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

524

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to requiring state agencies which issue licenses, registrations, permits and/or certifications to annually report on the periods of time taken to process each application therefor

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

Section 1. Short title. This act shall be known and may be cited as the "honesty in permit processing act".

S 2. The executive law is amended by adding a new section 164-e to read as follows:

S 164-E. LICENSE AND PERMIT APPLICATION PROCESSING; ANNUAL REPORTS. 1. FOR THE PURPOSES OF THIS SECTION:

(A) "PERMIT" SHALL MEAN ANY PERMIT, LICENSE, CERTIFICATION, REGISTRATION OR APPROVAL ISSUED BY A STATE AGENCY, WHICH IS REQUIRED BY LAW, RULE OR REGULATION.

(B) "STATE AGENCY" SHALL MEAN ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, AUTHORITY, OFFICE, COUNCIL OR AGENCY OF THE STATE.

2. EVERY STATE AGENCY, WHICH PROCESSES AND ISSUES ONE HUNDRED OR MORE PERMITS DURING A CALENDAR YEAR, SHALL, ON OR BEFORE FEBRUARY FIFTEENTH EACH YEAR, ISSUE AND PUBLISH A REPORT ON ITS PERMIT PROCESSING TIME PERIODS DURING THE PRECEDING CALENDAR YEAR, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) THE AVERAGE TIME IT TOOK TO PROCESS APPLICATIONS FOR EACH SPECIFIC TYPE OF PERMIT FROM THE RECEIPT OF THE APPLICATION THEREFOR UNTIL THE ISSUANCE OR DENIAL OF SUCH PERMIT; AND

(B) THE SHORTEST AND LONGEST PERIODS OF TIME IT TOOK TO PROCESS AN APPLICATION FOR EACH SPECIFIC TYPE OF PERMIT.

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

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3. THE REPORT REQUIRED BY SUBDIVISION TWO OF THIS SECTION SHALL BE SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE, AND BE PUBLISHED AND DISTRIBUTED, IN BOTH WRITTEN AND ELECTRONIC FORMS, FOR ACCESS BY THE PUBLIC. EACH STATE AGENCY SHALL POST, ON ITS INTERNET HOMEPAGE, THE MOST RECENT REPORT IT HAS ISSUED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

4. THE INFORMATION COMPILED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, FOR EACH SPECIFIC PERMIT SHALL BE PRINTED ON THE COVER PAGE OF THE APPLICATION FOR SUCH PERMIT.

5. EACH STATE AGENCY SHALL ANNUALLY PROCESS APPLICATIONS FOR PERMITS WITHIN A TIME PERIOD WHICH IS EQUAL TO OR LESS THAN ONE HUNDRED THIRTY-FOUR PERCENT OF THE AVERAGE TIME PERIOD FOR PROCESSING APPLICATIONS FOR THAT TYPE OF PERMIT DURING THE PRECEDING CALENDAR YEAR. IN ANY INSTANCE IN WHICH A STATE AGENCY FAILS TO PROCESS AN APPLICATION WITHIN SUCH TIME PERIOD, SUCH AGENCY SHALL IMMEDIATELY REFUND TO THE PERMIT APPLICANT ALL CHARGES AND FEES IMPOSED AS A CONDITION OF SUBMITTING SUCH PERMIT APPLICATION.

S 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.