S T A T E O F N E W Y O R K

S. 4101 A. 7453

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

April 9, 2009

IN SENATE -- Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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

AN ACT to amend the state administrative procedure act, in relation to improving the review of existing rules and agency outreach efforts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 207 of the state administrative procedure act, as amended by chapter 327 of the laws of 2003, is amended and a new subdivision 6 is added to read as follows:

2. An agency shall submit for publication in the regulatory agenda published in January pursuant to section two hundred two-d of this article a list of the rules which must be reviewed pursuant to subdivision one of this section in the ensuing calendar year. In addition to the information required by such section two hundred two-d, for each rule so listed the agency shall provide an analysis of the need for and legal basis of such rule, shall invite public comment on the continuation or modification of the rule and shall indicate the last date for submission of comments which shall be not less than forty-five days from the date of publication. AN AGENCY THAT PUBLISHES ITS REGULATORY AGENDA ON ITS WEBSITE SHALL ALSO PUBLISH THE LIST OF RULES THAT MUST BE REVIEWED PURSUANT TO THIS SECTION ON ITS WEBSITE. ANY OTHER AGENCY MAY PUBLISH SUCH LIST ON ITS WEBSITE. IF THE ORIGINAL NOTICE OF PROPOSED RULE MAKING FOR A LISTED RULE REQUIRED THE PREPARATION OF A REGULATORY FLEXIBILITY ANALYSIS AND/OR A RURAL AREA FLEXIBILITY ANALYSIS, THE AGENCY SHALL SO INDICATE AND SHALL PROVIDE OUTREACH AS APPROPRIATE TO POTENTIALLY AFFECTED SMALL BUSINESSES, LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE INTERESTS IN RURAL AREAS THAT THE RULE IS BEING REVIEWED. SUCH OUTREACH

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

LBD03849-02-9

MAY INCLUDE SOLICITATION OF INPUT THROUGH ELECTRONIC MEANS OR THROUGH ANY OF THE ACTIVITIES LISTED IN SUBDIVISION SIX OF SECTION TWO HUNDRED TWO-B AND SUBDIVISION SEVEN OF SECTION TWO HUNDRED TWO-BB OF THIS ARTICLE.

6. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL MONITOR AGENCY COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO AGENCIES FOR IMPROVED COMPLIANCE AND FOR PROVIDING MORE EFFECTIVE OUTREACH TO SMALL BUSINESSES, LOCAL GOVERNMENTS, AND PUBLIC AND PRIVATE INTERESTS IN RURAL AREAS.

S 2. Subdivision 1 of section 202-d of the state administrative procedure act is amended by adding a new paragraph (e) to read as follows:

(E) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL MONITOR AGENCY COMPLIANCE WITH THIS SECTION AND SHALL MAKE RECOMMENDATIONS TO AGENCIES FOR IMPROVED COMPLIANCE AND FOR PROVIDING MORE EFFECTIVE OUTREACH TO SMALL BUSINESSES, LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE INTERESTS IN RURAL AREAS.

S 3. This act shall take effect on the first of December next succeeding the date on which it shall have become a law; provided that the amendments to subdivision 1 of section 202-d of the state administrative procedure act, made by section two of this act, shall not affect the expiration of such subdivision pursuant to chapter 402 of the laws of 1994, as amended, and shall expire therewith.