

CHAPTER 1D
PETITIONS FOR RULES

Authority

N.J.S.A. 52:17B-4(d).

Source and Effective Date

R.1999 d.145, effective April 7, 1999.
See: 31 N.J.R. 110(a), 31 N.J.R. 1200(a).

Executive Order No. 66(1978) Expiration Date

Chapter 1D, Petitions for Rules, expires on April 7, 2004.

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: Source and Effective Date. See, also, section annotations.

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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) for the promulgation, amendment or repeal of any rule by the Attorney General and by any agency within the Department of Law and Public Safety that is subject to the supervision of the Attorney General, including those agencies which have independent or delegated rulemaking authority but have not adopted a rule providing for a petition for rulemaking.

13:1D-1.2 Procedure for petitions

(a) Except as otherwise provided in Title 13 of the New Jersey Administrative Code, any interested person may petition the Attorney General, or any agency within the Department of Law and Public Safety which is subject to the supervision of the Attorney General, to promulgate, amend or repeal any rule of the Department of Law and Public Safety. Such 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) Petitions for the promulgation, amendment or repeal of a rule submitted pursuant to the chapter shall be addressed 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

(c) 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).

13:1D-1.3 Procedure after receipt of petition

(a) Upon receipt of a petition by the Division Director filed pursuant to N.J.A.C. 13:1D-1.2:

1. The petition shall be date stamped and logged; and
2. The petition shall be referred as appropriate.

(b) Within 15 days of receipt of a petition, the Division shall prepare and submit to the Administrative Practice Officer a notice of petition for rulemaking for filing with the Office of Administrative Law in compliance with N.J.A.C. 1:30-3.6(a).

(c) Within 30 days of receipt of a petition, the Division shall mail to the petitioner and submit to the Administrative Practice Officer for filing with the Office of Administrative Law a notice of action on the petition in compliance with N.J.A.C. 1:30-3.6(b).

- (d) The Department's action on the petition may include:
1. Denial of the petition;

2. Filing a notice of proposed rule or a notice of pre-proposal for a rule with the Office of Administrative Law; or

3. Referral of the matter for further deliberations, the nature of which shall be specified and which shall conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

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).