

**ASSEMBLY, No. 2486**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MARCH 8, 2010

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Prohibits adoption of new rules exceeding federal standards unless specifically authorized by State law.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the adoption of new rules that exceed federal  
2 standards and supplementing P.L.1968, c.410 (C.52:14B-1 et  
3 seq.).

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

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8 1. a. A State agency shall not file with the Office of  
9 Administrative Law a notice of proposal or notice of adoption for  
10 any new rule that would exceed standards or requirements set forth  
11 by the federal government unless specifically authorized by State  
12 law.

13 b. The Office of Administrative Law shall not accept for filing  
14 a notice of proposal or notice of adoption which adopts a new rule  
15 that contains any standards or requirements which exceed standards  
16 or requirements set forth by the federal government unless the  
17 notice contains:

18 (1) a copy of the specific State law allowing the adoption of  
19 rules or standards that exceed federal standards or requirements;

20 (2) written justification for the exceedance of the federal  
21 standards or requirements; and

22 (3) a copy of the supporting documentation or analysis used by  
23 the State agency to justify the stricter standards or requirements.

24 c. A State agency filing a notice of proposal or notice of  
25 adoption pursuant to this section shall also satisfy the requirements  
26 set forth in section 2 of P.L.1995, c.65 (C.52:14B-23).

27 d. The provisions of this section shall not apply to any rule in  
28 effect on the date of enactment of P.L. , c. (C. ) (pending  
29 before the Legislature as this bill).

30  
31 2. a. Within 45 days after the date of enactment of  
32 P.L. , c. (C. ) (pending before the Legislature as this bill), each  
33 State agency shall provide notice in writing to the Legislature,  
34 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the chairs  
35 of the appropriate State legislative committees dealing with the  
36 subject matter of the State agency, and the chairs of the Assembly  
37 Regulatory Oversight and Gaming Committee and the Senate  
38 Legislative Oversight Committee, or their successors, of each  
39 existing rule that contains any standards or requirements which  
40 exceed standards or requirements set forth by the federal  
41 government and for which the State agency does not have explicit  
42 authorization in State law.

43 b. The notice required pursuant to this section shall contain:

44 (1) the New Jersey Administrative Code citation for the rule;

45 (2) the statutory authority under which the agency adopted the  
46 rule;

47 (3) an explanation of how the rule exceeds the standards or  
48 requirements set forth by the federal government;

1 (4) justification for the exceedance of the federal standards or  
2 requirements, which may include an explanation of a New Jersey  
3 specific public policy goal that is met by the agency's rule; and

4 (5) an explanation of the potential consequences if the agency is  
5 required to adopt the standards or requirements set forth by the  
6 federal government.

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8 3. This act shall take effect immediately.

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STATEMENT

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13 This bill would prohibit a State agency from filing with the  
14 Office of Administrative Law a notice of proposal or notice of  
15 adoption for any new rule that would exceed federal standards or  
16 requirements unless specifically authorized by State law.

17 The bill further provides that the Office of Administrative Law  
18 shall not accept for filing a notice of proposal or notice of adoption  
19 which adopts new rules that contains any standards or requirements  
20 exceeding standards or requirements set forth by the federal  
21 government unless the notice contains: a copy of the specific State  
22 law allowing the adoption of rules or standards that exceed federal  
23 standards or requirements; written justification for the exceedance;  
24 and a copy of the supporting documentation or analysis used by the  
25 State agency to justify the stricter standards or requirements. The  
26 bill also requires a State agency that files a notice of proposal or  
27 notice of adoption containing any standards or requirements  
28 exceeding those set forth by the federal government to satisfy the  
29 requirements set forth in section 2 of P.L.1995, c.65 (C.52:14B-23),  
30 which requires a federal standards statement. The bill would not  
31 apply to any rule in effect on the date the bill is enacted into law.

32 The bill also requires, within 45 days after the bill is enacted into  
33 law, each State agency to provide notice to the Legislature of any  
34 existing rules that contains standards or requirements which exceed  
35 those set forth by the federal government and for which the State  
36 agency does not have explicit authorization in State law. This  
37 notice would contain: the rule's New Jersey Administrative Code  
38 citation; the statutory authority under which the agency adopted the  
39 rule; an explanation of how the rule exceeds the federal standards or  
40 requirements set forth by the federal government; a justification for  
41 the exceedance, which may include an explanation of a New Jersey  
42 specific public policy goal that is met by the agency's rule; and an  
43 explanation of the potential consequences if the agency is required  
44 to adopt the standards or requirements set forth by the federal  
45 government.