

HUMAN SERVICES

THE COMMISSIONER

Rules of Practice; Petition for Rulemaking

Proposed Readoption: N.J.A.C. 10:1

Authorized By: Jennifer Velez, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 52:14B-3 and 4.

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

Proposal Number: PRN 2014-010.

Submit comments by March 7, 2014, to:

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Legal Specialist

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The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1.c(2), the Department of Human Services rules at N.J.A.C. 10:1, Rules of Practice; Petition for Rulemaking, expire on June 4, 2014. The Department proposes to readopt the chapter without change.

The rules proposed for readoption at N.J.A.C. 10:1, Rules of Practice; Petition for Rule-making, are intended to inform the public and to effectuate the required rulemaking of the Department in accord with the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Office of Administrative Law Rules for Agency Rulemaking, N.J.A.C. 1:30. The Department has reviewed these rules and finds that they should be readopted because the rules are necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which they were originally promulgated.

Specifically, the purpose of these rules is to provide public notice regarding: (a) public notice and public comments regarding Department rules and rulemaking calendars, including the definition of "sufficient public interest" as it relates to rulemaking public comment periods and hearings; and (b) the public petition for rulemaking process and requirements.

The Department has determined that the comment period for this notice of proposal will be 60 days, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Social Impact

The rules proposed for readoption are expected to have a positive social impact because of the public notice they provide regarding the public process relating to Department rulemaking, including public notice and information concerning the procedures interested parties should follow when submitting comments on Department rules. The rules also outline procedures for interested parties to submit petitions for rulemaking.

Economic Impact

Anyone requesting a copy of the Department document filed with the Office of Administrative Law would have to pay the per-page copying fee set forth at N.J.A.C. 10:1-2.4. The only costs involved in submitting a petition are those administrative in nature, of composing the petition and sending it to the Department or relevant division.

Federal Standards Statement

The rules proposed for readoption are not subject to any Federal standards or requirements, and a Federal standards analysis is not required for this rulemaking.

Jobs Impact

The rules proposed for readoption will not result in the generation or loss of any jobs in the State of New Jersey.

Agriculture Industry Impact

The rules proposed for readoption will have no effect on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption impose no reporting or recordkeeping requirements. Small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., would have to comply with the requirements in the rules concerning charges for copies of documents filed with the Office of Administrative Law and the petition for rulemaking process.

Anyone requesting a copy of a Department document filed with the Office of Administrative Law would have to pay the per-page copying fee set forth at N.J.A.C. 10:1-2.4. No lesser requirement

or exception is provided for small businesses, as the cost-reimbursement nature of the fee is unrelated to the business size of the copy-requester.

Persons, including small businesses, petitioning the Department to adopt a new rule or amend or repeal an existing rule must comply with the petition content requirements of N.J.A.C. 10:1-4.2(b), and submit the petition to the specific relevant division of the Department or to the address specified in N.J.A.C. 10:1-4.2(c). The only costs involved in submitting a petition are those administrative in nature, of composing the petition and sending it to the Department or relevant division. The petition content requirements are established under N.J.S.A. 52:14B-4(f); therefore, no lesser requirements or exception can be provided by rule. Small businesses will not have to employ professional services in order to comply with these requirements.

Housing Affordability Impact Analysis

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 pertain to Department's rules of practice and petitions for rulemaking.

Smart Growth Development Impact Analysis

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 pertain to Department's rules of practice and petitions for rulemaking.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:1.