§8053. Notice

1. Notice of rulemaking without hearing. At least 17 days prior to the comment deadline of any proposed rule for which a public hearing will not be held, the agency shall send an electronic notice or paper notice to:

A. Any person specified by the statute authorizing the rulemaking; [PL 1981, c. 470, Pt. A, §9 (NEW).]

B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; [PL 2011, c. 479, §1 (AMD).]

C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected; and [PL 2011, c. 479, §2 (AMD).]

D. [PL 1985, c. 39, §2 (RP).]

E. The primary sponsor of the legislation that was enacted and authorized the rulemaking, as long as the legislation was enacted within the previous 2 years. [PL 2011, c. 479, §3 (NEW).]

Notification to subscribers under paragraph B must be by mail or, with written or electronically submitted agreement of the subscriber, electronic notice or otherwise in writing to the last address provided to the agency by that person. Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Written or electronic notice must also be given to the Secretary of State, by the deadline established by the Secretary of State, for publication in accordance with subsection 5. This notice must be in a format approved by the Secretary of State.
[PL 2025, c. 384, §6 (AMD).]

2. Notice of rule-making hearing. When an agency holds a public hearing prior to adoption of a rule, notice of the hearing must be given in the manner described in subsections 1 and 5, using the date of the hearing to calculate the time periods involved.
[PL 2025, c. 384, §7 (AMD).]

3. Contents of notice. A notice under this section must:

A. [PL 2025, c. 384, §8 (RP).]

A-1. Identify the agency proposing the rule; [PL 2025, c. 384, §8 (NEW).]

A-2. Provide the chapter number and title of the proposed rule; [PL 2025, c. 384, §8 (NEW).]

A-3. Cite the statutory authority pursuant to which the rule is being proposed; [PL 2025, c. 384, §8 (NEW).]

B. State the date, time and place of any scheduled public hearing; [PL 2025, c. 384, §8 (AMD).]

C. State the manner and deadline by which comments on the proposed rule must be submitted to the agency for consideration; [PL 2025, c. 384, §8 (AMD).]

C-1. State the name, address, telephone number and e-mail address of a staff person of the agency proposing the rule to whom inquiries about the rule, and requests for copies of the rule, may be sent; [PL 2025, c. 384, §8 (AMD).]

D. [PL 2025, c. 384, §8 (RP).]

D-1. Provide a summary of the proposed rule; [PL 2025, c. 384, §8 (NEW).]

E. Refer to the substantive state or federal law that would be implemented by the proposed rule; [PL 2025, c. 384, §8 (AMD).]

F. Indicate where information may be obtained about any adverse economic impact on small businesses that was documented by the agency proposing the rule pursuant to section 8052, subsection 5-A; and [RR 2025, c. 1, Pt. A, §8 (COR).]

G. Indicate whether the rule is routine technical or major substantive as those terms are described in section 8071. [PL 2025, c. 384, §8 (AMD).]

[RR 2025, c. 1, Pt. A, §8 (COR).]

3-A. Availability of proposed rules. At least 17 days prior to a public hearing on any proposed rule and at least 17 days prior to the comment deadline of any proposed rule for which a public hearing will not be held, the agency shall make available on its publicly accessibly website a copy of the proposed rule, as well as provide a paper copy of the proposed rule to any person upon request.
[PL 2025, c. 384, §9 (AMD).]

4. Fee schedule.
[PL 2025, c. 384, §10 (RP).]

5. Newspaper publication and online posting of agency rule-making proposal notices. Using the information listed in subsection 3, the Secretary of State:

A. Shall arrange for the weekly newspaper publication of and post, or cause to be posted, on the Secretary of State's publicly accessible website consolidated notices of agency rule-making proposals. Notices of each rule-making proposal must be published and posted once 17 to 24 days prior to the public hearing on the proposed rule or, if no public hearing is scheduled, at least 30 days prior to the last date on which comments on the rule may be submitted to the agency for consideration; [PL 2025, c. 384, §11 (AMD).]

B. Shall designate certain newspapers, which together have general circulation throughout the State, as papers of record for the purpose of publishing notice under paragraph A. Notice of proposed rules affecting only a particular locality or region need only be published in the designated newspapers having general circulation in the area affected; [PL 2025, c. 384, §11 (AMD).]

C. Shall designate one day that agency rule-making proposal notices described in this subsection are to be published and posted; and [PL 2025, c. 384, §11 (AMD).]

D. Must be reimbursed for the cost of publication of rule-making notice by the agencies proposing rules. The total costs of each consolidated notice must be prorated by the Secretary of State among all agencies submitting notice for a particular week. [PL 2025, c. 384, §11 (AMD).]

[PL 2025, c. 384, §11 (AMD).]

5-A. Agency posting of proposed and adopted rules. An agency shall post its proposed rules on its publicly accessible website. An agency also shall post on its publicly accessible website the adopted rules or provide a link to the adopted rules posted on a publicly accessible website maintained by the Secretary of State.
[PL 2025, c. 384, §12 (NEW).]

6. Online posting of agency rule-making notices regarding adoption. In addition to the online posting of agency rule-making proposal notices required in subsection 5, the Secretary of State shall post, or cause to be posted, on the Secretary of State's publicly accessible website the weekly notices of agency rule-making adoptions, provisional adoptions and final adoptions. The notices regarding adoption and final adoption must state the effective date of the adopted or finally adopted rules, as well as provide the information specified in subsection 3, paragraphs A-1, A-2, A-3, C-1, D-1 and G.
[RR 2025, c. 1, Pt. A, §9 (COR).]

6-A. Explanation of rule-making process. The Secretary of State shall post on the Secretary of State's publicly accessible website a brief explanation of rulemaking to assist the public in participating in the rule-making process. The explanation must include information regarding the manner in which

a hearing on a proposed rule may be requested by a member of the public if the agency proposing the rule did not schedule a hearing.
[PL 2025, c. 384, §14 (NEW).]

7. Contents of notice for newspaper publication. The notice for publication in the newspaper under subsection 5 is shorter than the notice provided for all other purposes pursuant to subsection 3. The notice for newspaper publication must:

A. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested; [PL 2009, c. 256, §4 (NEW).]

B. State the manner and time within which data, views or arguments may be submitted to the agency for consideration, whether or not a hearing is held; [PL 2009, c. 256, §4 (NEW).]

C. State the name, address and phone number of the staff person responsible for providing additional information or a printed version of the proposed rule; [PL 2009, c. 256, §4 (NEW).]

D. Include a brief and general summary of the substance of the proposed rule; [PL 2009, c. 256, §4 (NEW).]

E. Provide the website address where the long notice pursuant to subsection 3 is posted; [PL 2009, c. 256, §4 (NEW).]

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained; [PL 2019, c. 146, §4 (AMD).]

G. Indicate the impact on municipalities or counties only if there is an expected financial impact on municipalities; and [PL 2025, c. 384, §15 (AMD).]

H. Indicate whether the rule is routine technical or major substantive as those terms are defined in section 8071. [PL 2019, c. 146, §5 (NEW).]
[PL 2025, c. 384, §15 (AMD).]

SECTION HISTORY

PL 1977, c. 551, §3 (NEW). PL 1977, c. 692, §1 (AMD). PL 1977, c. 694, §34-B (AMD). PL 1979, c. 127, §38 (AMD). PL 1979, c. 425, §5 (RPR). PL 1979, c. 596, §2 (AMD). PL 1981, c. 456, §A21 (AMD). PL 1981, c. 470, §A9 (AMD). PL 1981, c. 524, §§7-10 (AMD). PL 1981, c. 698, §§10-12 (AMD). PL 1985, c. 39, §2 (AMD). PL 1985, c. 77, §2 (AMD). PL 1991, c. 837, §A11 (AMD). PL 1995, c. 373, §§4,5 (AMD). PL 2003, c. 207, §§1-3 (AMD). PL 2007, c. 181, §§2-4 (AMD). PL 2007, c. 581, §3 (AMD). PL 2009, c. 256, §§1-4 (AMD). PL 2011, c. 326, §1 (AMD). PL 2011, c. 479, §§1-3 (AMD). PL 2019, c. 146, §§1-5 (AMD). PL 2025, c. 384, §§6-15 (AMD). RR 2025, c. 1, Pt. A, §§8, 9 (COR).

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