

CHAPTER 31

ORGANIZATION OF THE OFFICE OF ADMINISTRATIVE LAW

Authority

N.J.S.A. 52:14F-5(e), (f) and (g).

Source and Effective Date

R.2007 d.393, effective November 20, 2007.
See: 39 N.J.R. 2393(a), 39 N.J.R. 5201(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 31, Organization of the Office of Administrative Law, expires on November 20, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 31, Organization of the Office of Administrative Law, was adopted as Subchapter 1, Operation and Procedures of the Office of Administrative Law, by R.1982 d.291, effective August 12, 1982. See: 14 N.J.R. 976(a).

Pursuant to Executive Order No. 66(1978), Subchapter 1, Operation and Procedures of the Office of Administrative Law, was readopted as R.1987 d.286, effective June 17, 1987. See: 19 N.J.R. 1291(a).

N.J.A.C. 1:31-1.2, Procedure to petition for a rule, was recodified as N.J.A.C. 1:31-2.1 under new Subchapter 2, Procedures of the Office of Administrative Law, by R.1987 d.287, effective July 20, 1987. See: 19 N.J.R. 677(a), 19 N.J.R. 1291(b).

Subchapter 3, Discipline of Administrative Law Judges, was adopted as R.1992 d.17, effective January 6, 1992. See: 23 N.J.R. 2901(a), 23 N.J.R. 3179(a), 24 N.J.R. 87(a).

Pursuant to Executive Order No. 66(1978), Chapter 31, Organization of the Office of Administrative Law, was readopted as R.1992 d.213, effective April 21, 1992. See: 24 N.J.R. 321(a), 24 N.J.R. 1873(b).

Pursuant to Executive Order No. 66(1978), Chapter 31, Organization of the Office of Administrative Law, was readopted as R.1997 d.158, effective March 10, 1997. See: 29 N.J.R. 282(a), 29 N.J.R. 1295(a).

Chapter 31, Organization of the Office of Administrative Law, was readopted as R.2002 d.198, effective May 30, 2002. See: 34 N.J.R. 983(a), 34 N.J.R. 2309(a).

Chapter 31, Organization of the Office of Administrative Law, was readopted as R.2007 d.393, effective November 20, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. OPERATION AND PROCEDURES OF THE OFFICE OF ADMINISTRATIVE LAW

1:31-1.1 Functions of the Office

(a) The Office of Administrative Law (OAL) created by statute in 1978, is independent of any executive department, board, division, commission, agency, council, authority, office or officer of the State of New Jersey. The OAL performs four major functions:

1. Conducts contested case hearings, as provided in N.J.S.A. 52:14B-10 and N.J.S.A. 52:14F-8, and with the consent of the Director conducts other administrative hearings if requested by an agency head. In general, the Office of Administrative Law acquires contested case jurisdiction over a matter after an agency head determines that a contested case exists and subsequently files the case with the OAL, as provided in N.J.A.C. 1:1-1;
2. Promulgates rules for the conduct of contested case hearings. Rules are promulgated to assist judges, attorneys, and contested case parties by clarifying legal requirements;
3. Supervises, coordinates and records rulemaking proceedings within the Executive Branch. Under the authority of N.J.S.A. 52:14F-5(f), the OAL oversees agency compliance with the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.) and through N.J.A.C. 1:30-1 has established standards to guide agency rulemaking.
4. Publishes the New Jersey Register, and the New Jersey Administrative Code and makes copies of initial decisions available through the Rutgers Camden Law School website www.lawlibrary.rutgers.edu. The publication function of the OAL is multifaceted:
 - i. Publication of proposed rules in the New Jersey Register gives an interested person an opportunity to comment and object;
 - ii. Publication of adopted rules in both the New Jersey Register and New Jersey Administrative Code provides a ready, updated reference to State agency rules; and
 - iii. Availability of decisions in contested cases provides the public with access to administrative adjudications.

Amended by R.1992 d.213, effective May 18, 1992.

See: 24 N.J.R. 321(a), 24 N.J.R. 1873(b).

Revised text.

Amended by R.2002 d.198, effective July 1, 2002.

See: 34 N.J.R. 983(a), 34 N.J.R. 2309(a).

Rewrote (a)4.

1:31-1.2 (Reserved)

Recodified by R.1987 d.287, effective July 20, 1987.

See: 19 N.J.R. 677(a), 19 N.J.R. 1291(b).

Section "Procedure to petition for a rule" recodified to 1:31-2.1.

1:31-1.3 Public information requests and submissions

(a) A member of the public may obtain information or make a submission or a request, or file a petition concerning any program of the Office of Administrative Law by contacting the Public Information Officer, Office of Administrative Law, PO Box 049, Trenton, New Jersey 08625-0049.

(b) Any person may obtain copies of State agency rules, or may obtain information about the New Jersey Register or Administrative Code by contacting the Division of Administrative Rules, PO Box 049, Trenton, New Jersey 08625-0049. Register and Code subscription information can be obtained from the publisher, LexisNexis, at 1-800-833-9844 or at www.lexisnexis.com.

(c) The cost for copies of documents is:

1. First page to 10th page: \$0.75 per page;
2. Eleventh page to 20th page: \$0.50 per page;
3. All pages over 20: \$0.25 per page.

(d) Payment for copies under (c) above may be made by check payable to Treasurer, State of New Jersey.

Amended by R.1992 d.213, effective May 18, 1992.

See: 24 N.J.R. 321(a), 24 N.J.R. 1873(b).

Revised (c).

Amended by R.2002 d.198, effective July 1, 2002.

See: 34 N.J.R. 983(a), 34 N.J.R. 2309(a).

Rewrote the section.

Amended by R.2007 d.393, effective December 17, 2007.

See: 39 N.J.R. 2393(a), 39 N.J.R. 5201(a).

In (a), substituted "Public Information Officer" for "Office of the Director" and deleted "Quakerbridge Plaza, Building No. 9," preceding "PO Box"; rewrote (b); and in (d), substituted "Treasurer, State of New Jersey" for "Administrative Publications, Office of Administrative Law (OAL)".

SUBCHAPTER 2. PROCEDURES OF THE OFFICE OF ADMINISTRATIVE LAW

1:31-2.1 Procedure to petition for a rule

(a) An interested person may petition for the promulgation, amendment or repeal of any rule of the Office of Administrative Law. A petition shall be in writing, shall be legible and intelligible and shall be signed by the petitioner. Each 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 statutory authority under which the Office of Administrative Law may take the requested action.

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

(c) The Office of Administrative Law shall immediately date stamp and log each document submitted as a petition. Upon filing, the Office of Administrative Law shall, within 15 days of receipt of the petition, submit a notice of receipt of the notice of petition for a rule for publication in the New Jersey Register pursuant to the requirements of N.J.A.C. 1:30-4.1(c).

(d) No later than 60 days after receiving a petition, the Office of Administrative Law shall mail to the petitioner and file 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. 1:30-4.2.

Recodified from 1:31-1.2 by R.1987 d.287, effective July 20, 1987.

See: 19 N.J.R. 677(a), 19 N.J.R. 1291(b).

Amended by R.2002 d.198, effective July 1, 2002.

See: 34 N.J.R. 983(a), 34 N.J.R. 2309(a).

Inserted a new (b); recodified existing (b) and (c) as (c) and (d) and rewrote them.

1:31-2.2 Extension of comment period on proposed rulemaking activity

(a) The designated public comment period for any rule proposed by the Office of Administrative Law shall be extended for a period of 30 additional days when sufficient public interest is demonstrated in an extension of the time for comment submission or whenever deemed appropriate by the Director.

1. Sufficient public interest for granting an extension of the public comment period exists whenever 10 or more individuals or entities have requested an extension of the comment period to the Office of Administrative Law. This communication must be submitted in writing to the individual designated to receive comments in the notice of rule proposal within 30 days of publication of the proposal.

New Rule, R.2002 d.100, effective April 1, 2002.

See: 33 N.J.R. 4049(a), 34 N.J.R. 1421(a).

1:31-2.3 Public hearing on proposed rulemaking activity

(a) The Office of Administrative Law shall conduct a public hearing on a proposed rule if, within 30 days following publication of the proposed rule in the New Jersey Register:

1. A public hearing is requested by a committee of the Legislature;