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**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
OFFICE OF THE ATTORNEY GENERAL**

*41 N.J.R. 2770(a)*

**Proposed Readoption: *N.J.A.C. 13:1D***

[Click here to view Interested Persons Statement](#)

**Petitions for Rules**

Authorized By: Anne Milgram, Attorney General.

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

Calendar Reference: See Summary below for explanation of exception from calendar requirement.

Proposal Number: PRN 2009-224.

Submit written comments by September 18, 2009 to:

Philip H. Hopkins, Jr.  
Deputy Attorney General  
Administrative Practice Officer  
Office of the Attorney General  
Hughes Justice Complex  
25 W. Market Street  
PO Box 081  
Trenton, NJ 08625

The agency proposal follows:

[page=2771] **Summary**

*N.J.A.C. 13:1D*, which contains the Department of Law and Public Safety rules on petitions for rulemaking, will

expire on June 22, 2009 pursuant to *N.J.S.A. 52:14B-5.1* and Executive Order No. 66 (1978). By the filing of this notice of proposal the expiration date is extended for 180 days to December 19, 2009, pursuant to *N.J.S.A. 52:14B-5.1c*. The Attorney General has reviewed the existing rules and has determined that they are necessary, reasonable and proper for the purpose for which they were originally promulgated. The chapter is therefore proposed for readoption, without amendment.

The chapter prescribes the procedure for the public to follow in submitting petitions for rulemaking to agencies in the Department of Law and Public Safety under the supervision of the Attorney General that have independent or delegated rulemaking authority and have not adopted a rule on petitions for rulemaking.

*N.J.A.C. 13:1D-1.1* states the applicability of the chapter. *N.J.A.C. 13:1D-1.2* states the procedure for submitting petitions for rulemaking. The section provides that persons submitting petitions shall send the petition to the head of the division or agency responsible for the rule or program that is the subject of the petition, with a copy to the Department Administrative Practice Officer. The petition must contain the name and address of the petitioner, the substance or nature of the request, a statement of the problem or purpose for the petition, the petitioner's interest in the request, the statutory authority under which the Attorney General or agency may take the requested action and any existing Federal or State statutes or rules the petitioner believes are pertinent. *N.J.A.C. 13:1D-1.3* describes the procedure to be followed by the Department after receipt of a petition. These requirements are consistent with the provisions of *N.J.A.C. 1:30-3.6* promulgated by the Office of Administrative Law.

The Attorney General has provided a 60 day comment period for the notice of proposal. The notice is therefore excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

### **Social Impact**

The chapter proposed for readoption will have a positive social impact by providing a procedure for the public to address issues involving the rulemaking functions of agencies within the Department of Law and Public Safety.

### **Economic Impact**

The chapter proposed for readoption will not have an economic impact on the public. Any cost associated with preparing and mailing a petition for rulemaking should be minimal. Submission of a petition is entirely voluntary. There are no fees or charges associated with the filing of a petition for rulemaking.

### **Federal Standards Statement**

A Federal standards analysis is not necessary because the chapter proposed for readoption is not subject to any Federal standard or rule.

### **Jobs Impact**

The chapter proposed for readoption will not increase or decrease the number of jobs in New Jersey.

### **Agriculture Industry Impact**

The chapter proposed for readoption will not have any impact on the agricultural industry in New Jersey.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not necessary because the chapter proposed for readoption does not impose any reporting, recordkeeping or other compliance requirements on small businesses as defined in the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq. The rules proposed for readoption establish standards for the submission of petitions for

rulemaking to the Department of Law and Public Safety.

**Smart Growth Impact**

The rules proposed for re adoption will not have any impact on smart growth or implementation of the State Development and Redevelopment Plan.

**Housing Affordability Impact**

The rules proposed for re adoption will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules concern the submission of petitions for rulemaking to the Department of Law and Public Safety.

**Smart Growth Development Impact**

The rules proposed for re adoption will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2 or within designated centers under the State Development and Redevelopment Plan in New Jersey because the rules concern the submission of petitions for rulemaking to the Department of Law and Public Safety.

**Full text** of the rules proposed for re adoption may be found in the New Jersey Administrative Code at *N.J.A.C. 13:1D*.