

licensees who believe that they will receive only one continuing competency credit for the completion of a one credit college level course, rather than one credit for each hour spent in class.

This confusion was exacerbated when, in the notice of proposal published in the New Jersey Register on January 3, 2012 at 44 N.J.R. 37(a), the Board reverted to the prior method of calculating credits for college level courses in its continuing competency requirements for professional engineers. Proposed new N.J.A.C. 13:40-13.7 assigns 15 continuing professional competency credits for the successful completion of each semester-hour credit and 10 continuing professional competency credits for each quarter-hour credit awarded by a college or university. By amending N.J.A.C. 13:40-11.6 to make the methods of calculation for both the land surveyors and the professional engineers consistent, the Board hopes to eliminate the confusion that resulted from the 2011 amendments. Therefore, the Board proposes to amend N.J.A.C. 13:40-11.6(a)1i to grant professional land surveyors 15 continuing competency credits for the successful completion of a one-credit semester course and 10 credits for the successful completion of a one-credit quarter course.

The Board has provided a 60-day comment period for this notice of proposal, therefore, this notice is excepted from the calendar requirement set forth at N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Board anticipates that the proposed amendment will have a positive social impact upon professional land surveyors. The proposed amendment will clarify the method of credit calculation for licensees, thus making it easier for them to determine whether they have properly complied with the continuing education requirement. The amendment does not make a substantive change to the number of credits the Board will grant to someone taking a college level class. By establishing a fixed number of credits for the successful completion of a college level class, a licensee would be relieved of the burden of proving attendance at each class in order to receive credit.

The Board anticipates that the proposed amendment would have no social impact on the public or on public safety, because licensees would still be required to complete the same number of continuing education credits for the renewal of their licenses.

Economic Impact

The Board does not anticipate that the proposed amendment will have an economic impact on licensees or on the public.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is subject to State statutory requirements and is not subject to any Federal requirements or standards.

Jobs Impact

The Board does not anticipate that the proposed amendment will result in the creation or loss of jobs in the State.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in the State.

Regulatory Flexibility Statement

Since the 1,225 professional land surveyors are individually licensed by the Board, they may be considered "small businesses" under the Regulatory Flexibility Act (Act), N.J.S.A. 52:14B-16 et seq. The proposed amendment does not impose any reporting, recordkeeping, or compliance requirements; rather, it merely clarifies the method of credit calculation for continuing professional competency of professional land surveyors. Therefore, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

The proposed amendment will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns the method of calculating how many continuing professional competency credits will be awarded to professional land surveyors for the successful completion of a one credit-hour college level course.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rule would 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 proposed amendment concerns the method of calculating how many continuing professional competency credits will be awarded to professional land surveyors for the successful completion of a one credit-hour college level course.

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

SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

13:40-11.6 Credit calculation

(a) Continuing professional competency credits will be granted as follows for each biennial renewal period:

1. Successful completion of approved college level courses.

[1. One continuing professional competency credit for each semester hour credit awarded by the college;]

i. Fifteen continuing professional competency credits for each semester hour credit awarded by the college or university, or 10 continuing professional competency credits for each quarter hour credit awarded by the college or university;

2.-7. (No change.)

TREASURY — GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

GENERAL ADMINISTRATION

Domestic Relations Orders

Proposed Amendment: N.J.A.C. 17:1-1.12

Authorized By: Florence J. Sheppard, Acting Director, Division of Pensions and Benefits.

Authority: N.J.S.A. 52:14-15.1A (P.L. 1996, c. 8) and 52:18A-96 et seq.

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

Proposal Number: PRN 2012-073.

Submit comments by July 6, 2012 to:

Susanne Culliton
Administrative Practice Officer
Division of Pensions and Benefits
PO Box 295
Trenton, NJ 08625-0295

The agency proposal follows:

Summary

The Division of Pensions and Benefits (Division) proposes an amendment to the language in N.J.A.C. 17:1-1.12(d), to clarify the Division's position regarding the execution of domestic relations orders (DRO). The Division will honor court orders for child support, alimony, and equitable distribution. Once a qualified domestic relations order is received by the Division and it meets the requirements set forth in the rule, the member's file is annotated that such a court order exists. Upon the member's retirement, the payee named on the court order will begin to receive a monthly retirement allowance. Should a member withdraw his or her pension contributions, then the payee would receive a portion of the distribution depending on the formula set forth in the court order. Should the court order or DRO require that the member name the alternate payee for an irrevocable designation of death benefits or selection of retirement option, the Division will make every effort to monitor the selections of the member. It is ultimately the responsibility of the member to be certain that the Division is provided with copies of all

court orders, as well as to comply with them. In sum, the proposed amendment of subsection (d) is necessary to clarify that the court order requires that the member designate beneficiaries and option selections.

At N.J.A.C. 17:1-1.12, Domestic relations orders, subsection (d) is proposed for amendment to delete the language that an irrevocable designation remains the prerogative of the member. It is the Division's administrative practice to honor and implement court orders for child support, alimony, or equitable distribution. If the existing court order is released or a new court order is received by the Division and it authorizes payment to another payee for the designation of death benefits or selection of retirement option the existing court order becomes null and void.

As the Division 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 amendment to N.J.A.C. 17:1-1.12 will clarify the Division's administrative practice regarding the treatment of court orders for child support, alimony, or equitable distribution. The Division makes every effort to honor these court orders and the member's file is annotated that there is an existing court order before any monies are dispersed to the member and the alternate payee.

The social benefits of this proposed amendment outweigh any negative effect that this amendment may impose on members or employers. Providing the proper distribution of pension funds to the members and alternate payees saves Division resources and avoids legal ramifications. The taxpaying public may be affected by the proposed amendment, since public monies are used to fund the benefits and they too, benefit from the proper and efficient administration of the retirement system which the amendment requires.

Economic Impact

The proposed amendment will have a positive economic impact on the various retirement systems. It will ensure that the Division will continue to honor and properly disperse the pension monies designated by court orders for child support, alimony, or equitable distribution to the named payees. This will avoid additional legal fees to the member, alternate payees, and the pension funds. The Division will continue to monitor the impact of the proposed amendment.

Federal Standards Statement

The proposed amendment is necessary, so as to be compliant with court orders for child support, alimony, and equitable distribution. A Federal standards analysis is not required because N.J.S.A. 52:14-15.1a (P.L. 1996, c. 8) and 52:18A-96 et seq. govern the subject of this rulemaking and there is no Federal requirement or standard that affects the subject of this rulemaking.

Jobs Impact

The operation of the proposed amendment will not result in the generation or loss of jobs. The Division invites any interested parties to submit any data or studies concerning the jobs impact of this proposed amendment along with their written comments.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed amendment affects all members of the State-administered retirement systems. It does 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 amendment will not have an impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing since the rule only applies to the execution of court orders for child support, alimony, or equitable distribution.

Smart Growth Development Impact Analysis

The proposed amendment will not 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 proposed rule only applies to the execution of court orders for child support, alimony, or equitable distribution.

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

SUBCHAPTER 1. ADMINISTRATIVE PRACTICES

17:1-1.12 Domestic relations orders

(a)-(c) (No change.)

(d) The Division cannot guarantee the implementation of any irrevocable designation of death benefits or selection of retirement option. [Such designation or selection remains the prerogative of the member.] **It is the responsibility of the member to inform the Division of the existence of any court order or domestic relations order, as well as, to comply with the contents of same.**

(a)

DIVISION OF PENSIONS AND BENEFITS

General Administration

Peacetime Military Service; Service Credit

Proposed Amendment: N.J.A.C. 17:1-3.10

Authorized By: Florence J. Sheppard, Acting Director, Division of Pensions and Benefits.

Authority: N.J.S.A. 52:14-15.1a (P.L. 1996, c. 8) and 52:18A-96 et seq.

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

Proposal Number: PRN 2012-069.

Submit comments by July 6, 2012 to:

Susanne Culliton
Administrative Practice Officer
Division of Pensions and Benefits
PO Box 295
Trenton, NJ 08625-0295

The agency proposal follows:

Summary

The Division of Pensions and Benefits (Division) seeks to propose an amendment to clarify an existing requirement in the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). There has been no change in the administrative practice of the Division, the proposed amendment clarifies that in order for an employee to receive the USERRA-eligible service in the actual calculation of retirement benefits, the employee is required to remit the pension contributions for the period of time in the uniformed service. The employee shall receive the pension credit for the USERRA-eligible service by making the pension contributions that would have been required had the employee not left employment to serve in the uniformed services. In addition, the USERRA-eligible service can be used to attain the employer-paid health benefits coverage based on 25 years of service if the employer normally provides this benefit, as long as the employee purchases the USERRA-eligible service.

The purpose of this amendment is to clarify an already existing requirement and to ensure that no one is misled regarding the provisions of 38 U.S.C. §§ 4301 et seq. and the Division's administrative practice regarding USERRA-service for retirement and health benefits. Employees that pay the pension contributions associated with the USERRA-service shall have the time included in the calculation of their retirement benefits and health benefits if applicable.

It is the employer's responsibility to notify employees of the benefit protection provided by USERRA. The request for USERRA-eligible service credit should be made by the employer to the Division within 30