

52:14B-5.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2011 **CHAPTER:** 45

NJSA: 52:14B-5.1 (Changes five year chapter expiration date for rules to seven years)

BILL NO: A2721 (Substituted for S2013)

SPONSOR(S) Burzichelli and others

DATE INTRODUCED: May 13, 2010

COMMITTEE: **ASSEMBLY:** Regulatory Oversight and Gaming

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** February 17, 2011

SENATE: January 10, 2011

DATE OF APPROVAL: April 6, 2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

A2721

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

S2013

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

P.L.2011, CHAPTER 45, *approved April 6, 2011*
Assembly, No. 2721 (*Second Reprint*)

1 AN ACT concerning State agency rule-making and amending
2 P.L.2001, c.5.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 10 of P.L.2001, c.5 (C.52:14B-5.1) is amended to
8 read as follows:

9 10. a. **Every rule in effect on the enactment date of P.L.2001,**
10 **c.5 (C.52:14B-4.1a et al.) shall expire five years following the**
11 **effective date of this act unless a sooner expiration date has been**
12 **established for the rule.]** (Deleted by amendment, P.L. , c.)
13 (pending before the Legislature as this bill)

14 b. Every rule adopted on or after the effective date of P.L.2001,
15 c.5 (C.52:14B-4.1a et al.) shall expire **[five]** ¹**[seven]** ²**[10¹]**
16 **seven²** years following the effective date of the rule unless a sooner
17 expiration date has been established for the rule. The expiration
18 date shall be included in the adoption notice of the rule in the New
19 Jersey Register and noted in the New Jersey Administrative Code.

20 c. **[An agency may continue in effect an expiring rule for a**
21 **five year period by duly proposing and readopting the rule prior to**
22 **its expiration.]** (1) Notwithstanding any other provision of
23 P.L.1968, c.410 (C.52:14B-1 et seq.), or rule adopted pursuant
24 thereto, to the contrary, in the case of a proposed readoption
25 without changes to the existing rule, or a proposed readoption with
26 technical changes as approved by the Office of Administrative Law,
27 an agency may continue in effect an expiring rule for a ¹**[seven]**
28 ²**[10¹]** seven² year period by filing a public notice with the Office
29 of Administrative Law for publication in the New Jersey Register at
30 least 30 days prior to the expiration date of the rule. The notice
31 pursuant to this paragraph shall include the citation for the rule, a
32 general description of the rule, the specific legal authority under
33 which the rule is authorized, and the new expiration date of the rule.
34 The notice pursuant to this paragraph shall be effective upon filing
35 with the Office of Administrative Law.

36 Upon the receipt of a public notice pursuant to this paragraph,
37 the Office of Administrative Law shall publish the notice in the
38 New Jersey Register. The new expiration date of the rule shall be
39 noted in the New Jersey Administrative Code.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARG committee amendments adopted June 17, 2010.

²Senate floor amendments adopted January 10, 2011.

1 As used in this paragraph, “technical changes” means changes to:
2 correct spelling, grammar and punctuation; correct codification;
3 update contact information; or correct cross-references.

4 (2) In the case of a proposed readoption of an expiring rule with
5 substantive changes, an agency may continue the expiring rule for a
6 ‘[seven] ²[10’] seven² year period by duly proposing the
7 readoption with substantive changes and readopting the rule prior to
8 its expiration. Upon the filing of a notice of proposed readoption
9 with substantive changes , the expiration date of the rule shall be
10 extended for 180 days, if such notice is filed prior to the expiration
11 of the rule.

12 As used in this paragraph, “substantive changes” means any
13 changes that are not technical changes as defined in paragraph (1)
14 of this subsection.

15 d. (1) The Governor may, upon the request of an agency head,
16 and prior to the expiration date of the rule, continue in effect an
17 expiring rule for a period to be specified by the Governor.

18 (2) The Governor may, upon the request of an agency head
19 within five days after the expiration of a rule, restore the
20 effectiveness of an expired rule as of its expiration date, for a period
21 to be specified by the Governor, in order to effect the readoption of
22 the rule in accordance with subsection c. of this section.

23 e. This section shall not apply to any rule repealing a rule or
24 any rule prescribed by federal law or whose expiration would
25 violate any other federal or State law, in which case the federal or
26 State law shall be cited in the publication of the rule.

27 (cf: P.L.2001, c.5, s.10)

28

29 2. This act shall take effect immediately.

30

31

32

33

34 Changes five year chapter expiration date for rules to seven
35 years; changes procedures for readoption of rules.

ASSEMBLY, No. 2721

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 13, 2010

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)
Assemblyman SCOTT T. RUMANA
District 40 (Bergen, Essex and Passaic)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:

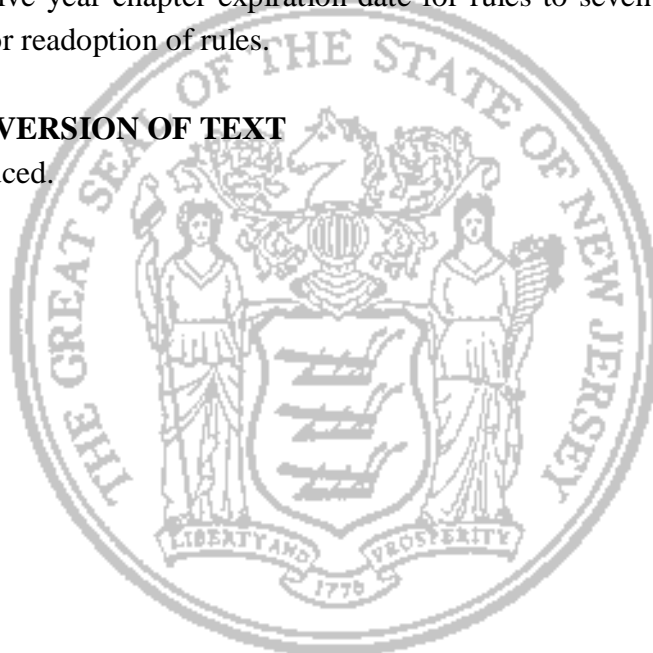
Assemblyman Chiusano

SYNOPSIS

Changes five year chapter expiration date for rules to seven years; changes procedures for readoption of rules.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/21/2010)

1 AN ACT concerning State agency rule-making and amending
2 P.L.2001, c.5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 10 of P.L.2001, c.5 (C.52:14B-5.1) is amended to
8 read as follows:

9 10. a. **Every rule in effect on the enactment date of P.L.2001,**
10 **c.5 (C.52:14B-4.1a et al.) shall expire five years following the**
11 **effective date of this act unless a sooner expiration date has been**
12 **established for the rule.]** (Deleted by amendment, P.L. , c.)
13 (pending before the Legislature as this bill)

14 b. Every rule adopted on or after the effective date of P.L.2001,
15 c.5 (C.52:14B-4.1a et al.) shall expire **[five]** seven years following
16 the effective date of the rule unless a sooner expiration date has
17 been established for the rule. The expiration date shall be included
18 in the adoption notice of the rule in the New Jersey Register and
19 noted in the New Jersey Administrative Code.

20 c. **[An agency may continue in effect an expiring rule for a**
21 **five year period by duly proposing and readopting the rule prior to**
22 **its expiration.]** (1) Notwithstanding any other provision of
23 P.L.1968, c.410 (C.52:14B-1 et seq.), or rule adopted pursuant
24 thereto, to the contrary, in the case of a proposed re adoption
25 without changes to the existing rule, or a proposed re adoption with
26 technical changes as approved by the Office of Administrative Law,
27 an agency may continue in effect an expiring rule for a seven year
28 period by filing a public notice with the Office of Administrative
29 Law for publication in the New Jersey Register at least 30 days
30 prior to the expiration date of the rule. The notice pursuant to this
31 paragraph shall include the citation for the rule, a general
32 description of the rule, the specific legal authority under which the
33 rule is authorized, and the new expiration date of the rule. The
34 notice pursuant to this paragraph shall be effective upon filing with
35 the Office of Administrative Law.

36 Upon the receipt of a public notice pursuant to this paragraph,
37 the Office of Administrative Law shall publish the notice in the
38 New Jersey Register. The new expiration date of the rule shall be
39 noted in the New Jersey Administrative Code.

40 As used in this paragraph, “technical changes” means changes to:
41 correct spelling, grammar and punctuation; correct codification;
42 update contact information; or correct cross-references.

43 (2) In the case of a proposed re adoption of an expiring rule with
44 substantive changes, an agency may continue the expiring rule for a
45 seven year period by duly proposing the re adoption with substantive

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 changes and readopting the rule prior to its expiration. Upon the
2 filing of a notice of proposed re Adoption with substantive changes ,
3 the expiration date of the rule shall be extended for 180 days, if
4 such notice is filed prior to the expiration of the rule.

5 As used in this paragraph, “substantive changes” means any
6 changes that are not technical changes as defined in paragraph (1)
7 of this subsection.

8 d. (1) The Governor may, upon the request of an agency head,
9 and prior to the expiration date of the rule, continue in effect an
10 expiring rule for a period to be specified by the Governor.

11 (2) The Governor may, upon the request of an agency head
12 within five days after the expiration of a rule, restore the
13 effectiveness of an expired rule as of its expiration date, for a period
14 to be specified by the Governor, in order to effect the re Adoption of
15 the rule in accordance with subsection c. of this section.

16 e. This section shall not apply to any rule repealing a rule or
17 any rule prescribed by federal law or whose expiration would
18 violate any other federal or State law, in which case the federal or
19 State law shall be cited in the publication of the rule.

20 (cf: P.L.2001, c.5, s.10)

21
22 2. This act shall take effect immediately.

23 24 25 STATEMENT

26
27 This bill amends current law concerning State agency rule-
28 making. This bill would (1) change the chapter expiration dates of
29 rules from five years to seven years, and (2) establish a new
30 procedure for the re Adoption of rules without substantive changes.

31 Under the bill, the change in the chapter expiration date from
32 five years to seven years would apply to all current rules in effect
33 on the date of enactment of this bill into law and to all rules adopted
34 on or after the date of enactment of this bill into law, unless a
35 sooner expiration date has been established for a particular rule.

36 In addition to extending the chapter expiration date of rules by
37 two years, the bill establishes a new procedure for a State agency to
38 follow when re Adopting rules without changes, or with technical
39 changes only as approved by the Office of Administrative Law
40 (OAL). As used in the bill, “technical changes” means changes to:
41 correct spelling, grammar and punctuation; correct codification;
42 update contact information; or correct cross-references.

43 Under this new procedure, a State agency would file a public
44 notice with the OAL for publication in the New Jersey Register at
45 least 30 days prior to the expiration date of the rule. Upon receipt
46 of a public notice from a State agency announcing the agency’s
47 intent to re Adopt an expiring rule without changes, or with technical
48 changes only, the OAL would publish that notice in the New Jersey

1 Register and note the new expiration date for the rule in the New
2 Jersey Administrative Code. The readoption of a rule with
3 substantive changes (i.e., any changes that do not meet the
4 definition of “technical change”) would still need to follow the
5 procedures set forth in current law.

6 Currently, the “Administrative Procedure Act,” P.L.1968, c.410
7 (C.52:14B-1 et seq.), establishes an expiration date of five years
8 after the chapter's effective date, unless a sooner expiration has
9 been established for the rule. Expiration dates do not apply for
10 those rules that repeal a rule, rules whose provisions are prescribed
11 by federal law, and for those rules where the expiration of the rules
12 would violate any other federal or State law. An expiration date
13 remains effective, irrespective of any subsequent amendments to the
14 rules, short of a complete repeal and readoption of the whole
15 chapter. In order to maintain the effectiveness of a chapter of rules,
16 the rules must be duly proposed for readoption, adopted and filed
17 prior to the chapter expiration date. This bill provides a new,
18 streamlined process for the extension of chapter expiration dates in
19 the case of rules being readopted without substantive change.

20 Lastly, current law provides that the Governor may, upon the
21 request of an agency head, and prior to the expiration date of the
22 rule, continue in effect an expiring rule for a period to be specified
23 by the Governor. This bill would also provide that the Governor
24 may, upon the request of an agency head within five days after the
25 expiration of a rule, restore the effectiveness of an expired rule as of
26 its expiration date, for a period to be specified by the Governor, in
27 order to effect the readoption of the rule. This provision would
28 provide a mechanism for the continuation, at the Governor’s
29 discretion, of an expired rule within five days after its expiration
30 date.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2721

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 2010

The Assembly Regulatory Oversight and Gaming Committee reports favorably and with committee amendments Assembly Bill No. 2721.

This bill amends current law concerning State agency rule-making. This bill, as amended by the committee, would (1) change the chapter expiration dates of rules from five years to 10 years, and (2) establish a new procedure for the readoption of rules without substantive changes.

Under the bill, the change in the chapter expiration date from five years to 10 years would apply to all current rules in effect on the date of enactment of this bill into law and to all rules adopted on or after the date of enactment of this bill into law, unless a sooner expiration date has been established for a particular rule.

In addition, the bill establishes a new procedure for a State agency to follow when readopting rules without changes, or with technical changes only as approved by the Office of Administrative Law (OAL). As used in the bill, “technical changes” means changes to: correct spelling, grammar and punctuation; correct codification; update contact information; or correct cross-references.

Under this new procedure, a State agency would file a public notice with the OAL for publication in the New Jersey Register at least 30 days prior to the expiration date of the rule. Upon receipt of a public notice from a State agency announcing the agency’s intent to readopt an expiring rule without changes, or with technical changes only, the OAL would publish that notice in the New Jersey Register and note the new expiration date for the rule in the New Jersey Administrative Code. The readoption of a rule with substantive changes (i.e., any changes that do not meet the definition of “technical change”) would still need to follow the procedures set forth in current law.

Currently, the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), establishes an expiration date of five years after the chapter's effective date, unless a sooner expiration has been established for the rule. Expiration dates do not apply for those rules

that repeal a rule, rules whose provisions are prescribed by federal law, and for those rules where the expiration of the rules would violate any other federal or State law. An expiration date remains effective, irrespective of any subsequent amendments to the rules, short of a complete repeal and readoption of the whole chapter. In order to maintain the effectiveness of a chapter of rules, the rules must be duly proposed for readoption, adopted and filed prior to the chapter expiration date. This bill provides a new, streamlined process for the extension of chapter expiration dates in the case of rules being readopted without substantive change.

Lastly, current law provides that the Governor may, upon the request of an agency head, and prior to the expiration date of the rule, continue in effect an expiring rule for a period to be specified by the Governor. This bill would also provide that the Governor may, upon the request of an agency head, within five days after the expiration of a rule, restore the effectiveness of an expired rule as of its expiration date, for a period to be specified by the Governor, in order to effect the readoption of the rule.

COMMITTEE AMENDMENTS:

The committee amendments to the bill extend the chapter expiration dates of rules from seven years, as proposed in the bill, to 10 years.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2721

with Senate Floor Amendment
(Proposed by Senator OROHO)

ADOPTED: JANUARY 10, 2011

These floor amendments change the duration of the chapter expiration dates of rules from 10 years to seven years.

SENATE, No. 2013

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 3, 2010

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Sussex, Hunterdon and Morris)

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senators Stack, Addiego and Beck

SYNOPSIS

Changes five year chapter expiration date for rules to seven years; changes procedures for readoption of rules.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2011)

1 AN ACT concerning State agency rule-making and amending
2 P.L.2001, c.5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
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12 **established for the rule.]** (Deleted by amendment, P.L. , c.)
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14 b. Every rule adopted on or after the effective date of P.L.2001,
15 c.5 (C.52:14B-4.1a et al.) shall expire **[five]** seven years following
16 the effective date of the rule unless a sooner expiration date has
17 been established for the rule. The expiration date shall be included
18 in the adoption notice of the rule in the New Jersey Register and
19 noted in the New Jersey Administrative Code.

20 c. **[An agency may continue in effect an expiring rule for a**
21 **five year period by duly proposing and readopting the rule prior to**
22 **its expiration.]** (1) Notwithstanding any other provision of
23 P.L.1968, c.410 (C.52:14B-1 et seq.), or rule adopted pursuant
24 thereto, to the contrary, in the case of a proposed readoption
25 without changes to the existing rule, or a proposed readoption with
26 technical changes as approved by the Office of Administrative Law,
27 an agency may continue in effect an expiring rule for a seven year
28 period by filing a public notice with the Office of Administrative
29 Law for publication in the New Jersey Register at least 30 days
30 prior to the expiration date of the rule. The notice pursuant to this
31 paragraph shall include the citation for the rule, a general
32 description of the rule, the specific legal authority under which the
33 rule is authorized, and the new expiration date of the rule. The
34 notice pursuant to this paragraph shall be effective upon filing with
35 the Office of Administrative Law.

36 Upon the receipt of a public notice pursuant to this paragraph,
37 the Office of Administrative Law shall publish the notice in the
38 New Jersey Register. The new expiration date of the rule shall be
39 noted in the New Jersey Administrative Code.

40 As used in this paragraph, "technical changes" means changes to:
41 correct spelling, grammar and punctuation; correct codification;
42 update contact information; or correct cross-references.

43 (2) In the case of a proposed readoption of an expiring rule with
44 substantive changes, an agency may continue the expiring rule for a

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1 seven year period by duly proposing the readoption with substantive
2 changes and readopting the rule prior to its expiration. Upon the
3 filing of a notice of proposed readoption with substantive changes ,
4 the expiration date of the rule shall be extended for 180 days, if
5 such notice is filed prior to the expiration of the rule.

6 As used in this paragraph, “substantive changes” means any
7 changes that are not technical changes as defined in paragraph (1)
8 of this subsection.

9 d. (1) The Governor may, upon the request of an agency head,
10 and prior to the expiration date of the rule, continue in effect an
11 expiring rule for a period to be specified by the Governor.

12 (2) The Governor may, upon the request of an agency head
13 within five days after the expiration of a rule, restore the
14 effectiveness of an expired rule as of its expiration date, for a period
15 to be specified by the Governor, in order to effect the readoption of
16 the rule in accordance with subsection c. of this section.

17 e. This section shall not apply to any rule repealing a rule or
18 any rule prescribed by federal law or whose expiration would
19 violate any other federal or State law, in which case the federal or
20 State law shall be cited in the publication of the rule.

21 (cf: P.L.2001, c.5, s.10)

22
23 2. This act shall take effect immediately.

24
25
26 STATEMENT

27
28 This bill amends current law concerning State agency rule-
29 making. This bill would (1) change the chapter expiration dates of
30 rules from five years to seven years, and (2) establish a new
31 procedure for the readoption of rules without substantive changes.

32 Under the bill, the change in the chapter expiration date from
33 five years to seven years would apply to all current rules in effect
34 on the date of enactment of this bill into law and to all rules adopted
35 on or after the date of enactment of this bill into law, unless a
36 sooner expiration date has been established for a particular rule.

37 In addition to extending the chapter expiration date of rules by
38 two years, the bill establishes a new procedure for a State agency to
39 follow when readopting rules without changes, or with technical
40 changes only as approved by the Office of Administrative Law
41 (OAL). As used in the bill, “technical changes” means changes to:
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44 Under this new procedure, a State agency would file a public
45 notice with the OAL for publication in the New Jersey Register at
46 least 30 days prior to the expiration date of the rule. Upon receipt
47 of a public notice from a State agency announcing the agency’s
48 intent to readopt an expiring rule without changes, or with technical

1 changes only, the OAL would publish that notice in the New Jersey
2 Register and note the new expiration date for the rule in the New
3 Jersey Administrative Code. The readoption of a rule with
4 substantive changes (i.e., any changes that do not meet the
5 definition of “technical change”) would still need to follow the
6 procedures set forth in current law.

7 Currently, the “Administrative Procedure Act,” P.L.1968, c.410
8 (C.52:14B-1 et seq.), establishes an expiration date of five years
9 after the chapter's effective date, unless a sooner expiration has
10 been established for the rule. Expiration dates do not apply for
11 those rules that repeal a rule, rules whose provisions are prescribed
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13 would violate any other federal or State law. An expiration date
14 remains effective, irrespective of any subsequent amendments to the
15 rules, short of a complete repeal and readoption of the whole
16 chapter. In order to maintain the effectiveness of a chapter of rules,
17 the rules must be duly proposed for readoption, adopted and filed
18 prior to the chapter expiration date. This bill provides a new,
19 streamlined process for the extension of chapter expiration dates in
20 the case of rules being readopted without substantive change.

21 Lastly, current law provides that the Governor may, upon the
22 request of an agency head, and prior to the expiration date of the
23 rule, continue in effect an expiring rule for a period to be specified
24 by the Governor. This bill would also provide that the Governor
25 may, upon the request of an agency head within five days after the
26 expiration of a rule, restore the effectiveness of an expired rule as of
27 its expiration date, for a period to be specified by the Governor, in
28 order to effect the readoption of the rule. This provision would
29 provide a mechanism for the continuation, at the Governor's
30 discretion, of an expired rule within five days after its expiration
31 date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2013

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2010

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2013.

The bill adjusts current law concerning State agency rule-making. This bill (1) changes the chapter expiration dates of rules from five years to seven years, and (2) establishes a new procedure for the readoption of rules without substantive changes. Under the bill, the change in the chapter expiration date from five years to seven years applies to all current rules in effect on the date of enactment of this bill into law and to all rules adopted on or after the date of enactment of this bill into law, unless a sooner expiration date has been established for a particular rule. In addition, the bill establishes a new procedure for a State agency to follow when readopting rules without changes, or with technical changes only as approved by the Office of Administrative Law (OAL). As used in the bill, “technical changes” means changes to: correct spelling, grammar and punctuation; correct codification; update contact information; or correct cross-references.

Under this new procedure, a State agency files a public notice with the OAL for publication in the New Jersey Register at least 30 days prior to the expiration date of the rule. Upon receipt of a public notice from a State agency announcing the agency’s intent to readopt an expiring rule without changes, or with technical changes only, the OAL publishes that notice in the New Jersey Register and notes the new expiration date for the rule in the New Jersey Administrative Code. The readoption of a rule with substantive changes (i.e., any changes that do not meet the definition of “technical change”) still needs to follow the procedures set forth in current law.

Currently, the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), establishes an expiration date of five years after the chapter's effective date, unless a sooner expiration has been established for the rule. Expiration dates do not apply for those rules that repeal a rule, rules whose provisions are prescribed by federal law, and for those rules where the expiration of the rules violate any other federal or State law. An expiration date remains effective, irrespective of any subsequent amendments to the rules, short of a complete repeal and readoption of the whole chapter. In order to maintain the effectiveness of a chapter of rules, the rules must be duly proposed for readoption, adopted and filed prior to the chapter expiration date. This

bill provides a new, streamlined process for the extension of chapter expiration dates in the case of rules being readopted without substantive change.

Lastly, current law provides that the Governor may, upon the request of an agency head, and prior to the expiration date of the rule, continue in effect an expiring rule for a period to be specified by the Governor. This bill also provides that the Governor may, upon the request of an agency head, within five days after the expiration of a rule, restore the effectiveness of an expired rule as of its expiration date, for a period to be specified by the Governor, in order to effect the readoption of the rule.

FISCAL IMPACT:

The bill has not been certified for a fiscal estimate. By extending the maximum available expiration date for a rule from five to seven years and reducing the protocol involved in the readoption of substantively unchanged rules, the bill may mitigate the frequency and volume of State agency rulemaking activity thereby resulting in an indeterminate fiscal impact.