

STATE OF NEW YORK

4722

2021-2022 Regular Sessions

IN ASSEMBLY

February 5, 2021

Introduced by M. of A. MANKTELOW -- read once and referred to the
Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to
regulatory impact statements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of subdivision 3 of section 202-a of the
2 state administrative procedure act, as amended by chapter 520 of the
3 laws of 1992, is amended to read as follows:

4 (c) Costs. A statement detailing the projected costs of the rule,
5 which shall indicate:

6 (i) the costs for the implementation of, and continuing compliance
7 with, the rule to regulated persons;

8 (ii) the costs for the implementation of, and continued administration
9 of, the rule to the agency and to the state and its local governments;

10 [~~and~~]

11 (iii) the information, including the source or sources of such infor-
12 mation, and methodology upon which the cost analysis is based; [~~or~~] and

13 (iv) a statement detailing an aggregate estimate of total costs
14 incurred by residents, businesses, local municipalities, and any other
15 parties potentially impacted by the proposed regulations; or

16 (v) where an agency finds that it cannot fully provide a statement of
17 such costs, a statement setting forth its best estimate, which shall
18 indicate the information and methodology upon which such best estimate
19 is based and the reason or reasons why a complete cost statement cannot
20 be provided;

21 § 2. Section 203 of the state administrative procedure act is amended
22 by adding two new subdivisions 5 and 6 to read as follows:

23 5. Village mayors, town supervisors, county executives, and any
24 elected state official may challenge the accuracy of a regulatory impact
25 statement developed by an agency in accordance with the provisions of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 paragraph (c) of subdivision three of section two hundred two-a of this
2 article. Such challenge shall be filed with the state comptroller's
3 office and shall contain specific information concerning the purpose of
4 such challenge and any evidence to support such challenge. The state
5 comptroller's office shall have ninety days upon receipt of such chal-
6 lenge to issue a binding determination as to the accuracy of such regu-
7 latory impact statement.

8 6. If a regulatory impact statement for a proposed regulation contains
9 a cost, as defined in paragraph (c) of subdivision three of section two
10 hundred two-a of this article, in excess of one million dollars, such
11 regulation shall be accompanied with proof of legislative approval prior
12 to filing such regulation with the secretary of state. Such proof shall
13 consist of a certified copy of a floor vote supplied by the clerk of the
14 assembly or the secretary of the senate for their respective houses
15 demonstrating a majority of the membership voting in the affirmative for
16 the adoption of the proposed regulation.

17 § 3. This act shall take effect immediately.