

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.

Federal Standards Statement

The provisions of this chapter do not exceed any Federal standards and the requirements of the proposed new rules are the same as those imposed by Federal law Title 38 United States Code-Veterans Benefits, at 38 U.S.C. § 2402.

Jobs Impact

The proposed new rules will not result in the creation or loss of jobs in the State. The existing State employees at the cemetery will be retained and utilized to perform administrative functions and interments, as well as providing continuing perpetual care.

Agriculture Industry Impact

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

Regulatory Flexibility Analysis

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

The compliance requirements would apply to all funeral directors wishing to assist in veteran interments at the Brigadier General William C. Doyle Veterans' Memorial Cemetery. The requirements are as follows: verification of military service discharge papers; verification of Retirement Eligibility Letter (20-year letter from Reserve Components); and proof of State residency. All of these requirements are obtained from the family and/or next of kin and forwarded to the cemetery interment office.

These compliance requirements only apply to funeral directors handling arrangements for those veterans or eligible reservists who have not pre-registered for burial at the cemetery. There is no initial capital cost for compliance nor is there an annual compliance cost. The proposed new rules have no adverse economic impact on funeral directors within the State. No professional services are required to comply with the proposed new rules.

The Department has provided no differing standards for small businesses because it believes the requirements to be minimal and not excessively burdensome. The requirements are generally consistent with the varying preinterment arrangements that funeral directors are ordinarily required to make arising from the particular requirements of different cemeteries. 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 proposed new rules will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing, whether in proximity to the Brigadier General William C. Doyle Veterans' Memorial Cemetery or beyond. The proposed new rules are limited to the policies governing operation of, and within, the cemetery.

Smart Growth Development Impact Analysis

The proposed new rules set forth long-held policies and procedures for the interment of veterans, spouses, and eligible dependents. The proposed new rules 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, pursuant to the State Development and Redevelopment Plan in New Jersey.

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:

CHAPTER 2

BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

SUBCHAPTER 1. GENERAL PROVISIONS

5B:2-1.1 Scope

(a) This chapter is applicable to all individuals who served in any capacity on active duty with the Armed Forces of the United States of America and who have been separated or discharged from such active duty in conditions other than undesirable or dishonorable.

(b) This chapter is applicable to all individuals who are or were members of the Reserve Components of the Armed Forces of the United States of America who have 20 years of service creditable for retired pay. Members of the State organized militia and the Reserve Component of the Armed Forces shall be considered in accordance with N.J.A.C. 5B:2-2.3.

(c) In addition to eligible veterans, his or her spouse, or eligible dependent children, this chapter applies to all private funeral directors who provide assistance in the interment at the Brigadier General William C. Doyle Veterans' Memorial Cemetery.

5B:2-1.2 Purpose

The purpose of this chapter is to identify and establish the eligibility rules for interment in the Brigadier General William C. Doyle Veterans' Memorial Cemetery located in North Hanover Township, New Jersey.

5B:2-1.3 Definitions

As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

"Cemetery" or "Veterans Memorial Cemetery" shall mean the Brigadier General William C. Doyle Veterans' Memorial Cemetery.

"Department" shall mean the Department of Veterans Affairs in the State of New Jersey.

"Immediate family member" shall mean the surviving spouse, whether or not he or she is remarried, all adult children of the decedent, the appointed guardian(s) of minor children, and the appointed guardian(s) of the surviving spouse or of the adult child(ren) of the decedent. In the absence of a surviving spouse and children, the decedent's parents will be considered "immediate family members."

SUBCHAPTER 2. ELIGIBILITY CRITERIA

5B:2-2.1 Veterans' interment eligibility

(a) Eligibility for interment in the Brigadier General William C. Doyle Veterans' Memorial Cemetery is based on 38 U.S.C. § 2303, 2402 through 2408, and 2411.

(b) The following eligibility criteria are outlined in order to delineate and clarify the provisions at (a) above:

1. Proof of eligibility for a veteran to be interred is a valid discharge from the Armed Forces of the United States of America indicating that the character of service was other than dishonorable or undesirable. Proof of eligibility for a reserve component member, or prior member, of the Armed Forces of the United States is a valid letter of "Notification of Eligibility for Retired Pay at Age Sixty" provided to the individual by his or her reserve component command;

2. In the absence of an acceptable discharge document, the interment may be subject to delay in order to permit a determination of eligibility;

3. In cases where eligibility for interment must be verified by the United States Department of Veterans' Affairs or by a Reserve Component Command, the Cemetery Superintendent shall not permit interment pending final decision. The Superintendent shall advise the funeral director that interment cannot proceed until eligibility is established; and

4. If a funeral cortege arrives at the Veterans' Memorial Cemetery and eligibility has not been established, a committal service may be permitted. However, interment shall not take place and the remains shall be removed by the funeral director from the Cemetery until eligibility has been verified.

5B:2-2.2 Family interment eligibility

In order for a spouse or dependent child to be eligible for interment, the eligible sponsor must be interred or agree to be interred in the

Veterans' Memorial Cemetery. The surviving spouse of a veteran remains eligible for burial in the Cemetery based on his or her marriage to the veteran, regardless of the status of a subsequent marriage, as long as the effective date of death is on or after January 1, 2000. The Cemetery recognizes a veteran's marriage if the marriage was recognized pursuant to the law of the place where at least one of the parties resided when they were married or when the claimant became eligible for benefits. The Cemetery also recognizes all same-sex marriages without regard to a veteran's current or previous state of residence.

5B:2-2.3 Members of the State organized militia and the Reserve Component of the Armed Forces interment eligibility

(a) A member of the State organized militia or the Reserve Component of the Armed Forces is eligible for interment in the Veterans' Memorial Cemetery upon proof of a valid discharge from the Armed Forces of the United States of America indicating that the character of service was other than dishonorable or undesirable.

(b) A member of the State organized militia or the Reserve Component of the Armed Forces without a valid discharge from the Armed Forces of the United States of America indicating that the character of service was other than dishonorable or undesirable is eligible for interment in the Veterans' Memorial Cemetery upon proof of:

1. A valid letter of "Notification of Eligibility for Retired Pay at Age Sixty";
2. An NGB Form 22, Report of Separation and Record of Service, and/or DD Form 214-1, Certificate of Uniformed Service, Reserve Component Addendum, that indicates at least 20 years of creditable service;
3. An NGB Form 23B, Army National Guard Retirement Points History Statement; an AF Form 190, Reserve Personnel Record Card for Retention, Promotion, and Retirement; an AF Form 526, ANG/USAF Point Credit Summary, or DA Form 5016, Chronological Statement of Retirement Points that indicates at least 20 years of creditable service; or
4. Any similar form from the Reserve Component of the Armed Forces that indicates at least 20 years of creditable service.

(c) Members of the State organized militia or the Reserve Component of the Armed Forces who have been medically discharged due to injuries or illness while on active duty prior to 20 years of service are also eligible for interment at the Cemetery.

(d) A member of the State organized militia, who while on State active duty by order of the Governor of the State of New Jersey and who dies or is killed in the line of duty, is eligible for interment in the Veterans' Memorial Cemetery. The State will purchase the bronze markers for these members of the State organized militia.

(e) The family of such a State organized militia member or Reserve Component of the Armed Forces is eligible for interment in accordance with the provisions of this chapter as they apply to the family of a deceased veteran.

5B:2-2.4 Right of appeal

A veteran, a Reserve Component or the Armed Forces member, State organized militia member, their legal representative, or next-of-kin may appeal a decision regarding eligibility for interment within 30 days of notification of the decision. The appeal shall be in writing and be filed with the Veterans' Memorial Cemetery Superintendent who shall forward the request for reconsideration with all documentation to the Director of Veterans Services of the New Jersey Department of Veterans Affairs for final determination. The Department shall respond to the appeal with a final decision within two workdays from receipt.

5B:2-2.5 Pre-registration

(a) A veteran, a Reserve Component of the Armed Forces member, or a State organized militia member may apply in advance for interment in the Veterans' Memorial Cemetery.

(b) Applications can be made at the Cemetery or any New Jersey Department of Veterans Affairs, Veterans Services Office. Proof of military service documents shall be provided at that time.

(c) Pre-registration is an acknowledgement of intent for burial and places discharge records on file to be activated at time of need at the Cemetery. Pre-registration does not guarantee interment at a specific location in the Cemetery.

SUBCHAPTER 3. GENERAL OPERATING RULES FOR BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5B:2-3.1 Policy

The Brigadier General William C. Doyle Veterans' Memorial Cemetery is New Jersey's publicly owned and operated veterans' cemetery. As such, it is a memorial to the sacrifices and contributions made by this nation's veterans to the freedoms shared by all of its citizens.

5B:2-3.2 General operations

(a) Flat, bronze grave markers, as prescribed and provided by the Division of Memorial Affairs, United States Department of Veterans' Affairs, are the only markers permitted at the Veterans' Memorial Cemetery.

(b) No graveside services are permitted. The funeral director and the immediate family of the deceased may witness the actual burial upon request, in which case, accommodations shall be made for a curbside view of the interment.

(c) Depending upon the availability of resources, the Veterans' Memorial Cemetery shall normally be open for visitation seven days a week during the hours of 8:00 A.M. to dusk. The administrative office shall be open Monday through Friday, during the hours of 8:00 A.M. to 3:00 P.M., except for State holidays.

(d) The use of Cemetery grounds for public gatherings of a partisan nature is not permitted.

(e) Boisterous, demeaning activity or conduct on any Cemetery grounds is not permitted.

(f) Littering is not permitted.

(g) Only fresh cut flowers that can be inserted into cones shall be allowed. Only two floral cones shall be permitted at the top edge of the grave marker. Cones approved are those provided without charge by the Cemetery. Those obtained by the family or obtained privately shall conform to those supplied by the Cemetery.

(h) Artificial flowers that can be inserted into cones shall be allowed from October 15 to April 15 of each year.

(i) No plantings of any type are permitted on Cemetery grounds or on grave sites. No potted plants, wreaths, emblems, or other forms of decorative articles are permitted on grave sites, except for as authorized in this section.

(j) Flowers of any kind that become unsightly, faded, or wilted shall be removed by Cemetery personnel.

(k) Evergreen blankets and wreaths shall be permitted on graves beginning December 1 and shall be removed by Cemetery personnel no earlier than January 1.

(l) Wreaths and/or floral arrangements are permitted during holidays and shall be removed by Cemetery personnel one week after the holiday. Holidays include: Easter, Mother's Day, Father's Day, and Veterans' Day.

(m) The cutting or breaking of, or injury to, the trees, shrubs, grass, or other plantings is not permitted.

(n) Recreational activity, such as picnicking, ball playing, bicycling, skate boarding, jogging, and horseback riding shall not be permitted anywhere on Cemetery grounds. Consumption of alcoholic beverages is strictly forbidden on Cemetery grounds.

(o) Only trained and certified service animals are allowed on or near any grave site area. Service animals must be designated as a service animal. The owner of the service animal is responsible for cleaning up after the service animal.

(p) Permission for any type of commercial photography must be received from the Cemetery Superintendent prior to the planned event.

(q) Eligible veterans, Reserve Component members of the Armed Forces, State organized militia members, their spouse, and eligible dependents shall be interred at no cost.

(r) Eligible veterans and members of Reserve Component of the Armed Forces, State organized militia interred in cemeteries other than the Veterans' Memorial Cemetery may be disinterred at no cost to the State and re-interred at the Veterans' Memorial Cemetery in accordance with (q) above.

(s) All bronze memorial markers ordered for eligible members of the Reserve Component members of the Armed Forces by the Cemetery in

accordance with the United States Department of Veterans' Affairs procedures shall indicate the appropriate related active component (such as "U.S. Army" for Army Reservist) of the sponsor and will not reflect wartime service even when service periods coincide with war periods.

SUBCHAPTER 4. GENERAL OPERATING RULES FOR FUNERAL DIRECTORS WHEN DEALING WITH THE BRIGADIER GENERAL WILLIAM C. DOYLE VETERANS' MEMORIAL CEMETERY

5B:2-4.1 General requirements

(a) In an effort to avoid unnecessary stress to the bereaved family and to ensure that the scheduling of interments proceed without delay, funeral directors shall:

1. Confirm appointments for interments with the Interment Scheduling Office of the Veterans' Memorial Cemetery before making any commitments to the family regarding the date and time of burial; and
2. Before a funeral service, committal service, burial, and/or bronze marker order can be scheduled, the following documents must be provided to the Cemetery:
 - i. The Burial, Cremation, Removal, or Transit Permit (required for all interments and must be presented prior to service);
 - ii. The Military Discharge (DD Form 214) in the case of a veteran or proof of eligibility of 20 years of service creditable for retired pay as members of a Reserve Component of the Armed Forces or State organized militia (if the applicant has pre-registered with the cemetery, this proof shall not be required); and
 - iii. The Certified Death Certificate (or Abstract).
- (b) The bronze memorial marker shall not be ordered until all of the documentation listed at (a) above has been received.

5B:2-4.2 Funeral directors' responsibilities

- (a) For interments in the Veterans' Memorial Cemetery, funeral directors are responsible for the following:
1. Ensuring all funeral arrangements are in compliance with applicable State laws and rules;
 2. Supervision of the cortege;
 3. Directions to the Cemetery;
 4. Clergy, if requested for the committal service;
 5. Notifying the cemetery of any eligible children (such as those who are handicapped or under 21 years of age) in accordance with U.S.C. Title 38;
 6. Notifying the cemetery when an oversized or private vault is required; and
 7. Submitting a completed Marker Inscription Form to the Cemetery's Interment Office prior to the service.

5B:2-4.3 Chapel

- (a) A chapel is available for committal services; additionally, the chapel has a patio for outside services.
- (b) A committal shelter is also available for outside services.

5B:2-4.4 Assignment of gravesites

Gravesites/niches are assigned the afternoon on the day before the interment service. The next available grave or niche is assigned for the interment or inurnment. Assignment of graves and niches are made without regard to military rank, race, color, creed, or gender of the qualifying service member.

5B:2-4.5 Floral arrangements

- (a) Due to the restrictive size of the Veterans' Memorial Cemetery chapel, only three floral pieces shall be brought to the chapel for committal services.
- (b) Only one floral piece shall be placed at the grave site. Excess floral pieces may be utilized as the family wishes or shall be removed by funeral director.
- (c) The next of kin or representative shall sign a Grave Configuration Form and a Marker Form prior to the committal service.

SUBCHAPTER 5. DISINTERMENTS

5B:2-5.1 General

Interments at the Veterans' Memorial Cemetery are considered permanent and final. Disinterments will be permitted only for cogent reasons and then only with the prior written authorization of the Cemetery Superintendent.

5B:2-5.2 Administrative requirements

(a) Disinterments from the Veterans' Memorial Cemetery will be approved only when all living immediate family members of the decedent, to include the person who initiated the interment (regardless if he or she is a member of the immediate family), give their written consent, or when a court order or State instrumentality of competent jurisdiction directs the disinterment.

(b) All requests for authority to disinter the decedent's remains will be submitted in writing to the Department and include the following information:

1. A full statement of reasons for the proposed disinterment;
2. Notarized statements by all eligible living immediate family members of the decedent, to include the person who initiated the interment (regardless if he or she is a member of the immediate family), that they consent to the proposed disinterment; and
3. A notarized statement, by the person requesting the disinterment that those who supplied affidavits comprise all of the living immediate family members of the decedent.

(c) In lieu of the documents at (b) above, an order of a court of competent jurisdiction will be considered. The Veterans' Memorial Cemetery and/or officials of the Veterans Memorial Cemetery should not be made a party to the court action, as this is a matter among the family members involved.

(d) When a disinterment has been authorized, written notification will be sent to the funeral home and/or requester. The notification must inform the requester that costs related to the disinterment must be at private expense and that a date and time for the disinterment must be coordinated with the Cemetery Interment Office for scheduling purposes. Sensitive or unusual cases that could impact negatively on the State of New Jersey would be referred to the Office of the Attorney General for resolution.

5B:2-5.3 Operational requirements

(a) Disinterments will be supervised at the grave by the Cemetery Superintendent, or his or her designated representative.

(b) Special care will be shown toward adjacent graves and headstones to avoid or minimize damage.

(c) Cemetery personnel will reopen the grave to one foot above the top of the casket or casket container. Cremated remains that are inurned may be fully uncovered.

(d) Cemetery personnel will not handle remains or otherwise participate in any other aspect of the disinterment operation of a full casket.

(e) A disinterment charge will be made to the family for the supervision of, and participation in, the disinterment operation as follows:

1. Disinterment of a full casket: \$5,000;
2. Disinterment of a buried urn: \$1,000; and
3. Disinterment of an unburied urn: \$500.00.

(f) The headstone or marker removed from the grave will not be shipped to the cemetery where the remains are to be reinterred. If the remains are to be buried at another cemetery within the jurisdiction of the Federal Veterans' Administration, a new headstone will be ordered by the director of the receiving cemetery. If the veteran is laid to rest at a veteran cemetery or private cemetery, the Federal Veterans' Administration can be contacted to provide a plaque or upright marker at no cost. There is no charge to the next of kin for the new government-furnished headstone/marker if they are laid to rest at a veteran cemetery. A marker will not be provided at a private cemetery. The old marker will be disposed of in accordance with provisions outlined by the Federal Veterans' Administration.