

business entities per se and there is no basis, statutory or otherwise, for differential treatment of "small businesses." The reference to the relocation statute may help to protect any business that will have to be relocated as a result of construction activities facilitated by these rules.

Smart Growth Impact

The rules proposed for re-adoption further smart growth and the implementation of the State Development and Redevelopment Plan by encouraging redevelopment of urban areas.

Housing Affordability Impact

The rules proposed for re-adoption implement a statute that authorizes municipalities with urban enterprise zones to allow five-year tax exemptions in areas deemed to be "in need of rehabilitation" for new residential construction, improvements to existing residential properties and conversion of nonresidential buildings to residential use. Re-adoption of these rules would continue the positive impact of the statute and rules upon housing production costs and affordability. There is no way to predict how many property owners will take advantage of the tax benefits offered by the statute that the rules implement. Any impact on housing affordability or production would be primarily due to the statute, not to the rules, and would depend on the investment decisions of individual owners. The tax savings in specific cases would depend on the value of the work done and the tax rate in each municipality.

Smart Growth Development Impact

The rules proposed for re-adoption implement a statute that authorizes municipalities with urban enterprise zones to allow five-year tax exemptions in areas deemed to be "in need of rehabilitation" for new residential construction, improvements to existing residential properties and conversion of nonresidential buildings to residential use. Re-adoption of these rules would continue the positive impact of the statute and rules upon housing production within Planning Areas 1 and 2 or within designated centers under the State Development and Redevelopment Plan. There is no way to predict how many property owners will take advantage of the tax benefits offered by the statute that the rules implement. Any impact on housing affordability or production would be primarily due to the statute, not to the rules, and would depend on the investment decisions of individual owners. The tax savings in specific cases would depend on the value of the work done and the tax rate in each municipality.

Full text of the rules proposed for re-adoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:45.

(a)

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Volunteer Coaches' Safety Orientation and Training Skills Programs

Proposed Re-adoption: N.J.A.C. 5:52

Authorized By: Lori Grifa, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 2A:62A-6(e) and Reorganization Plan No. 002-1994.

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

Proposal Number: PRN 2010-086.

Submit written comments by August 20, 2010 to:

Michael L. Tickin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625
Fax No. (609) 633-6729

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1c, the rules concerning volunteer coaches' safety orientation and training skills programs, N.J.A.C. 5:52, are scheduled to expire on March 1, 2011. The Department of Community Affairs has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be re-adopted without amendment.

These rules were adopted in order to provide minimum standards for safety orientation and training programs for volunteer coaches, managers and officials so that these volunteers would have the benefit of the civil immunity provided by P.L. 1988, c. 87 (N.J.S.A. 2A:62A-6 et seq.) to coaches, managers and officials who have successfully completed a program meeting these standards. Programs for volunteer coaches are required to cover medical, legal and first aid aspects of coaching, training and conditioning of athletes, psychological aspects of coaching and general coaching concepts. Programs for volunteer athletic officials are required to cover general officiating concepts.

As the Department 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 rules proposed for re-adoption are intended to assure the adequacy of training programs and to provide a basis for volunteer coaches, managers and officials to have the benefit of statutory civil immunity upon completion of such programs. Without this immunity, the prospect of personal liability in the event of any accident during the course of an athletic event is likely to deter people from volunteering, thereby making it more difficult to organize athletic programs.

Economic Impact

Failure to re-adopt these rules would impose a serious potential economic liability upon individuals who might volunteer to serve as athletic coaches, managers or officials. Re-adoption would have a positive economic impact upon those who complete training programs that meet these standards, since they would be relieved of potential tort liability in connection with their volunteer activities.

While programs that comply with the standards may be expected to have the positive effect of reducing the frequency and extent of sports-related injuries, they may have a negative impact upon those who are injured by limiting their ability to recover damages. The economic impact upon local recreation departments, nonprofit organizations and national or State sports training organizations will vary depending on the size and nature of their programs and their funding sources. The cost per training program participant is currently \$25.00 for the certification course. This cost may be borne by either the individual or the sponsoring organization.

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed for re-adoption under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The rules proposed for re-adoption facilitate the creation of jobs for persons who are competent to offer the required training.

Agriculture Industry Impact

The Department does not anticipate any impact upon the agriculture industry as a result of the rule proposed for re-adoption.

Regulatory Flexibility Analysis

The rules proposed for re-adoption affect municipal recreation departments, nonprofit organizations and national and State sports training organizations that offer programs for volunteer coaches, managers and/or officials. There are currently two major agencies that offer coaching clinics in New Jersey. They are the National Youth Sports Coaches Association (NYSCA) and the Rutgers Youth Sports Council. Other major certifying entities are St. Barnabas Medical Center and the American Coaching Effectiveness Program. The Department does not believe that any of these entities would qualify as a "small business," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16

et seq. However, some municipal recreation departments and nonprofit sports leagues also offer their own courses, and these sports leagues might, under a broad interpretation of the definition used in the New Jersey Regulatory Flexibility Act, be deemed to be "small businesses."

Since N.J.S.A. 2A:62A-6 et seq. grants civil immunity only to those volunteers who have had the required training, no lesser degree of training can provide that immunity, regardless of the size or form of organization of the training entity. However, each training entity can provide the training at such time and place, and with such personnel, as it deems appropriate. The training entity, regardless of size or form of organization, is required to issue a certificate to each person who completes the program, so it must keep sufficient records to determine the status of each participant. Similarly, it must comply with the stated requirements as to courses and the topics to be covered in each course. There are no other compliance, reporting or recordkeeping requirements. If may or may not be necessary, depending on the personnel available within the organization, to contract with outside professionals to teach the courses.

Smart Growth Impact

The rules proposed for readoption do not have any impact on attainment of smart growth or the implementation of the State Development and Redevelopment Plan.

Housing Affordability Impact

The rules proposed for readoption are intended to assure the adequacy of training programs and to provide a basis for volunteer coaches, managers and officials to have the benefit of statutory civil immunity upon completion of such programs. The rules would be most unlikely to have any impact upon housing production costs or to affect affordability.

Smart Growth Development Impact

The rules proposed for readoption are intended to assure the adequacy of training programs and to provide a basis for volunteer coaches, managers and officials to have the benefit of statutory civil immunity upon completion of such programs. The rules would be most unlikely to have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:52.

HUMAN SERVICES

(a)

OFFICE OF LEGAL, REGULATORY AND GUARDIANSHIP SERVICES

Hearings

Proposed Readoption: N.J.A.C. 10:6

Authorized By: Jennifer Velez, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 52:14B-12.

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

Proposal Number: PRN 2010-094.

Submit comments by August 20, 2010 to:

Frederick Cohen
 Assistant Commissioner
 Office of Legal, Regulatory and Guardianship Services
 Department of Human Services
 P.O. Box 700
 Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66 (1978)/N.J.S.A. 52:14B-5.1, the Department's Rules on Hearings, N.J.A.C. 10:6, were due to expire on

March 15, 2010. Pursuant to Executive Order No. 1 (2010), the chapter expiration date is extended from March 15, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The Department of Human Services (Department), which has maintained these general rules applicable to administrative reviews and hearing procedures regarding matters under its jurisdiction to accomplish the indicated purposes, now proposes to readopt the rules without amendment. In so doing, the Department has reviewed the rules proposed for readoption and has determined them to be necessary, adequate, reasonable, proper and responsive for the purposes for which they were originally promulgated and is, therefore, proposing them for readoption.

These rules are intended to clarify that "contested cases," as well as "non-contested cases" at the discretion of the agency head and with the concurrence of the Director of the Office of Administrative Law, shall be transmitted to the Office of Administrative Law for initial hearing before an Administrative Law Judge. This is in accord with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.; 52:14F-1 et seq., and the Uniform Administrative Rules, N.J.A.C. 1:1.

It should be noted that the various divisions within the Department have promulgated specific rules governing administrative reviews and hearing procedures. Thus, these rules require that division-specific informal conferences shall be conducted in accord with division-specific rules and the minimum requirements of the rules for Department level informal conferences also set forth in these rules.

The rules, as they address Department level informal conferences, are intended to provide procedures applicable to appeals from agency actions, excluding employee and contract-related appeals. These appeals must relate to programs administered by the Department or Department action not assignable to a particular division. The Department level informal conferences address non-employee and non-contract related appeals from agency action or inaction in programs administered directly by the Department and not within the jurisdiction of a specific division and not readily assignable to a particular division or particular program. The rules are not to be interpreted as supplanting division-specific rules governing hearing procedures. In situations where an aggrieved person wishes to appeal the action of one of the several divisions of the Department, appeal is to be made directly to that division. These rules are supplemental to the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, promulgated by the Office of Administrative Law, which has exclusive authority over the development of procedural rules for the conduct of administrative hearings, N.J.S.A. 52:14F-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.

Social Impact

The rules proposed for readoption without amendment will have a positive social impact in that the rules will benefit the public by providing clear steps that may be taken in the interests of preserving the rights of persons wishing to appeal an administrative action taken by the Department of Human Services.

The rules also set minimum standards in terms of procedural safeguards that all divisions of the Department must provide to persons wishing to appeal agency action or inaction.

Economic Impact

The proposed readoption of these rules will have no economic impact on the Department or on the public.

Federal Standards Statement

A Federal standards analysis is not required because these rules proposed for readoption do not implicate or exceed established Federal requirements or standards.

Jobs Impact

The rules proposed for readoption will have no impact on jobs to be generated or lost.