.C. 17:4-2.4(b), to include both sets of fire service training requirements. Permanent, full-time firefighters whose fire service training standards are established by DCA, are required to successfully complete the Firefighter I certification requirements prescribed under N.J.A.C. 5:73-4.2, 4.3, and 4.4, in order to enroll in the PFRS—or comparable training, pursuant to the guidelines established by the Division of Fire Safety's Office of Training and Certification in the DCA. Further, DCA has adopted the National Fire Protection Association (NFPA) Standard 1001 (current edition) as the standard for Firefighter I (and II) training in the State of New Jersey, pursuant to N.J.A.C. 5:73-2.1(b).

Conversely, training requirements for the State's Forest Fire Service firefighters (also referred to as wildland and forestland firefighters) fall under the authority of the DEP, and "are determined, regulated, and implemented by the State Forest Fire Service in accordance with standards of the United States Forest Service and of nationally recognized forest fire service associations or organizations," pursuant to N.J.S.A. 13:9-7.1. Thus, the Board will enroll Forest Fire Service firefighters in the PFRS on the basis of confirmation from DEP that the applicant has completed all of DEP's established fire service training standards, which currently include the training standards and qualifications of the National Wildfire Coordinating Group and the National Interagency Incident Management System.

Finally, as stipulated at N.J.S.A. 43:16A-1(2)(b), the board of trustees has the authority to assess whether comparable training and physical and mental fitness requirements are met when the established training and fitness requirements for the position of municipal firefighter do not apply, in order to determine whether a position meets the eligibility criteria for participation in the PFRS and if enrollment may occur. Consequently, the training requirements for Forest Fire Service firefighters, which follow the standards of the United States Forest Service and of nationally recognized forest fire service associations to ensure that the State's Forest Fire Service firefighters can perform the highly specialized and life threatening fire service duties that their positions require, are also subject to the board's evaluation and approval, pursuant to N.J.S.A. 43:16A-1(2)(b).

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

#### Social Impact

The proposed amendments represent a clarification regarding firefighter training requirements for the DEP's Forest Fire Service firefighters, so they will have a beneficial effect on members and on the PFRS, as they correctly stipulate the training and certification standards for all permanent, full-time firefighters in New Jersey, based on department affiliation. The proposed amendments will eliminate confusion regarding the PFRS firefighter training that is required before enrollment in the PFRS can occur.

#### Economic Impact

The proposed amendments will have little or no economic impact on the PFRS and all employers, as they represent a clarification to existing PFRS rules based on existing statutory and regulatory training standards and requirements for firefighters enrolling in the PFRS.

The Division is not aware of any provisions in the proposed amendments that would impose any hardship or costs on PFRS members or on the public in general. The Division of Pensions and Benefits will continue to monitor the economic impact of the proposed amendments.

#### 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 is no Federal requirement or standard that affects the subject of this rulemaking, with the exception of the fire service training standards of the United States Forest Service, which the DEP's Forest Fire Service applies for fire service under its authority.

#### Jobs Impact

The proposed amendments will not result in the generation or loss of jobs. The Division of Pensions and Benefits invites any interested parties to submit written comments with data or studies concerning the jobs impact of the proposed amendments.

#### Agriculture Industry Impact

The proposed amendments will not have any impact on the agriculture industry.

#### Regulatory Flexibility Statement

The rules of the Police and Firemen's Retirement System only affect public employers, public employees, and their dependents and beneficiaries. Thus, the proposed amendments do not impose any reporting, recordkeeping, or other compliance requirements upon small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A.

52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

#### Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey, nor will they evoke a change in the average costs associated with housing, because the rules pertain to the enrollment in the PFRS of municipal firefighters and wildland and forestland firefighters.

#### Smart Growth Development Impact Analysis

The proposed amendments will not have any impact on the achievement of smart growth; nor will they evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, because the amendments pertain the enrollment in the PFRS of municipal firefighters and wildland and forestland firefighters.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [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:

...  
 "Permanent firefighter" under a civil service jurisdiction means a full-time firefighter applicant who successfully completes the Firefighting 1 certification pursuant to N.J.A.C. 5:73-4.2, 4.3, and 4.4 and receives a regular appointment in a civil service location pursuant to N.J.A.C. 4A:4-5.1(a). **For wildland and forestland firefighters in the State Forest Fire Service whose titles/positions and training fall under the authority of the Department of Environmental Protection (DEP) in the Division of Parks and Forestry, "permanent firefighter" means a full-time firefighter applicant who successfully completes the firefighter training and qualification requirements established by the DEP, pursuant to N.J.S.A. 13:9-7.1, and receives a regular civil service appointment in the DEP's Forest Fire Service, pursuant to N.J.A.C. 4A:4-5.1(a).** "Permanent firefighter" under a non-civil service jurisdiction means a full-time firefighter applicant who successfully completes the Firefighting 1 certification pursuant to N.J.A.C. 5:73-4.2, 4.3, and 4.4 and is employed in a regular budgeted position.

#### 17:4-2.4 Training requirements

(a) (No change.)

(b) As required under N.J.S.A. 43:16A-1[(2b)](2)(b), permanent, full-time firefighters are [required to successfully complete the Firefighter 1 certification prescribed under N.J.A.C. 5:73-4.2, 4.3 and 4.4, or] **subject to the training and physical and mental fitness requirements applicable to the position of municipal firefighter established by the agency authorized to establish these requirements on a Statewide basis, or comparable training and physical and mental fitness requirements, as determined by the Board, before PFRS enrollment may occur. The New Jersey Department of Environmental Protection (DEP) is the only agency authorized to establish the training requirements and qualifications for State Forest Fire Service firefighters in the DEP's Division of Parks and Forestry, while the New Jersey Department of Community Affairs (DCA) is the only agency authorized to establish the municipal firefighter training and certification standards cited in N.J.S.A. 43:16A-1(2)(b).**

1. [Since all firefighting applicants must comply with N.J.A.C. 5:73-4.2, 4.3 and 4.4, the PFRS Board has determined that comparable training pursuant to] **Permanent, full-time firefighters whose training and certification standards are established by the [New Jersey Department of Community Affairs,] Division of Fire [Safety — Office] Safety's Office of Training and Certification [guidelines will be the only authorized agency to determine if the firefighting applicant's training meets the requirements for] in the DCA, are required to successfully complete the Firefighter 1 certification prescribed under N.J.A.C. 5:73-4.2, 4.3, and 4.4, as a condition of enrollment in the PFRS. Comparable fire service training will be evaluated on the basis of the**

guidelines established by the Division of Fire Safety's Office of Training and Certification in the DCA.

2. State Forest Fire Service firefighters (also referred to as wildland and forestland firefighters at N.J.A.C. 5:73-1.3(a)1), whose titles and training fall under the authority of the DEP in the Division of Parks and Forestry's State Forest Fire Service, are required to complete mandatory training for fire service in accordance with N.J.S.A. 13:9-7.1.

i. Job descriptions, duties, and training standards for wildland and forestland firefighters are determined, regulated, and implemented by the DEP's State Forest Fire Service in accordance with standards

of the United States Forest Service and of nationally recognized forest fire service associations or organizations.

ii. Forest Fire Service firefighters will be enrolled in the PFRS based on the DEP's confirmation that the applicant has completed the established fire service training standards, which include the training standards and qualifications of the National Wildfire Coordinating Group and the National Interagency Incident Management System.

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