

CHAPTER 1A
PUBLIC COMMENTS AND PETITIONS
REGARDING DEPARTMENT
RULES

Authority

N.J.S.A. 30:1-12, 52:14B-4(f).

Source and Effective Date

R.1998 d.188, effective March 23, 1998.
See: 29 N.J.R. 5157(a), 30 N.J.R. 1403(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1A, Public Comments and Petitions Regarding Department Rules, expires on March 23, 2003.

Chapter Historical Note

Chapter 1A, Public Comments and Petitions regarding Department Rules, was recodified from Chapter 1, Department of Human Services Administration, by R.1993 d.271, effective June 7, 1993. See: 25 N.J.R. 1042(a), 25 N.J.R. 2557(a).

Pursuant to Executive Order No. 66 (1978), Chapter 1A, Public Comments and Petitions Regarding Department Rules, was readopted as R.1998 d.188, effective March 23, 1998. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PUBLIC COMMENTS AND PETITIONS REGARDING DEPARTMENT RULES

10:1A-1.1 Public comments regarding existing rules

(a) The Department of Human Services hereby gives public notice of its ongoing regulatory review and invites public comments regarding all Department rules and regulations (N.J.A.C. Title 10). The Department's rulemaking includes all rules adopted after the official public comment period and emergency rules in accord with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30) and all rules adopted immediately upon filing with the Office of Administrative Law in accord with specific legislative authority.

(b) Public comments are specifically sought regarding existing Department rules and regulations which may be perceived as being not necessary, adequate, reasonable, efficient, understandable or responsive to the purposes for which they were promulgated.

(c) Public comments regarding existing rules should be submitted in writing and addressed to:

Office of Legal and Regulatory Liaison
Department of Human Services
PO Box 700
Trenton, New Jersey 08625-0700

Amended by R.1988 d.504, effective November 7, 1988.

See: 20 N.J.R. 1050(a), 20 N.J.R. 2773(a).

"Office of Legal and Regulatory Liaison" was "Office of Intergovernmental Relations".

Amended by R.1998 d.188, effective April 20, 1998.

See: 29 N.J.R. 5157(a), 30 N.J.R. 1403(a).

In (a), added a second sentence.

10:1A-1.2 Public comments regarding pre-proposals or proposed rules

(a) The Department of Human Services invites the public to utilize the opportunity to be heard during the official 30 day comment period following publication of a notice of pre-proposal or proposal in the New Jersey Register.

(b) In accord with the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Office of Administrative Law Rules for Agency Rulemaking (N.J.A.C. 1:30 et seq.) the public may submit in writing, data, views or arguments relevant to the public notice of pre-proposal or proposal addressed to the name and unit specified in the notice.

10:1A-1.3 Public petitions regarding Department rulemaking

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Department of Human Services. A petition shall be in writing, shall be legible and intelligible and shall be signed by the petitioner.

(b) A petition shall contain the following information:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The reasons for the request;
4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority, if known, under which the Department may take the requested action; and

6. Existing Federal or State law and regulation which the petitioner believes may be pertinent to the request.

(c) Petitions for the promulgation, amendment or repeal of a rule by the Department of Human Services shall be addressed to:

Office of Legal and Regulatory Liaison
 Department of Human Services
 PO Box 700
 Trenton, New Jersey 08625-0700

(d) Any material submitted to the Department that is not in substantial compliance with these rules shall not be deemed to be a petition for rulemaking requiring further agency action pursuant to this subchapter and N.J.S.A. 52:14B-4(f).

Amended by R.1988 d.504, effective November 7, 1988.

See: 20 N.J.R. 1050(a), 20 N.J.R. 2773(a).

“Office of Legal and Regulatory Liaison” was “Office of Intergovernmental Relations”.

Amended by R.1998 d.188, effective April 20, 1998.

See: 29 N.J.R. 5157(a), 30 N.J.R. 1403(a).

10:1A-1.4 Department action upon receipt of petition

(a) Upon receipt by the Office of Intergovernmental Relations of a petition for rulemaking, the following shall occur:

1. The petition shall be date stamped and logged;
2. The petition shall be referred to the relevant division or handled at the Department level as appropriate;
3. A notice of petition shall be prepared and filed with the Office of Administrative Law in compliance with N.J.A.C. 1:30-3.6(a).

(b) Within 30 days following receipt of the petition for rulemaking, the Department shall mail to the petitioner and file with the Office of Administrative Law for publication in the New Jersey Register, a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-3.6(b).

(c) The Department's action on a petition may include in accord with N.J.A.C. 1:30-3.6(b):

1. Denying the petition;
2. Filing a notice of proposed rule or a notice of pre-proposal with the Office of Administrative Law; or
3. Referring the matter for further deliberations, the nature of which shall conclude upon a specified date. The results of the further deliberations shall be mailed to petitioner and submitted to the Office of Administrative Law for publication in the New Jersey Register.