

**Agriculture Industry Impact**

The Department does not anticipate that any impact on the agricultural industry would occur as a result of the proposed amendments. However, to the extent that any agricultural facility includes an LHU, it will be subject to the same increase in fees as any similar LHU that is not part of an agricultural facility.

**Regulatory Flexibility Analysis**

The proposed amendments do not place any reporting or recordkeeping burden upon "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The only additional compliance burden placed upon such entities, in common with all other entities subject to the same rules, is that they must pay a fee increase necessary to cover program costs and to allow the Department to better protect public health and safety. Therefore, no distinction can be made as to the size or form of organization of the fee-paying entity for fee increase purposes. The Department notes that some fee categories were initially established based on size of operation, as well as other factors.

**Housing Affordability Impact Analysis**

The proposed amendments concern fee increases, which would be most unlikely to have any impact upon housing production costs or to affect housing affordability.

**Smart Growth Development Impact Analysis**

The proposed amendments concern across-the-board fee increases. As such, the proposed amendments would be unlikely to have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

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

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.9 Fees: registration; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate

(a) The annual registration fee for life hazard uses shall be as follows:

- 1. Type Aa—[\$84.00] **\$108.00** per year;
- 2. Type Ab—[\$124.00] **\$160.00** per year;
- 3. Type Ac—[\$132.00] **\$170.00** per year;
- 4. Type Ad—[\$148.00] **\$190.00** per year;
- 5. Type Ae—[\$166.00] **\$215.00** per year;
- 6. Type Af—[\$199.00] **\$257.00** per year;
- 7. Type Ag—[\$250.00] **\$323.00** per year;
- 8. Type Ah—[\$298.00] **\$384.00** per year;
- 9. Type Ai—[\$397.00] **\$512.00** per year;
- 10. Type Aj—[\$497.00] **\$641.00** per year;
- 11. Type Ba—[\$132.00] **\$170.00** per year;
- 12. Type Bb—[\$250.00] **\$323.00** per year;
- 13. Type Bc—[\$397.00] **\$512.00** per year;
- 14. Type Bd—[\$497.00] **\$641.00** per year;
- 15. Type Be—[\$581.00] **\$750.00** per year;
- 16. Type Bf—[\$709.00] **\$915.00** per year;
- 17. Type Bg—[\$755.00] **\$974.00** per year;
- 18. Type Bh—[\$944.00] **\$1,218** per year;
- 19. Type Bi—[\$1,136] **\$1,465** per year;
- 20. Type Bj—[\$1,181] **\$1,523** per year;
- 21. Type Bk—[\$1,416] **\$1,827** per year;
- 22. Type Bl—[\$1,654] **\$2,134** per year;
- 23. Type Bm—[\$1,844] **\$2,379** per year;
- 24. Type Bn—[\$2,360] **\$3,044** per year;
- 25. Type Bo—[\$2,832] **\$3,653** per year;
- 26. Type Bp—[\$994.00] **\$1,282** per year;
- 27. Type Bq—[\$3,088] **\$3,984** per year;
- 28. Type Ca—[\$944.00] **\$1,218** per year;
- 29. Type Cb—[\$1,133] **\$1,462** per year;
- 30. Type Cc—[\$1,226] **\$1,582** per year;
- 31. Type Cd—[\$1,321] **\$1,704** per year;

- 32. Type Ce—[\$1,511] **\$1,949** per year;
- 33. Type Cf—[\$540.00] **\$697.00** per year;
- 34. Type Cg—[\$1,888] **\$2,436** per year;
- 35. Type Ch—[\$2,371] **\$3,059** per year;
- 36. Type Ci—[\$2,850] **\$3,677** per year;
- 37. Type Da—[\$1,882] **\$2,428** per year;
- 38. Type Db—[\$2,850] **\$3,677** per year;
- 39. Type Dc—[\$3,706] **\$4,781** per year.

(b) Where more than one life hazard use exists under one ownership at a given location, the highest life hazard use shall be registered at full fee and subsequent life hazard uses at one-half the scheduled fee.

1. No public or private K-12 educational building shall pay more than one [\$166.00] **\$214.00** life hazard use registration fee, regardless of the number or type of life hazard uses contained within the building.

2. No camp accommodating six or more children of school age shall pay more than [\$148.00] **\$191.00** life hazard use registration fee, regardless of the number or type of life hazard uses contained within the premises.

3. (No change.)

(c) The application fee for a permit shall be as follows:

- 1. Type 1—[\$42.00] **\$54.00**;
- 2. Type 2—[\$166.00] **\$214.00**;
- 3. Type 3—[\$331.00] **\$427.00**;
- 4. Type 4—[\$497.00;] **\$641.00**.

i. (No change.)

5. (No change.)

(d) The application fee for a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC), as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupant is expected, as follows:

1. Requests for a CSDCMAC received more than 10 business days prior to the change of occupant: [\$35.00] **\$45.00**;

2. Requests for a CSDCMAC received four to 10 business days prior to the change of occupant: [\$70.00] **\$90.00**; and

3. Requests for a CSDCMAC received fewer than four business days prior to the change of occupant: [\$125.00] **\$161.00**.

(e) The annual application fee for a carnival registration certificate shall be as follows:

1. For 10 or fewer locations: [\$60.00] **\$77.00**;

2. For 11 to 25 locations: [\$90.00] **\$116.00**;

3. For 26 or more locations: [\$120.00] **\$155.00**.

(f) A municipality having a local enforcing agency may establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed [\$75.00] **\$97.00**.

**MILITARY AND VETERANS' AFFAIRS**

**(a)**

**OFFICE OF THE ADJUTANT GENERAL**

**Division of Veterans Services**

**Proposed Readoption with Amendments: N.J.A.C. 5A:6**

Authorized By: Brigadier General Michael L. Cunniff, The Adjutant General, Commissioner, Department of Military and Veterans' Affairs.

Authority: P.L. 1987, c. 444 and N.J.S.A. 38A:3-2.2 and 38A:3-6(o).  
Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-080.

Submit written comments by August 4, 2017, to:

Mark Preston, Chief  
Administrative Services Bureau, IASD

New Jersey Department of Military and Veterans' Affairs  
 PO Box 340  
 Trenton, NJ 08625-0340  
 E-mail address: [Mark.preston@dmava.nj.gov](mailto:Mark.preston@dmava.nj.gov)

The agency proposal follows:

#### Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5A:6 was scheduled to expire on October 7, 2017. As the Department of Military and Veterans' Affairs submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to April 5, 2018. The Department of Military and Veterans' Affairs proposes to readopt with amendments N.J.A.C. 5A:6. The purpose of this chapter is to set forth the rules that outline, identify, and establish the eligibility requirements, policies, and procedures for the entitlement programs and services authorized for provision to the New Jersey resident veterans and their dependents by the State.

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

The chapter contains the following rules, along with a scope and purpose section of the chapter.

The Post Traumatic Stress Disorder/Readjustment Counseling (PTSD/R) Program is directed at providing assistance to New Jersey veterans suffering the effects of military or combat-related post traumatic stress. Treatment is extended to family members affected by the veterans' affliction. This entitlement is intended as a supplement to existing Federally provided programs and utilizes private clinicians on a contractual basis.

The Veterans' Tuition Credit Program (VTCP) provides an educational support entitlement to full-time and part-time students who are New Jersey resident veterans that served in the Armed Forces of the United States between December 31, 1960 and May 7, 1975.

The Vietnam Veterans Tuition Aid Program (VTAP) provides renewal applications to veterans, who reside in New Jersey and have a Vietnam Service Medal, that are pursuing an initial undergraduate degree with tuition assistance. This program is available to those Vietnam veterans who applied for assistance during the five-year period after the legislation was adopted. The application period for this program closed on April 9, 1990.

The Tuition Assistance of POW/MIAs Program provides free undergraduate college tuition for children of those veterans when accepted into an undergraduate course of study. The program is available to any dependent of a United States Armed Forces Prisoner of War or Person Missing in Action who is a resident of the State.

The Tuition Assistance for War Orphans Program provides for education assistance to children of New Jersey residents killed while on active duty or who have died or shall die due to service-connected disabilities, or officially listed as missing in action by the United States Department of Defense.

The Veterans' Catastrophic Entitlement Program provides for a State pension to resident veterans of the State that have been rated 100 percent wartime service-connected disabled meeting the specific criteria outlined in the program.

A summary of the proposed amendments follows:

N.J.A.C. 5A:6-1.1(b) is proposed for amendment by replacing the words "Veterans Haven" with "two Veterans Havens," as a new Transitional Housing Program for Homeless Veterans was established in North Jersey since the last adoption of this chapter. Additionally, the military Rank of "B.G." has been spelled out as "Brigadier General."

N.J.A.C. 5A:6-6.3(a)4 is proposed for amendment by adding the word "Desert" in front of "Storm" to reflect the proper name of the operation. N.J.A.C. 5A:6-6.3(a)5 is proposed for amendment by replacing the words "and ongoing" with "and prior to March 18, 2003," to reflect the actual end date of this operation. N.J.A.C. 5A:6-6.3(a)7 is proposed for amendment by adding "New Dawn" after "Iraqi Freedom" to reflect the proper name of the subsequent operation. The same amendments are proposed at N.J.A.C. 5A:6-7.2(a)5iv, v, and vii, respectively.

N.J.A.C. 5A:6-7.8(b) is proposed for amendment by replacing the words "state are" with "state is."

#### Social Impact

The rules proposed for readoption with amendments will have a positive social impact upon the New Jersey veteran population and upon the families of veterans since they will clearly define how veterans and their dependents can access services and programs.

The PTSD/R Program is intended to assist veterans who are suffering from the effects of combat to readjust to society and become more effective members of the community. The rules governing the Post Traumatic Stress Disorder/Readjustment Counseling Program provide a gradual reduction over time in the rate of reimbursement for counseling sessions. This gradual reduction may result in individual clients paying out-of-pocket expenses for counseling sessions or accessing private insurance for reimbursement. The designed reduction negatively impacts the client the longer he or she is in the program. This allocates available funds and resources thereby ensuring fair access to this program to new and existing clients.

#### Economic Impact

The rules proposed for readoption with amendments will have no economic impact in general and will impose no obligations or costs to agencies outside of the Department of Military and Veterans' Affairs. The programs outlined in these rules will assist eligible veterans and their eligible dependents.

Indirectly, the PTSD/R Program has a positive impact since the program helps veterans to become more productive members of society, thereby placing fewer demands on the social systems of the State. The PTSD/R Program may have a negative impact on clients remaining in the program who are required to pay out-of-pocket or to use private insurance plans. The program has a positive impact on all clients as it enables them to be more productive economically in work and family life.

The cost of the tuition assistance programs will be balanced by the ability of the recipient to complete higher levels of education, thereby, obtaining a higher level of employment. Finally, the Veterans' Catastrophic Entitlement program will allow severely disabled veterans to live more effectively.

The General Treasury funds these programs as budget items. Except for minor adjustments, the amounts dedicated to these programs have remained constant and will continue to be so in the future.

#### Federal Standards Statement

The rules proposed for readoption with amendments are not subject to any Federal requirement or standards. Therefore, a Federal standards analysis is not required.

#### Jobs Impact

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

#### Agriculture Industry Impact

The rules proposed for readoption with amendments are anticipated to have no impact upon the agriculture industry in the State.

#### Regulatory Flexibility Statement

The rules proposed for readoption with amendments impose compliance requirements upon small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The PTSD/R Program rules impose compliance requirements on providers and the tuition entitlement program places requirements on selected institutions of higher learning. Some of these providers and higher education institutions may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

PTSD-contracted clinicians must be in compliance with all State and local licenses and certifications applicable to the provision of services. Contract providers shall maintain adequate insurance coverage. The contract provider is subject to an audit at any time during the contract term or after contract termination. The contract provider must maintain accurate and complete records on all referrals for services. Confidentiality of records shall be maintained in accordance with Federal and State legislation and regulations, as per the Department's Release Statement/Information of the Contract Services Authorization (CSA) Form (DMAVA Form 50).

The Department does not anticipate that these requirements will cause any outside agency or service provided to incur capital costs or require professional services in order to comply. No lesser requirements are provided based upon business size since contracts for providers' services are made based upon proposals submitted by providers and payments are based upon the number of clients seen, and not upon business size, and participation in these programs by providers is voluntary.

The Department has provided no differing standards for small businesses because it believes the requirements to be minimal and not excessively burdensome. Moreover, uniform application of the requirements is necessary to ensure uniformity and consistency in the treatment of veterans and the maintenance of accurate records.

**Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will not have any impact on the affordability of housing in New Jersey. The rules proposed for readoption with amendments would not evoke a change in the average costs associated with housing because the rules set forth are limited to services for veterans and their families under certain circumstances.

**Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules 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 rules pertain to services for veterans and their families under certain circumstances.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5A:6.

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

SUBCHAPTER 1. GENERAL PROVISIONS

5A:6-1.1 Scope

(a) (No change.)

(b) This chapter does not refer to the policies and procedures involved in the admission to and operation of the Department's three veterans memorial homes and **two** Veterans Havens nor does it cover burial entitlements at the [B.G.] **Brigadier General** William C. Doyle Veterans' Memorial Cemetery.

SUBCHAPTER 6. TUITION ASSISTANCE FOR WAR ORPHANS (N.J.S.A. 38:20-1 et seq.)

5A:6-6.3 War and time of emergency

(a) "War" means any of the following:

1.-3. (No change.)

4. Operation Desert [Shield/Storm] **Shield/Desert Storm**, August 2, 1990, and prior to February 28, 1991;

5. Operation Northern Watch and Southern Watch, August 27, 1992, and [ongoing] **prior to March 18, 2003**;

6. (No change.)

7. Operation Iraqi [Freedom] **Freedom/New Dawn**, March 19, 2003, and ongoing.

(b) (No change.)

SUBCHAPTER 7. VETERANS' CATASTROPHIC ENTITLEMENT (N.J.S.A. 38:18-1 [ET SEQ] **et seq.**; 38:18A-1 et seq.)

5A:6-7.2 Veterans' Catastrophic Entitlement eligibility criteria

(a) In order to be eligible for a Veterans' Catastrophic Entitlement, a veteran must:

1.-4. (No change.)

5. Have served during the following:

i.-iii. (No change.)

iv. Operation Desert [Shield/Storm] **Shield/Desert Storm** August 2, 1990, and prior to February 28, 1991;

v. Operation Northern Watch and Southern Watch, August 27, 1992, and [ongoing] **prior to March 18, 2003**;

vi. (No change.)

vii. Operation Iraqi [Freedom] **Freedom/New Dawn**, March 19, 2003, and ongoing.

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

5A:6-7.8 Spouse Catastrophic Entitlement

(a) (No change.)

(b) The procedure for a change of address within or to another state [are] **is** the same as those for the veteran as indicated in N.J.A.C. 5A:6-7.5 and 7.6(a) through (j).

1.-2. (No change.)

(c)-(d) (No change.)

**EDUCATION**

**(a)**

**STATE BOARD OF EDUCATION**

**Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments Programs to Support Student Development Proposed Changes: N.J.A.C. 6A:16-7.7 and 7.8**

Proposed: September 6, 2016, at 48 N.J.R. 1743(a).

Authorized By: New Jersey State Board of Education, Kimberley Harrington, Acting Secretary and Acting Commissioner, Department of Education.

Authority: N.J.S.A. 18A:38-1.

Submit written comments by August 4, 2017, to:

Peggy McDonald, Acting Assistant Commissioner  
New Jersey Department of Education  
100 River View Executive Plaza  
PO Box 500  
Trenton, New Jersey 08625-0500  
E-mail: [chapter16@doe.state.nj.us](mailto:chapter16@doe.state.nj.us)

**Take notice** that the Department of Education (Department) proposed amendments and a new rule to N.J.A.C. 6A:16 on September 6, 2016, at 48 N.J.R. 1743(a), to clarify existing rules implementing the Anti-Bullying Bill of Rights Act (ABR) (P.L. 2010, c. 122) and in response to recommendations proposed by the Anti-Bullying Task Force. The proposed amendments and new rule will assure all students have the opportunity to achieve academic and behavioral success in safe and supportive learning environments. The public comment period closed November 5, 2016.

The Department is proposing a number of changes to the amendments and new rule in response to comments received. A summary of only the comments that prompted the changes and the agency responses are provided below. This notice of proposed substantial changes is published pursuant to N.J.S.A. 52:14B-4.10.

The following is a summary of the comments related to the proposed substantial changes and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. Elizabeth Athos Esq., Education Law Center
2. Christian Fuscarino, Executive Director, Garden State Equality
3. Gordon Sauer, Vice President of Community Services, Gay Activist Alliance in Morris County
4. Carol Watchler, Co-Chair, Gay Lesbian and Straight Education Network, Central Jersey Chapter
5. Barbra Siperstein, Director, Gender Rights Advocacy Association of New Jersey
6. Elizabeth Schedl, Deputy Director, Hudson Pride
7. Dr. Stuart Green, Director, New Jersey Coalition for Bullying Awareness and Prevention