

6412

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 16, 2011

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Introduced by M. of A. SIMOTAS -- 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:

1     Section 1. Subdivision 2 of section 207 of the state administrative  
2     procedure act, as amended by chapter 327 of the laws of 2003, is amended  
3     and a new subdivision 6 is added to read as follows:  
4     2. An agency shall submit for publication in the regulatory agenda  
5     published in January pursuant to section two hundred two-d of this arti-  
6     cle a list of the rules which must be reviewed pursuant to subdivision  
7     one of this section in the ensuing calendar year. In addition to the  
8     information required by such section two hundred two-d, for each rule so  
9     listed the agency shall provide an analysis of the need for and legal  
10    basis of such rule, shall invite public comment on the continuation or  
11    modification of the rule and shall indicate the last date for submission  
12    of comments which shall be not less than forty-five days from the date  
13    of publication. AN AGENCY THAT PUBLISHES ITS REGULATORY AGENDA ON ITS  
14    WEBSITE SHALL ALSO PUBLISH THE LIST OF RULES THAT MUST BE REVIEWED  
15    PURSUANT TO THIS SECTION ON ITS WEBSITE. ANY OTHER AGENCY MAY PUBLISH  
16    SUCH LIST ON ITS WEBSITE. IF THE ORIGINAL NOTICE OF PROPOSED RULE MAKING  
17    FOR A LISTED RULE REQUIRED THE PREPARATION OF A REGULATORY FLEXIBILITY  
18    ANALYSIS AND/OR A RURAL AREA FLEXIBILITY ANALYSIS, THE AGENCY SHALL SO  
19    INDICATE AND SHALL PROVIDE OUTREACH AS APPROPRIATE TO POTENTIALLY  
20    AFFECTED SMALL BUSINESSES, LOCAL GOVERNMENTS AND PUBLIC AND PRIVATE  
21    INTERESTS IN RURAL AREAS THAT THE RULE IS BEING REVIEWED. SUCH OUTREACH  
22    MAY INCLUDE SOLICITATION OF INPUT THROUGH ELECTRONIC MEANS OR THROUGH  
23    ANY OF THE ACTIVITIES LISTED IN SUBDIVISION SIX OF SECTION TWO HUNDRED  
24    TWO-B AND SUBDIVISION SEVEN OF SECTION TWO HUNDRED TWO-BB OF THIS ARTI-  
25    CLE.

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

LBD05982-01-1

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

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

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

13 S 3. This act shall take effect on the first of December next succeed-  
14 ing the date on which it shall have become a law; provided that the  
15 amendments to subdivision 1 of section 202-d of the state administrative  
16 procedure act, made by section two of this act, shall not affect the  
17 expiration of such subdivision pursuant to chapter 402 of the laws of  
18 1994, as amended, and shall expire therewith.