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

5687

2011-2012 Regular Sessions

I N A S S E M B L Y

February 25, 2011

Introduced by M. of A. JORDAN, MOLINARO, CASTELLI, N. RIVERA, SAYWARD -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to requiring that a regulatory impact statement be accompanied with proof of legislative approval and permitting certain elected officials to challenge the accuracy of a regulatory impact statement

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

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

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

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

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

(iii) the information, including the source or sources of such information, and methodology upon which the cost analysis is based; [or] AND

(iv) A STATEMENT DETAILING AN AGGREGATE ESTIMATE OF TOTAL COSTS INCURRED BY RESIDENTS, BUSINESSES, LOCAL MUNICIPALITIES, AND ANY OTHER PARTIES POTENTIALLY IMPACTED BY THE PROPOSED REGULATIONS; OR

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

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

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

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5. VILLAGE MAYORS, TOWN SUPERVISORS, COUNTY EXECUTIVES, AND ANY ELECTED STATE OFFICIAL MAY CHALLENGE THE ACCURACY OF A REGULATORY IMPACT STATEMENT DEVELOPED BY AN AGENCY IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION TWO HUNDRED TWO-A OF THIS ARTICLE. SUCH CHALLENGE SHALL BE FILED WITH THE GOVERNOR'S OFFICE OF REGULATORY REFORM AND SHALL CONTAIN SPECIFIC INFORMATION CONCERNING THE PURPOSE OF SUCH CHALLENGE AND ANY EVIDENCE TO SUPPORT SUCH CHALLENGE. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL HAVE NINETY DAYS UPON RECEIPT OF SUCH CHALLENGE TO ISSUE A BINDING DETERMINATION AS TO THE ACCURACY OF SUCH REGULATORY IMPACT STATEMENT.

6. IF A REGULATORY IMPACT STATEMENT FOR A PROPOSED REGULATION CONTAINS A COST, AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION TWO HUNDRED TWO-A OF THIS ARTICLE, IN EXCESS OF FIVE MILLION DOLLARS, SUCH REGULATION SHALL BE ACCOMPANIED WITH PROOF OF LEGISLATIVE APPROVAL PRIOR TO FILING SUCH REGULATION WITH THE SECRETARY OF STATE. SUCH PROOF SHALL CONSIST OF A CERTIFIED COPY OF A FLOOR VOTE SUPPLIED BY THE CLERK OF THE ASSEMBLY OR THE SECRETARY OF THE SENATE FOR THEIR RESPECTIVE HOUSES DEMONSTRATING A MAJORITY OF THE MEMBERSHIP VOTING IN THE AFFIRMATIVE FOR THE ADOPTION OF THE PROPOSED REGULATION.

S 3. This act shall take effect immediately.