

TITLE 10

HUMAN SERVICES

CHAPTER 1

ORGANIZATIONAL RULES; RULES OF PRACTICE;
PETITION FOR RULEMAKING

Authority

N.J.S.A. 30:1-12 and 52:14B-3 and 4.

Source and Effective Date

R.2007 d.8, effective December 6, 2006.
See: 38 N.J.R. 3406(a), 39 N.J.R. 104(b).

Chapter Expiration Date

Chapter 1, Organizational Rules; Rules of Practice; Petition for Rulemaking, expires on December 6, 2011.

Chapter Historical Note

Chapter 1, Department of Human Services Organization and Public Notice, was adopted as R.1983 d.165, effective May 6, 1983, with Subchapter 2, Public Comments and Petitions regarding Department Rules, adopted pursuant to N.J.S.A. 30:1-12 and 52:14B-4(b), 4(f). See: 15 N.J.R. 924(c).

Pursuant to Executive Order No. 66(1978), Chapter 1, Department of Human Services Organization and Public Notice, expired on May 6, 1988.

Chapter 1, Department of Human Services Administration, was adopted as new rules by R.1988 d.504, effective November 7, 1988. See: 20 N.J.R. 1050(a), 20 N.J.R. 2773(a).

Chapter 1, Department of Human Services Administration, containing only Subchapter 2, Public Comments and Petitions regarding Department Rules, was recodified as N.J.A.C. 10:1A by R.1993 d.271, effective June 7, 1993. See: 25 N.J.R. 1042(a), 25 N.J.R. 2557(a).

Chapter 1, Organizational Rules; Rules of Practice; Petition for Rulemaking, was adopted as new rules by R.2001 d.348, effective October 1, 2001. See: 33 N.J.R. 2428(a), 33 N.J.R. 3445(a).

Subchapter 1, Department Mission and Organization, expired on October 1, 2006.

Chapter 1, Organizational Rules; Rules of Practice; Petition for Rulemaking, Subchapter 2, Public Notice and Public Comments Regarding Department Rules; Rulemaking Calendars; Subchapter 3, Additional Opportunity to be Heard Upon Showing of Sufficient Public Interest; and Subchapter 4, Petitions for Rulemaking Regarding Department Rulemaking, were readopted as R.2007 d.8, effective December 6, 2006. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. (RESERVED)

SUBCHAPTER 2. PUBLIC NOTICE AND PUBLIC
COMMENTS REGARDING DEPARTMENT
RULES; RULEMAKING CALENDARS

10:1-2.1 Public notice regarding proposed rulemaking

(a) The Department shall provide for the following four types of public notice for all rule proposals 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):

1. The rule proposal shall be filed with the Office of Administrative Law for publication in the New Jersey Register;
2. The notice of the rule proposal, as filed with the Office of Administrative Law, or a statement of the substance of the proposed rulemaking, shall be posted and made available electronically on the Department's web site;
3. The news media maintaining a press office in the State House Complex shall be provided notice of the rule proposal, as posted and made available electronically on the Department's web site; and
4. The notice of the rule proposal, as filed with the Office of Administrative Law, or a statement of the substance of the proposed rulemaking, shall be made available to the public by an additional manner reasonably calculated to inform those persons most likely to be affected or interested in the proposed rulemaking.

i. The additional method of publicity shall include information on the time, place and manner in which interested persons may present comments and either of the following:

- (1) The full text of the proposed rulemaking;

(2) A statement of the substance of the proposed rulemaking; or

(3) A description of the subject and issues involved.

ii. The additional method of publicity with regard to all rule proposals shall be by either:

(1) Mailing to a distribution list, when known, or organized entities exist that are the subject of or significantly related to the proposed rulemaking; or

(2) Notice in at least three newspapers of general circulation, when no known, organized entities exist that are the subject of or significantly related to the proposed rulemaking.

10:1-2.2 Public comments regarding existing rules and proposed rulemaking

(a) The Department conducts an ongoing regulatory review and invites public comments regarding all Department rules (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 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:

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

(d) The Department invites the public to utilize the opportunity to be heard during the official public comment period following the publication of a notice of pre-proposal or proposal in the New Jersey Register by means of submitting in writing, data, views, or arguments to the name and unit specified in the notice.

10:1-2.3 Department rulemaking calendar

(a) In compliance 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), the Department shall publish a quarterly rulemaking calendar in the New Jersey Register setting forth a schedule of the Department's anticipated rulemaking proposal activities for the next six months. The calendars shall be published

in the first New Jersey Register for the months of January, April, July and October.

(b) The rulemaking calendar shall include:

1. The name of the Department;

2. The name of the Commissioner, as agency head;

3. Specific citation to the rules to be affected;

4. Citation to the legal authority authorizing the rule-making action;

5. A synopsis of the rulemaking and its objective or purpose; and

6. The month and year in which publication of the notice of proposal in the New Jersey Register is anticipated.

(c) Calendar amendments and exceptions shall be handled by the Department 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).

(d) The Department rulemaking calendar, as filed with the Office of Administrative Law, as with notices of rule proposals in accord with N.J.A.C. 10:1-2.1(a)3, shall be posted and made available electronically on the Department's web site.

(e) The additional method of publicity with regard to availability of the Department's rulemaking calendar shall be by providing notice of the rulemaking calendar, as posted and made available electronically on the Department's web site, to the major news media maintaining a press office in the State House Complex.

10:1-2.4 Copies of documents; fees

(a) Any person may obtain copies of documents filed with the Office of Administrative Law from the Department, in accord with the provisions of N.J.S.A. 47:1A-1 et seq., as amended, upon payment of a fee as follows:

1. First page to 10th page: \$.75 per page;

2. Eleventh page to 20th page: \$.50 per page; and

3. All pages over 20: \$.25 per page.

SUBCHAPTER 3. ADDITIONAL OPPORTUNITY TO BE HEARD UPON SHOWING OF SUFFICIENT PUBLIC INTEREST

10:1-3.1 Extension of the public comment period

(a) The Department, 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 Rule-