

ADMINISTRATIVE LAW

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:

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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.)