

## Rulemaking Process

### **Rulemaking can be initiated by:**

Implementation of a statute, including new laws;  
A change in agency or governmental policy;  
An executive order issued by the governor;  
A court decision;  
A rulemaking petition from an interested party;  
An emergent danger or peril; and/or  
A federal requirement.

## Rulemaking Process Steps

Stakeholder engagement and regulation development  
Notice of proposed rulemaking  
Impact statements  
Text of regulations  
Publication of notice of proposal in New Jersey register  
60 day comment period  
Agency considers received comments  
Changes made to regulations?  
If major changes, a new proposal  
If no changes or nonsubstantial and technical, proposed regulation moves to the next step.  
Final statement of reasons (with response to comments)  
Final text of regulations  
Rulemaking record closed  
Publication of notice of adoption in nj register to establish effective date.

### **Prior to the adoption, amendment, or repeal of any rule, each agency shall:**

Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon.

The notice shall be published in the New Jersey Register, the news media, made available for public viewing through publication on the agency's Internet website, and distribute notice of its intended action to interested persons.

Prepare a summary of the proposed rule, as well as a clear explanation of the purpose and effect of the rule, a jobs impact statement, an agriculture industry impact statement, a housing affordability impact statement, a smart growth development impact statement, and a racial and ethnic community criminal justice and public safety impact statement.

Afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions. An extension to the public comment period may be granted. The agency shall not adopt the proposed rule until after the end of that 30-day extension.

The agency shall conduct a public hearing on the proposed rule at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is shown, provided such a request is made to the agency within 30 days following publication of the proposed rule in the Register. The agency shall provide at least 15 days' notice of

such hearing, shall publish such hearing notice on its Internet website, and shall conduct the hearing.

Make available for public viewing, a report listing all parties offering written or oral submissions concerning the rule, summarizing the content of the submissions and providing the agency's response to the data, views, comments, and arguments contained in the submissions, and the final rule, if there are not substantial changes to the proposed rule upon adoption.

Following a notice of proposal and upon conclusion of the public comment period, an agency determines that it would be appropriate to make substantial changes to the proposed rule upon adoption, the agency may file a new notice of proposal.

Each agency shall file with the Director and Chief Administrative Law Judge of the Office of Administrative Law a certified copy of each rule adopted by it.

## **Emergency Rulemaking**

If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, and the Governor concurs in writing that an imminent peril exists, the agency may proceed to adopt the rule without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable.

The agency shall publish, on its Internet website, a summary of any rule adopted, and the statement of reasons for the agency's finding that an imminent peril exists. Any rule adopted as an emergency shall be effective for a period of not more than 60 days, unless each house of the Legislature passes a resolution concurring in its extension for a period of not more than 60 additional days. The rule shall not be effective for more than 120 days unless re promulgated in accordance with normal rule-making procedures.

## **New Jersey Register**

## **New Jersey Administrative Procedure Act**