

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

VETERANS AFFAIRS

(a)

THE COMMISSIONER

Petitions for Rulemaking Public Notice of Rulemaking

Proposed New Rules: N.J.A.C. 5B:1-2

Authorized By: Vincent Solomeno, Commissioner, Department of Veterans Affairs.

Authority: 52:14B-1 et seq., and P.L. 2025, c. 139.

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

Proposal Number: PRN 2026-058.

Submit written comments by December 18, 2026, to:

Ms. Victoria Dearden, Director
Fiscal and Administrative Services Division
New Jersey Department of Veterans Affairs
PO Box 340
Trenton, NJ 08625-0340
or electronically at: victoria.dearden@dva.nj.gov

The agency proposal follows:

Summary

Effective January 9, 2026, the Department of Military and Veterans Affairs was divided into the Department of Military Affairs and the Department of Veterans Affairs (Department), pursuant to N.J.S.A. 38A:21-1 et seq. The Department has undertaken the process of recodifying its rules from the former Title 5A to the newly created Title 5B. N.J.A.C. 5B:1 was adopted as new rules effective September 14, 2026 (see 58 N.J.R. 2249(a)), and set forth organization of the newly established Department. As part of this new chapter, the Department is proposing to add rules pertaining to the procedure to petition for a change in rules in general and additional notice the Department will undertake for all notices of proposal, as appropriate. 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.

Social Impact

The proposed new rules will have a positive social impact on the State and veterans by setting forth certain administrative aspects of the Department.

Economic Impact

The new rules will have no economic impact on the State and veterans as they merely set forth certain administrative aspects of the Department.

Federal Standards Statement

A Federal standards analysis is not required. The proposed new rules are proposed pursuant to N.J.S.A. 52:14B-1 et seq.

Jobs Impact

The Department does not anticipate that the proposed new rules will have any impact on the creation of or loss of jobs within the State.

Agriculture Industry Impact

The proposed new rules will have no impact upon the agricultural industry in the State.

Regulatory Flexibility Statement

The proposed new rules apply to certain administrative aspects of the Department. There are no requirements imposed upon small business as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and a regulatory flexibility analysis is not required, as no small businesses would, foreseeably, petition the Department for a change in its rules.

Housing Affordability Impact Analysis

The proposed new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules pertain to certain administrative aspects of the Department.

Smart Growth Development Impact Analysis

The proposed new rules will have an insignificant impact on housing in New Jersey 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, pursuant to the State Development and Redevelopment Plan in New Jersey because the rules pertain to certain administrative aspects of the Department.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rules follows:

SUBCHAPTER 2. RULES RELATED TO DEPARTMENT RULEMAKING

5B:1-2.1 Procedure to petition for a rule

(a) An interested person may petition for the promulgation, amendment, or repeal of any rule of the Department of Veterans Affairs (Department). A petition shall be in writing, shall be legible and intelligible, and shall be signed by the petitioner. Each petition shall include the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking that is requested;
3. The reasons for the request; and
4. The statutory authority pursuant to which the Department may take the requested action.

(b) Department action taken in response to the petition will be in accordance with N.J.S.A. 52:14B-4(f) and N.J.A.C. 1:30-4.2.

(c) Petitions shall be mailed to: The New Jersey Department of Veterans Affairs, Attn: Administration Division, PO Box 340, Trenton, NJ 08625-0340.

5B:1-2.2 Public notice for Department of Veterans Affairs rulemakings

(a) In addition to publication of a notice of proposal in the New Jersey Register, the Department of Veterans Affairs (Department) shall provide additional notice of its rulemaking actions using the following methods:

1. Distribution of a press release to the news media maintaining a press office in the State House Complex;
2. Posting the notice of proposal or a summary of the substance of the notice of proposal on the Department's website.
 - i. Posting of the full notice of proposal on the Department's website shall also constitute "additional publicity" pursuant to N.J.A.C. 1:30-5.2(a)6ii(4)(A); and
3. Posting of the notice of proposal or a summary of the substance of the notice of proposal to interested persons and to a distribution list either electronically or through regular mail.

5B:1-2.3 Additional time for public comments

(a) If sufficient public interest is demonstrated within 30 days of the publication of a notice of proposal in the New Jersey Register, the Department of Veterans Affairs (Department) shall provide an additional 30 days for submission of comments on the notice of proposal.

(b) Sufficient public interest in additional time to submit comments shall be determined by the Department based on written requests to the address to which comments are to be sent as set forth in the notice of proposal. Public interest in additional time shall be sufficient to require an additional 30 days to submit comments if written comments received within 30 days of publication of the notice of proposal in the New Jersey Register request additional time to present data, arguments, or views that raise a substantial issue as to the impact of the rulemaking on the regulated community or the general public that has not been anticipated by the Department. Persons requesting additional time shall specify the impact or issue to be addressed.

5B:1-2.4 Public hearings

(a) The Department of Veterans Affairs (Department) shall hold a public hearing on a notice of proposal at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest in a public hearing is demonstrated within 30 days of the publication of the notice of proposal in the New Jersey Register.

(b) Public interest in holding a public hearing shall be determined by the Department based on written requests to the address to which comments are to be sent on the notice of proposal. Public interest in holding a public hearing shall be sufficient if:

1. At least 50 persons submit written requests to hold a public hearing to present data, arguments, or views that raise a substantial issue as to the impact of the notice of proposal on the regulated community or the general public that has not been anticipated by the Department; and
2. No other public hearing on the notice of proposal has been scheduled or held by the Department pursuant to this section or other applicable law or rule.

(c) For the purposes of (b)1 above, a professional organization or law firm that submits a request for a public hearing on behalf of a group of interested parties shall be considered one person.

(d) Any public hearing held pursuant to (a) above may be held in conjunction with an open public meeting of the Department or as otherwise determined by the Department, consistent with the requirements at N.J.A.C. 1:30-5.5. The Department shall not be required to hold more than one public hearing on any notice of proposal.

(a)

OFFICE OF THE COMMISSIONER

Brigadier General William C. Doyle Veterans' Memorial Cemetery

Proposed New Rules: N.J.A.C. 5B:2

Authorized By: Vincent Solomeno, Commissioner, Department of Veterans Affairs.

Authority: P.L. 2025, c. 139 and 38 U.S.C. § 2402.

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

Proposal Number: PRN 2026-059.

Submit written comments by December 18, 2026, to:

Ms. Victoria Dearden, Director
Fiscal and Administrative Services Division
New Jersey Department of Veterans Affairs
PO Box 340
Trenton, NJ 08625-0340
or electronically at: victoria.dearden@dva.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5A:4, which was promulgated by the Department of Military and Veterans' Affairs, expired on September 28, 2023. Effective January 9, 2026, the Department of Military and Veterans' Affairs was divided into the Department of Military Affairs and the Department of Veterans Affairs (Department), pursuant to N.J.S.A. 38A:21-1 et seq. 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 expired rules are proposed herein as new rules with changes related to the promulgation of the rules by the Department, including updating cross-references, agency names, addresses, and technical changes (to update Office of Administrative Law standards). Other changes are discussed in the description of each subchapter below.

The purpose of this chapter is to set forth the rules and eligibility criteria for the interment of New Jersey veterans and eligible dependents in the State's veterans' cemetery.

Subchapter 1 sets forth general provisions, the chapter's scope, and purpose.

Subchapter 2 sets forth the eligibility criteria.

Subchapter 3 sets forth the general operating rules for the cemetery.

Subchapter 4 establishes general rules for funeral directors when dealing with the cemetery.

Subchapter 5 sets forth the general rules for disinterment.

Social Impact

The proposed new rules will have a positive social impact on New Jersey's veterans and their eligible dependents. With the establishment of the Brigadier General William C. Doyle Veterans' Memorial Cemetery, New Jersey created the largest single memorial to New Jersey veterans' service to the State and nation. In addition, the cemetery serves as an important entitlement offered to the veterans of this State.

This chapter facilitates the provision of services to veterans and their families by clarifying the procedures to be taken so that, in time of need, a family's emotional burden is reduced.

Economic Impact

The proposed new rules will allow New Jersey veterans to continue to be interred at the Brigadier General William C. Doyle Veterans' Memorial Cemetery. Since burial at the State cemetery is at no cost to New Jersey resident veterans, there is a potential for increased operating costs to the State, due to the continued operation of the cemetery. However, the State is reimbursed by the Federal government for each qualifying veteran that is interred at the State cemetery. These funds mitigate the overall economic impact of this chapter and the operational cost to the State.