

(c) Notices shall be by [regular mail, except that when emergent needs so require and the law permits, notice of proceedings may be by telephone or] any [other] method reasonably certain to provide actual notice to the parties.

(d)-(f) (No change.)

(a)

**OFFICE OF ADMINISTRATIVE LAW
Prehearing Orders**

Proposed Amendment: N.J.A.C. 1:1-13.2

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law.

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

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

Proposal Number: PRN 2025-082.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager
Administrative Practice Officer
Office of Administrative Law
PO Box 049
Trenton, NJ 08625-0049
oal.comments@oal.nj.gov

The agency proposal follows:

Summary

Existing N.J.A.C. 1:1-13.2 states that the Office of Administrative Law (OAL), within 10 days of the conclusion of a prehearing conference, shall enter a written order addressing the items stated at N.J.A.C. 1:1-13.2(a)1 through 14. This written order is colloquially known as the prehearing order. In practice, the OAL has determined that a prehearing order is not necessary in all cases, but should be used judiciously, as needed, to cement the issues to be decided in a case, identify the witnesses to be called in a hearing, or clarify the procedures to be followed in a case. As such, the OAL has determined to amend N.J.A.C. 1:1-13.2(a) to make the prehearing order optional, rather than mandatory, so it can be employed only when necessary or desired.

As a 60-day comment period has been provided on this notice of proposal, this notice is excepted from the rulemaking calendar requirement at N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment will have a positive social impact because it clarifies that a prehearing order should only be issued when needed.

Economic Impact

The proposed amendment will not cost the OAL or the parties to a case anything; however, it will save the State money in the reallocation of staff resources when a prehearing order is not needed.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing because the proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment concerns the issuance of prehearing orders at the OAL, which is an internal process at the OAL.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 13. PREHEARING CONFERENCES AND PROCEDURES

1:1-13.2 Prehearing order; amendment

(a) Within 10 days after the conclusion of the prehearing conference, the judge [shall] **may** enter a written order addressing the appropriate items listed [in] **at** (a)1 through 14 below and shall cause the same to be served upon all parties.

1.-14. (No change.)

(b)-(c) (No change.)

(b)

**OFFICE OF ADMINISTRATIVE LAW
Uniform Administrative Procedure Rules
Interpreters; Payment**

Proposed Amendment: N.J.A.C. 1:1-14.3

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 52:14B-1 et seq.

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

Proposal Number: PRN 2025-076.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager
Administrative Practice Officer
Office of Administrative Law
PO Box 049
Trenton, NJ 08625-0049
oal.comments@oal.nj.gov

The agency proposal follows:

Summary

Effective August 5, 2024, the Office of Administrative Law (OAL) changed its internal process for providing interpreters in administrative hearings to no longer enforce N.J.A.C. 1:1-14.3(a) through (c) as currently promulgated (see 56 N.J.R. 1555(a)). Pursuant to existing N.J.A.C. 1:1-14.3, parties to an administrative hearing are permitted to obtain an interpreter at their own cost if the administrative law judge determines that interpretation is necessary. The rule also sets forth the procedure for the selection of the interpreter and for the exception to the requirement that the requesting party pay for the interpreter when the interpreter is for the hearing impaired.

The change implemented effective August 5, 2024 means that the OAL no longer requires parties requesting an interpreter pursuant to N.J.A.C. 1:1-14.3(a) through (c) to pay for their own interpreter; instead, parties must notify the OAL if they have a limited ability to speak or understand English so the OAL can provide interpreters at the hearings and the cost of the interpreters is charged back to the transmitting agency.

The OAL indicated, in that public notice, that it would prepare a rulemaking to repeal or amend N.J.A.C. 1:1-14.3 in due course, but because the rulemaking process takes time, the OAL was notifying the public of its current policy not to enforce N.J.A.C. 1:1-14.3(a) through (c). Through this rulemaking, the OAL proposes to delete N.J.A.C. 1:1-14.3(a), (b), and (c). In the public notice indicating that the OAL will not enforce N.J.A.C. 1:1-14.3(a), (b), and (c), the OAL directed the public to its website for instructions if an interpreter is needed. Proposed new subsection (a) codifies the new process and states that a party that needs an interpreter because he or she has a limited ability to speak or understand English should contact OAL as far in advance of the hearing as possible. The new subsection also adds a cross-reference to the OAL website page referred to in the public notice regarding interpreters, www.nj.gov/oal/hearings/interpret/ and states the policy of OAL to charge the transmitting agency for the interpreter's services.

As the OAL is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The OAL anticipates a positive social impact as the proposed amendment will make the process for getting an interpreter easier for the public.

Economic Impact

The OAL anticipates a positive economic impact as the proposed amendment will remove any costs to the public related to the requirement for getting an interpreter for a hearing at OAL.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is not subject to any Federal standards.

Jobs Impact

The proposed amendment will have no impact on the number of jobs generated or lost in New Jersey.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping, or compliance requirements on small businesses, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment pertains to the process for requesting an interpreter at OAL hearings.

Housing Affordability Impact Analysis

The proposed amendment will have no impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the rule would evoke a change in the average costs associated with housing, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, because the proposed amendment concerns the process for requesting an interpreter at OAL hearings.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed amendment will have no impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 14. CONDUCT OF CASES

1:1-14.3 Interpreters; payment

[(a) Except as provided in (d) below, any party at his or her own cost may obtain an interpreter if the judge determines that interpretation is necessary.

(b) Taking into consideration the complexity of the issues and communications involved, the judge may require that an interpreter be taken from an official registry of interpreters or otherwise be assured that the proposed interpreter can adequately aid and enable the witness in conveying information to the judge.

(c) The judge may accept as an interpreter a friend or relative of a party or witness, any employee of a State or local agency, or other person who can provide acceptable interpreter assistance.]

(a) If an interpreter is required for a matter at the OAL because of a limited ability to speak or understand English, the party making the request should contact the OAL as far in advance of the hearing as possible. Parties are directed to www.nj.gov/oal/hearings/interpret/. The transmitting agency of the underlying matter shall be required to reimburse the OAL for the cost of an interpreter pursuant to this section.

[(d)] (b) (No change in text.)

(a)

OFFICE OF ADMINISTRATIVE LAW

Records Designated Confidential

Proposed New Rule: N.J.A.C. 1:31-1.4

Authorized By: Barry E. Moscowitz, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 47:1A-1 and 52:14F-5; and Executive Order No. 9 (1963).

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

Proposal Number: PRN 2025-077.

Submit written comments by September 5, 2025, to:

Thomas E. Harris, Jr., Manager
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PO Box 049
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oal.comments@oal.nj.gov

The agency proposal follows:

Summary

On January 8, 2002, the Legislature passed, and the Acting Governor approved, P.L. 2001, c. 404, which enacted changes in the law concerning public access to government records. The law became effective July 7, 2002. This law expanded the public's right of access to government records and facilitates the way in which that access is provided by the custodian of those records. The act provides that all government records shall be subject to public access unless exempt from such access pursuant to: P.L. 1963, c. 73, as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated pursuant to the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; or any Federal law, Federal regulation, or Federal order. The law also provides that personnel records of any individual in the possession of a public agency shall not be considered a government record and shall not be made available for public access, except under certain circumstances. The law exempts from public access any emergency or security information or procedures for any facility that would, if disclosed, jeopardize security of the facility or persons therein.