

CHAPTER 1D

PETITIONS FOR RULES

Authority

N.J.S.A. 52:17B-4 and 52:14B-4.

Source and Effective Date

R.2004 d.275, effective June 22, 2004.
See: 36 N.J.R. 1718(a), 36 N.J.R. 3399(a).

Chapter Expiration Date

Chapter 1D, Petitions for Rules, expires on June 22, 2009.

Chapter Historical Note

Chapter 1D, Petitions for Rules, was adopted as R.1994 d.193, effective April 18, 1994. See: 26 N.J.R. 330(a), 26 N.J.R. 1666(a).

Pursuant to Executive Order No. 66(1978), Chapter 1D, Petitions for Rules, was readopted as R.1999 d.145, effective April 7, 1999. See: 31 N.J.R. 110(a), 31 N.J.R. 1200(a).

Chapter 1D, Petitions for Rules, was readopted as R.2004 d.275, effective June 22, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. RULEMAKING PETITION PROCEDURES

13:1D-1.1 Scope

This chapter shall apply to petitions submitted pursuant to N.J.S.A. 52:14B-4(f) to adopt a new rule, or amend or repeal any existing rule authorized by the Attorney General or by any agency within the Department of Law and Public Safety that is subject to the supervision of the Attorney General, except those agencies that have adopted their own rules on petitions for rulemaking.

Amended by R.2001 d.423, effective November 19, 2001.
See: 33 N.J.R. 2592(a), 33 N.J.R. 3899(c).
Rewrote the section.

13:1D-1.2 Procedure for petitions

(a) Any interested person may petition the Attorney General, or any agency within the Department of Law and Public Safety subject to the supervision of the Attorney General, to adopt a new rule, or amend or repeal any existing rule within the authority of the Attorney General or

agency. The petition must be in writing, signed by the petitioner, and must state clearly and concisely:

1. The full name and address of the petitioner;
2. The substance or nature of the rulemaking which is requested;
3. The problem or purpose which is the subject of the request;
4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest;
5. The statutory authority under which the Attorney General, or agency within the Department of Law and Public Safety which is petitioned, may take the requested action; and
6. Existing Federal or State statutes and rules which the petitioner believes may be pertinent to the request.

(b) The petition may include the text of the proposed new rule, amended rule or repealed rule.

(c) Petitions shall be addressed to the Attorney General or to the director of the Division or agency responsible for administering the program or function that is the subject of the rule, with a copy to:

Administrative Practice Officer
Office of the Attorney General
Hughes Justice Complex
25 W. Market Street
PO Box 081
Trenton, NJ 08625-0081

(d) Any document submitted to the Department of Law and Public Safety which is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action.

Administrative Change.
See: 28 N.J.R. 1551(a).
Amended by R.1999 d.145, effective May 3, 1999.
See: 31 N.J.R. 110(a), 31 N.J.R. 1200(a).
Rewrote (b).
Amended by R.2001 d.423, effective November 19, 2001.
See: 33 N.J.R. 2592(a), 33 N.J.R. 3899(c).
Rewrote the section.

13:1D-1.3 Procedure after receipt of petition

(a) Upon receipt of a petition, the Division shall refer the petition for action as appropriate.

(b) Within 15 days of receipt of a petition, the Division shall prepare and submit to the Office of Administrative Law a notice of petition for rulemaking in compliance with N.J.A.C. 1:30-4.1(c).

(c) Within 60 days of receipt of a petition, the agency to which the petition was referred shall:

1. Deny the petition and provide a written statement of its reasons to the petitioner;
2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or
3. Refer the matter for further deliberations, which shall conclude within 90 days of referral, and either grant or deny the petition under (c)1 or 2 above.

(d) Within 60 days of receipt of a petition, the agency shall mail to the petitioner and submit to the Office of Administrative Law a notice of action on the petition in compliance with N.J.A.C. 1:30-4.2(b).

Amended by R.1999 d.145, effective May 3, 1999.
See: 31 N.J.R. 110(a), 31 N.J.R. 1200(a).

In (a), substituted a reference to the Division Director for a reference to the Department of Law and Public Safety in the introductory paragraph; and rewrote (b) and (c).

Amended by R.2001 d.423, effective November 19, 2001.
See: 33 N.J.R. 2592(a), 33 N.J.R. 3899(c).

Rewrote the section.