

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "honesty in permit processing act".
3 S 2. The executive law is amended by adding a new section 164-e to
4 read as follows:
5 S 164-E. LICENSE AND PERMIT APPLICATION PROCESSING; ANNUAL REPORTS. 1.
6 FOR THE PURPOSES OF THIS SECTION:
7 (A) "PERMIT" SHALL MEAN ANY PERMIT, LICENSE, CERTIFICATION, REGISTRA-
8 TION OR APPROVAL ISSUED BY A STATE AGENCY, WHICH IS REQUIRED BY LAW,
9 RULE OR REGULATION.
10 (B) "STATE AGENCY" SHALL MEAN ANY DEPARTMENT, BOARD, BUREAU, COMMIS-
11 SION, DIVISION, AUTHORITY, OFFICE, COUNCIL OR AGENCY OF THE STATE.
12 2. EVERY STATE AGENCY, WHICH PROCESSES AND ISSUES ONE HUNDRED OR MORE
13 PERMITS DURING A CALENDAR YEAR, SHALL, ON OR BEFORE FEBRUARY FIFTEENTH
14 EACH YEAR, ISSUE AND PUBLISH A REPORT ON ITS PERMIT PROCESSING TIME
15 PERIODS DURING THE PRECEDING CALENDAR YEAR, WHICH SHALL INCLUDE, BUT NOT
16 BE LIMITED TO:
17 (A) THE AVERAGE TIME IT TOOK TO PROCESS APPLICATIONS FOR EACH SPECIFIC
18 TYPE OF PERMIT FROM THE RECEIPT OF THE APPLICATION THEREFOR UNTIL THE
19 ISSUANCE OR DENIAL OF SUCH PERMIT; AND
20 (B) THE SHORTEST AND LONGEST PERIODS OF TIME IT TOOK TO PROCESS AN
21 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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1 3. THE REPORT REQUIRED BY SUBDIVISION TWO OF THIS SECTION SHALL BE
2 SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE, AND BE PUBLISHED AND
3 DISTRIBUTED, IN BOTH WRITTEN AND ELECTRONIC FORMS, FOR ACCESS BY THE
4 PUBLIC. EACH STATE AGENCY SHALL POST, ON ITS INTERNET HOMEPAGE, THE MOST
5 RECENT REPORT IT HAS ISSUED PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

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

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

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