

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

SUBCHAPTER 2. ELIGIBILITY OF BUSINESS ENTITIES FOR
TAX CREDIT

5:47-2.2 Tax credit allowable

(a) (No change.)

(b) The credit may be applied by the business entity receiving the certificate as credit against tax imposed on business related income, [other than tax imposed under the New Jersey Gross Income Tax,] including, but not limited to, business income subject to the provisions of the Corporation Business Tax Act (1945), P.L. 1945, [c.162] c. 162 (N.J.S.A. 54:10A-1 et seq.), **the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq.**, the Savings Institution Tax Act, P.L. 1973, [c.31] c. 31 (N.J.S.A. 54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to N.J.S.A. 54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L. 1945, [c.132] c. 132 (N.J.S.A. 54:18A-1 et seq.), the sewer and water utility excise tax imposed pursuant to section 6 of P.L. 1940, [c.5] c. 5 (N.J.S.A. 54:30A-54) and the petroleum products gross receipts tax imposed pursuant to section 3 of P.L. 1990, [c.42] c. 42 (N.J.S.A. 54:15B-3).

1. For a taxpayer applying credit to liability due pursuant to the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., the credit allowed pursuant to this section shall only be applied to the amount of gross income tax liability for the taxable year that, as a percentage of gross income tax liability, is equal to the percentage of the taxpayer's gross income that is attributable to the taxpayer's business entity through which the taxpayer provided the funding for the qualified project. For purposes of determining the amount of gross income tax liability to which a credit allowed pursuant to this section may be applied, gross income shall be calculated without the application of exclusions or deductions.

(c) (No change.)

(d) Credit shall not be allowed for activities for which the business entity is receiving credit under any other provision against any tax on business related income [other than the New Jersey Gross Income Tax,] including, but not limited to, the [corporate] **corporation** business tax, **New Jersey Gross Income Tax**, corporate income tax, insurance premiums tax, petroleum products gross receipts tax, public utilities franchise tax, public utilities gross receipts tax, public utility excise tax, railroad franchise tax, and the saving institution tax.

(e) The tax credit shall be awarded only for assistance provided within the same tax year as that in which the Commissioner issued the certificate, or if the Commissioner approved assistance for more than one year, within each following tax year **in which payment was made** as set forth in the schedule that shall be attached to the certificate issued by the Commissioner. This provision may be waived for good cause shown.

(f) (No change.)

(g) The Department will grant priority in awarding tax credits to business entities that identify a nonprofit organization partner **that has an approved project** in its application **for tax credits, followed by the remaining prioritizations listed in and** pursuant to P.L. 2001, [c.415] c. 415 (N.J.S.A. 52:27D-496). **An approved project will consist of a project application submitted by a nonprofit organization to the Department, as part of an application cycle, which is reviewed and determined to be qualified for funding. The Department will publicize on the Department's website, a list of approved projects for business entities to consider when applying for tax credits.**

(h) (No change.)

MILITARY AND VETERANS' AFFAIRS

(a)

OFFICE OF THE ADJUTANT GENERAL

Veterans' Access to State Beaches

Proposed New Rules: N.J.A.C. 5A:11

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

Authority: P.L. 2013, c. 240 and N.J.S.A. 38A:3-6(o) and 40:61-22.20.

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

Proposal Number: PRN 2014-064.

Submit written comments by July 18, 2014, to:

Mr. Ray Zawacki
Deputy Commissioner of Veterans' Affairs
Department of Military and Veterans' Affairs
PO Box 340
Trenton, NJ 08625-0340

The agency proposal follows:

Summary

The Department proposes new rules that establish which veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5) (P.L. 2013, c. 240). Under the statute, shore municipalities of the State may provide free or reduced fee beach access to veterans who have served in any of the Armed Forces of the United States and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least 90 days in active duty or have been discharged or released from active duty by reason of an actual service-incurred injury or disability. The proposed new rules set forth which veterans are eligible and examples of some of the acceptable forms of verification of the person's veteran status.

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 should have a positive social impact as they set forth which veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5). The new rules recognize the service that veterans have performed in support of the nation.

Economic Impact

The proposed new rules have no economic impact as they set forth which veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5).

Federal Standards Statement

A Federal standards analysis is not required because the proposed new rules are not subject to any Federal requirements or standards.

Jobs Impact

The proposed new rules will not result in the creation or loss of jobs in the State. Municipalities may have to contribute significant staff hours towards the review of discharge documents presented by veterans in order to substantiate their eligibility for free or reduced fee beach access, if they choose to offer the free or reduced fee beach access, but this chapter sets forth certain types of documents that are acceptable proof of veteran status.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed new rules affect municipalities that choose to provide free or reduced fee beach access to veterans and veterans of the Armed Forces of the United States, none of which would qualify as a small business 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 new rules will have no impact on affordable housing in New Jersey and would not evoke a change in the average costs associated with housing because the rules set forth what veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5).

Smart Growth Development Impact Analysis

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, under the State Development and Redevelopment Plan in New Jersey because the rules set forth what veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5).

Full text of the proposed new rules follows:

CHAPTER 11

VETERANS' ACCESS TO STATE BEACHES

SUBCHAPTER 1. VETERANS' ACCESS TO STATE BEACHES

5A:11-1.1 Purpose

The purpose of this chapter is to establish which veterans are eligible for free or reduced fee beach access to State beaches and what proof shall be deemed sufficient to prove such veteran status pursuant to N.J.S.A. 40:61-22.20.1.b(5).

5A:11-1.2 Eligible veterans

(a) For the purpose of this chapter, a veteran may be eligible for free or reduced beach access, pursuant to N.J.S.A. 40:61-22.20.1.b(5), if he or she was a member of the Armed Forces of the United States and was discharged or released under conditions other than dishonorable and:

1. Served at least 90 days in active duty; or
2. Was released from active duty by reason of an actual service-incurred injury or disability.

5A:11-1.3 Acceptable forms of verification

(a) Veterans requesting free or reduced beach access must provide proof to the municipality of their eligibility for free or reduced beach passes. Acceptable forms of identification include, but are not limited to, the following:

1. Department of Defense Form 214, Certificate of Release or Discharge from Active Duty (DD 214);
2. A state driver's license with Veteran's Status designation;
3. A U.S. Department of Veterans' Affairs Identification Card; and/or
4. A state, county, and/or local government issued Veteran's Identification Card.

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE

DIVISION OF INSURANCE

Office of the Insurance Claims Ombudsman

Proposed Readoption with Amendments: N.J.A.C.

11:25

Authorized By: Kenneth E. Kobylowski, Commissioner, Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:29E-1 et seq.

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

Proposal Number: PRN 2014-061.

Submit written comments by July 18, 2014, to:

Robert J. Melillo, Chief
Office of Legislative and Regulatory Affairs
20 West State Street
P.O. Box 325
Trenton, NJ 08625-0325
Fax: (609) 292-0896
Email: legsregs@dobi.state.nj.us

The agency proposal follows:

Summary

In accordance with Executive Order No. 66 (1978) and N.J.S.A. 52:14B-5.1, the Commissioner of the Department of Banking and Insurance (Commissioner) proposes to readopt N.J.A.C. 11:25 with certain amendments. This chapter, which concerns the Office of Insurance Claims Ombudsman (the Office), will expire April 13, 2014, pursuant to N.J.S.A. 52:14B-5.1.b. Since this notice of rules proposed for readoption with amendments was filed with the Office of Administrative Law on April 14, 2014, pursuant to N.J.A.C. 1:30-6.4(g), the expiration date of this chapter is extended 180 days to October 10, 2014, pursuant to N.J.S.A. 52:14B-5.1.c(2).

The chapter contains rules, listed by subchapter below, concerning the following subjects:

1. General powers and duties; and
2. Internal appeals procedure.

These rules implement many essential provisions of N.J.S.A. 17:29E-1 et seq. As part of the readoption process, the Department of Banking and Insurance (Department) has undertaken a review of N.J.A.C. 11:25 to determine the current effectiveness of the chapter. This review was undertaken pursuant to Executive Order No. 66 (1978) in order to ensure the continuing relevancy and effectiveness of the chapter. Each rule was examined to determine whether it still provides a useful function within the insurance structure in New Jersey. The Department examined the continuing relevance of the rules and also considered whether they require unnecessary time and expense. The Department finds that Chapter 25 continues to be relevant and necessary and the need for this chapter remains constant. The Department is proposing to readopt Chapter 25 with amendments that will not substantially alter the rules.

N.J.S.A. 17:29E-1 et seq., effective August 17, 1998, established the Office within the Department. The Office is charged with the responsibility to:

- Investigate consumer complaints regarding policies of insurance, including the payment of claims;
- Establish procedures to monitor the implementation of N.J.S.A. 17:23A-1 et seq. (disclosure practices of policyholders' personal information), N.J.S.A. 17:29B-1 et seq. and 17B:30-1 et seq. (unfair methods of competition; unfair, deceptive, and discriminatory acts or practices), and N.J.S.A. 17:35C-1 et seq. (regulation of contract provisions; and required disclosure to consumers in Medicare supplement health insurance policies) and monitor and investigate violations of N.J.S.A. 17:35C-11 (use of false, misleading, or fraudulent statements in advertising to sell Medicare supplement insurance);