

52:14B-4

LEGISLATIVE HISTORY CHECKLIST
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(Administrative regulations--proposal notice)

NJSA: 52:14B-4

LAWS OF: 1995 **CHAPTER:** 166

BILL NO: A647

SPONSOR(S): Geist

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Economic & Community Development
SENATE: Natural Resources

AMENDED DURING PASSAGE: Yes **Amendments during passage**
First reprint enacted **denoted by superscript numbers**

DATE OF PASSAGE: **ASSEMBLY:** January 27, 1994
SENATE: May 11, 1995

DATE OF APPROVAL: July 5, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 647

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman GEIST

1 AN ACT providing that the notice of the adoption, amendment or
2 repeal of any administrative rule include a jobs impact
3 statement and amending P.L.1968, c.410.

4

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

7 1. Section 4 of P.L.1968, c.410 (C.52:14B-4) is amended to
8 read as follows:

9 4. (a) Prior to the adoption, amendment, or repeal of any rule,
10 except as may be otherwise provided, the agency shall:

11 (1) Give at least 30 days' notice of its intended action. The
12 notice shall include a statement of either the terms or substance
13 of the intended action or a description of the subjects and issues
14 involved, and the time when, the place where, and the manner in
15 which interested persons may present their views thereon. The
16 notice shall be mailed to all persons who have made timely
17 requests of the agency for advance notice of its rule-making
18 proceedings and in addition to other public notice required by law
19 shall be published in the New Jersey Register and shall be filed
20 with the President of the Senate and the Speaker of the General
21 Assembly. The notice shall be additionally publicized in such
22 manner as the agency deems most appropriate in order to inform
23 those persons most likely to be affected by or interested in the
24 intended action. Methods that may be employed include
25 publication of the notice in newspapers of general circulation or
26 in trade, industry, governmental or professional publications,
27 distribution of press releases to the news media and posting of
28 notices in appropriate locations;

29 (2) Prepare for public distribution at the time the notice
30 appears in the Register a statement setting forth a summary of
31 the proposed rule, a clear and concise explanation of the purpose
32 and effect of the rule, the specific legal authority under which its
33 adoption is authorized, a description of the expected
34 socio-economic impact of the rule, [and] a regulatory flexibility
35 analysis, or the statement of finding that a regulatory flexibility
36 analysis is not required, as provided in section 4 of P.L.1986,
37 c.169 (C.52:14B-19) and a jobs impact statement which shall
38 include an assessment of the number of jobs to be generated or
39 lost if the proposed rule takes effect ¹[and a cost-benefit
40 analysis of the initiative contained in the proposed rule, which
41 shall compare and examine the cost of the initiative and its
42 impact on the State]¹; ¹and¹

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:

¹ Senate SNT committee amendments adopted March 21, 1994.

1 (3) Afford all interested persons reasonable opportunity to
2 submit data, views, or arguments, orally or in writing. The
3 agency shall consider fully all written and oral submissions
4 respecting the proposed rule.

5 The agency shall conduct a public hearing on the proposed rule
6 at the request of a committee of the Legislature, or a
7 governmental agency or subdivision, provided such request is
8 made to the agency within 15 days following publication of the
9 proposed rule in the Register. The agency shall provide at least
10 15 days' notice of such hearing, which shall be conducted in
11 accordance with the provisions of subsection (g) of this section;

12 (4) Prepare for public distribution a report listing all parties
13 offering written or oral submissions concerning the rule,
14 summarizing the content of the submissions and providing the
15 agency's response to the data, views and arguments contained in
16 the submissions.

17 (b) A rule prescribing the organization of an agency may be
18 adopted at any time without prior notice or hearing. Such rules
19 shall be effective upon filing in accordance with section 5 of this
20 act or upon any later date specified by the agency.

21 (c) If an agency finds that an imminent peril to the public
22 health, safety, or welfare requires adoption of a rule upon fewer
23 than 30 days' notice and states in writing its reasons for that
24 finding, and the Governor concurs in writing that an imminent
25 peril exists, it may proceed without prior notice or hearing, or
26 upon any abbreviated notice and hearing that it finds practicable,
27 to adopt the rule. The rule shall be effective for a period of not
28 more than 60 days unless each house of the Legislature passes a
29 resolution concurring in its extension for a period of not more
30 than 60 additional days. The rule shall not be effective for more
31 than 120 days unless repromulgated in accordance with normal
32 rule-making procedures.

33 (d) No rule hereafter adopted is valid unless adopted in
34 substantial compliance with this act. A proceeding to contest
35 any rule on the ground of noncompliance with the procedural
36 requirements of this act shall be commenced within one year
37 from the effective date of the rule.

38 (e) An agency may file a notice of intent with respect to a
39 proposed rule-making proceeding with the Office of
40 Administrative Law, for publication in the New Jersey Register
41 at any time prior to the formal notice of action required in
42 subsection (a) of this section. The notice shall be for the purpose
43 of eliciting the views of interested parties on an action prior to
44 the filing of a formal rule proposal. An agency may use informal
45 conferences and consultations as means of obtaining the
46 viewpoints and advice of interested persons with respect to
47 contemplated rule-making. An agency may also appoint
48 committees of experts or interested persons or representatives of
49 the general public to advise it with respect to any contemplated
50 rule-making.

51 (f) An interested person may petition an agency to promulgate,
52 amend or repeal any rule. Each agency shall prescribe the form
53 for the petition and the procedure for the submission,
54 consideration and disposition of the petition. The petition shall

1 state clearly and concisely:

2 (1) The substance or nature of the rule-making which is
3 requested;

4 (2) The reasons for the request and the petitioner's interest in
5 the request;

6 (3) References to the authority of the agency to take the
7 requested action.

8 Within 30 days following receipt of any such petition, the
9 agency shall either deny the petition, giving a written statement
10 of its reasons, or shall proceed to act on the petition, which
11 action may include the initiation of a formal rule-making
12 proceeding. Upon the receipt of the petition, the agency shall
13 file a notice stating the name of the petitioner and the nature of
14 the request with the Office of Administrative Law for publication
15 in the New Jersey Register. Notice of formal agency action on
16 such petition shall also be filed with the division for publication
17 in the Register.

18 (g) All public hearings shall be conducted by a hearing officer,
19 who may be an official of the agency, a member of its staff, a
20 person on assignment from another agency, a person from the
21 Office of Administrative Law assigned pursuant to subsection o.
22 of section 5 of P.L.1978, c.67 (C.52:14F-5o.) or an independent
23 contractor. The hearing officer shall have the responsibility to
24 make recommendations to the agency regarding the adoption,
25 amendment or repeal of a rule. These recommendations shall be
26 made public. At the beginning of each hearing, or series of
27 hearings, the agency, if it has made a proposal, shall present a
28 summary of the factual information on which its proposal is
29 based, and shall respond to questions posed by any interested
30 party. Hearings shall be conducted at such times and in locations
31 which shall afford interested parties the opportunity to attend. A
32 verbatim transcript of each hearing shall be maintained, and
33 copies of the transcript shall be available to the public at no
34 more than the actual cost.

35 (cf: P.L.1986, c.169, s.7)

36 2. This act shall take effect immediately.

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41 Requires State agencies to include a jobs impact statement in
42 notices of proposed administrative rules published in the New
43 Jersey Register.

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38 STATEMENT

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40 This bill amends the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.) to provide that when a State
42 agency proposes the adoption, amendment or repeal of an
43 administrative rule, it shall include a jobs impact statement in
44 the notice of the proposed rule or rule change published in the
45 New Jersey Register. The jobs impact statement would also
46 contain a cost-benefit analysis of the initiative contained in the
47 proposed rule or rule change which compares and examines the
48 cost of the initiative and its impact on the State

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54 Jersey Register.

ASSEMBLY ECONOMIC AND COMMUNITY DEVELOPMENT
AGRICULTURE AND TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 647

STATE OF NEW JERSEY

DATED: JANUARY 20, 1994

The Assembly Economic and Community Development, Agriculture and Tourism Committee reports favorably Assembly Bill No. 647.

This bill amends the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to provide that when a State agency proposes the adoption, amendment or repeal of an administrative rule, it shall include a jobs impact statement in the notice of the proposed rule or rule change published in the New Jersey Register. The jobs impact statement would also contain a cost-benefit analysis of the initiative contained in the proposed rule or rule change which compares and examines the cost of the initiative and its impact on the State

Technical review was performed on this prefiled bill, as required under Joint Rule 18A of the Senate and General Assembly.

SENATE NATURAL RESOURCES, TRADE AND
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 647

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No. 647, with Senate committee amendments.

As amended, this bill would amend the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to provide that when a State agency proposes the adoption, amendment or repeal of an administrative rule, it shall include a jobs impact statement in the notice of the proposed rule or rule change published in the New Jersey Register.

The committee amended the bill to eliminate the requirement of a cost-benefit analysis of the initiative contained in the proposed rule or rule change which compares and examines the cost of the initiative and its impact on the State. The "Administrative Procedure Act" already requires agencies to prepare a socio-economic impact statement for all rule adoptions, amendments, and repeals.

As amended and reported by the committee, the bill is identical to Senate Bill No. 705 of 1994.