

public viewing through publication on the agency’s Internet website, no later than the date of publication of the notice in the New Jersey Register.

(f) (No change in text.)

1:30-5.4 Opportunity to be heard

(a)-(c) (No change.)

(d) To provide a full comment period, the agency shall accept all public comments postmarked or, if submitted by e-mail or through an electronic mailing list, bearing an e-mail sent date or list posting date within the designated comment period set forth in the notice of pre-proposal or notice of proposal, or as thereafter extended. If the designated comment period ends on a Sunday or postal holiday, the agency shall accept public comments postmarked through the next postal business day after the last day of the comment period.

(e) (No change.)

1:30-5.5 Public hearings

(a) (No change.)

(b) If a public hearing is to be held as part of a proceeding for a pre-proposal or a proposal, the agency shall provide at least 15 days’ notice of the public hearing.

1. (No change.)

2. When a public hearing is scheduled after the notice of pre-proposal or proposal has been published, notice of the public hearing shall be published in the New Jersey Register, if such publication provides 15 days’ notice of the hearing. If timely Register publication is not feasible, notice of the public hearing may be published in the Register with less than 15 days’ notice as long as 15 days’ notice of the public hearing is given in another manner reasonably calculated to reach the interested public. A copy of such notice shall be filed with OAL. An agency shall also publish notice of a public hearing under this paragraph on the agency’s Internet website at least 15 days prior to the hearing date.

(c)-(h) (No change.)

1:30-5.6 Rulemaking record

(a) The agency shall retain a record of any oral and written comments or other material received in response to a proposal (N.J.A.C. 1:30-5.1) or a public hearing (N.J.A.C. 1:30-5.5) for a period of one year following the date of publication. The rulemaking record shall include the following:

- 1. The date, the method of issuance, and a copy of any notices concerning the rule activity, including:
 - i. Any notice mailed or e-mailed pursuant to N.J.A.C. 1:30-5.2(a)3;
 - ii. Any notice distributed to the news media pursuant to N.J.A.C. 1:30-5.2(a)4; and
 - iii. (No change in text.)
- 2.-3. (No change.)

(b)-(d) (No change.)

SUBCHAPTER 6. PROCEDURE UPON ADOPTION

1:30-6.1 Notice of adoption

(a) When an agency adopts a proposed rule, the agency shall prepare a “notice of adoption” and submit the notice to the OAL. The notice of adoption shall comply with the requirements of this section.

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

(d) An agency shall also publish the notice of adoption on the agency’s Internet website, no later than the date of publication of the notice in the New Jersey Register.

1:30-6.3 Variance between the rule as proposed and as adopted

(a)-(c) (No change.)

(d) An agency submitting a public notice under (c) above shall comply with the requirements for notice, in addition to publication in the New Jersey Register, set forth in N.J.A.C. 1:30-5.2(a)3 through 6. The publication of the notice on the agency’s Internet website pursuant to N.J.A.C. 1:30-5.2(a)5 shall occur no later than the date of publication of the notice in the New Jersey Register. Such agency shall also provide a comment period of 60 days from the date the public notice is published in the New Jersey Register in which interested parties may present their views on the new proposed changes. Upon the conclusion of the 60-day public comment period, the agency may proceed with a notice of

adoption in accordance with the provisions of N.J.A.C. 1:30-6. As part of the notice of adoption, the agency shall include an appropriately-headed section devoted to the substantial changes contained in the public notice, listing all parties submitting comments concerning the provisions of the proposed rule changes contained in the public notice, summarizing the content of the submissions that are related to the proposed rule changes contained in the public notice, and providing the agency’s response to the data, views, and arguments contained in the relevant submissions.

(e)-(f) (No change.)

1:30-6.4 Expiration date for adopted rule

(a)-(g) (No change.)

(h) In the case of a readoption without changes to the existing chapter, or a readoption with technical changes as approved by the Office of Administrative Law, an agency may continue in effect an expiring chapter for a seven-year period by filing a public notice (hereinafter, “a notice of readoption”) with the Office of Administrative Law for publication in the New Jersey Register at least 30 days prior to the expiration date of the chapter. If a notice of readoption is filed with the Office of Administrative Law less than 30 days prior to the chapter expiration date, the notice will not be published and the filing of the notice will not change the chapter expiration date; in order to readopt the chapter that was the subject of such notice, the readoption of the chapter must be proposed and adopted in accordance with (g) above. The notice of readoption shall include the citation for the chapter; a general description of the chapter; the specific legal authority under which the chapter is authorized; the name and title of the individual, or the name of the entity, authorizing the readoption; the effective date of the readoption; and the new expiration date of the chapter. The notice of readoption shall be effective upon filing with the Office of Administrative Law, and the new chapter expiration date shall be calculated from the date of filing of the notice of readoption. As used in this subsection, “technical amendments” means amendments to: correct spelling, grammar, and punctuation; correct codification; update contact information; or correct cross-references. The agency shall also publish the notice of readoption on the agency’s Internet website, no later than the date of publication of the notice in the New Jersey Register.

1.-2. (No change.)

(i)-(k) (No change.)

1:30-6.5 Emergency rule adoption and concurrent proposal

(a)-(f) (No change.)

(g) An agency shall publish on its Internet website, a summary of any emergency rule adopted pursuant to this section, and the statement of reasons for the agency’s finding that an imminent peril exists. The website publication shall occur on the date the emergency rule is filed with the Office of Administrative Law. An agency shall publish the notice of emergency adoption and, if applicable, concurrent proposal on the agency’s Internet website, no later than the date of publication of the notice in the New Jersey Register.

(a)

**OFFICE OF ADMINISTRATIVE LAW
Organization of the Office of Administrative Law
Readoption with Amendments: N.J.A.C. 1:31**

Proposed: December 1, 2014, at 46 N.J.R. 2302(a).
Adopted: May 12, 2015, by Laura Sanders, Acting Director, Office of Administrative Law.

Filed: May 18, 2015, as R.2015 d.099, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Dates: May 18, 2015, Readoption;
June 15, 2015, Amendments.

Expiration Date: May 18, 2022.

Summary of Public Comments and Agency Responses:

COMMENT: Alice Preville, Regulatory Officer from the Department of Environmental Protection, commented that the web address proposed for Rutgers Newark at N.J.A.C. 1:31-1.1(a)4 was not correct. She indicated the correct link is "njlaw.rutgers.edu" and that adding "www" results in a website not being found.

RESPONSE: The commenter is correct. The correction has been made upon adoption.

COMMENT: Jean Public commented that the general public is not getting enough information on rule proposals and that better ways of getting proposals to the public are needed. She comments that regulation changes go through without anybody aware of them. She further comments that an overseer is needed for what some agencies say is a public response because they fraudulently count what the public says about the proposals. Finally, she comments that the cost of \$.75 for the first 10 pages is outrageous.

RESPONSE: OAL thanks Ms. Public for her comments. The adopted amendments provide more access to the public to be kept informed of rulemaking and to participate in the rulemaking process such that additional changes are not necessary. Notices of adoption routinely include summaries of comments in opposition to what the agency is proposing, and the agency's responses to the issues raised by those commenters. The cost of copies is governed by statute, N.J.S.A. 47:1A-5.b, which provides for a \$.05 charge per letter-size or smaller copy and a \$.07 charge per legal-size or larger copy.

Federal Standards Statement

A Federal standards analysis is not required because the contested case hearing procedures, of which the readopted rules and the adopted amendments are a part, are promulgated in implementation of the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq., and are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 1:31.

Full text of the adopted amendments follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

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.-3. (No change.)

4. Publishes the New Jersey Register and the New Jersey Administrative Code and makes copies of initial decisions available through the Rutgers Newark School of Law website ***[www.njlaw.rutgers.edu]*** ***[njlaw.rutgers.edu]***. The publication function of the OAL is multifaceted:

i.-iii. (No change.)

1:31-1.3 Public information requests and submissions

(a)-(b) (No change.)

(c) The cost for copies of documents is in accordance with N.J.S.A. 47:1A-5.b.

(d) (No change.)

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 legible, intelligible, and signed by the petitioner, and may be submitted via e-mail, mail, or any other means. Each petition shall contain the following information:

1.- 4. (No change.)

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

(d) No later than 60 days after receiving a petition, the Office of Administrative Law shall mail to the petitioner, file for publication in the

New Jersey Register, and make available on the Office of Administrative Law's website a notice of action on the petition which shall contain the information prescribed by N.J.A.C. 1:30-4.2.

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 may be submitted either orally or in writing, via hand delivery, mail, or e-mail, to the individual designated to receive comments in the notice of rule proposal within 30 days of publication of the proposal.

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.-2. (No change.)

3. Sufficient public interest in a public hearing is demonstrated. Sufficient public interest in a public hearing shall be demonstrated whenever 10 or more individuals or entities request, either orally or in writing, such hearing. Such notice shall include the basis for the request; or

4. (No change.)

1:31-2.4 Additional notice of rulemaking activity

(a) The Office of Administrative Law shall provide at least 30 days notice of all proposed rulemaking. Notice shall be provided in the following manner:

1.-2. (No change.)

3. Posting of the notice on the official website of the New Jersey Office of Administrative Law at www.state.nj.us/oal;

4. Mailing or e-mailing of the notice or a statement of the substance of the proposed rulemaking activity to:

i. All persons who have made timely requests to the Office of Administrative Law for advance notice of its rulemaking proceedings;

ii. Persons or organizations likely to be affected by or interested in the intended action, including, but not limited to, the New Jersey State Bar Association and to any appropriate committees thereof; the New Jersey Office of Attorney General; New Jersey State administrative agencies; public interest groups; New Jersey Legal Services; and labor and trade unions; and

iii. Persons on the Office of Administrative Law's electronic mailing list; and

5. Disseminating a press release to select major local media.

(b) (No change.)

SUBCHAPTER 3. DISCIPLINE OF ADMINISTRATIVE LAW JUDGES

1:31-3.8 Issuance of order

Upon receipt and review of any opinions, recommendations, and reports from the Committee under N.J.A.C. 1:31-3.7(a), the Director may proceed in accordance with N.J.A.C. 1:31-3.3 or may issue a formal complaint and order the judge to show cause why a specific sanction should not be imposed or a recommendation for removal not be sent to the Governor. The order to show cause shall require the judge to answer the complaint within 30 days of service of the complaint and order upon the judge.