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

4904

2011-2012 Regular Sessions

I N S E N A T E

April 29, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to the taking effect and sunset of a law

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

Section 1. The legislative law is amended by adding a new section 43-a to read as follows:

S 43-A. TAKING EFFECT AND SUNSET OF LEGISLATION. 1. THIS SUBDIVISION APPLIES WHERE AN ACT OF THE LEGISLATURE PROVIDES THAT A LAW SHALL TAKE EFFECT AT A TIME AFTER IT BECOMES A LAW, UNLESS THE ACT SPECIFICALLY PROVIDES OTHERWISE. A STATE OR LOCAL GOVERNMENT ENTITY OR OFFICIAL, WHICH OR WHO WILL HAVE AUTHORITY UNDER SUCH LAW TO MAKE REGULATIONS OR TAKE OTHER ACTIONS NECESSARY TO ENFORCE OR IMPLEMENT THE LAW, MAY ADOPT, AMEND, SUSPEND OR REPEAL ANY SUCH REGULATIONS AND TAKE SUCH OTHER ACTIONS PRIOR TO AND IN PREPARATION FOR THE TAKING EFFECT OF THE LAW; PROVIDED, HOWEVER, SUCH ADOPTION, AMENDMENT, SUSPENSION OR REPEAL OF REGULATIONS SHALL NOT HAVE LEGAL EFFECT UNTIL THE LAW TAKES EFFECT. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS AUTHORIZING THE ADOPTION, AMENDMENT, SUSPENSION OR REPEAL OF REGULATIONS ON AN EMERGENCY BASIS UNLESS SUCH ACTION QUALIFIES FOR EMERGENCY RULE MAKING PURSUANT TO APPLICABLE STATUTES, OR AS OTHERWISE RELIEVING AN ENTITY OR OFFICIAL FROM APPLICABLE REQUIREMENTS OF LAW.

2. WHERE AN ACT OF THE LEGISLATURE AMENDS A PROVISION OF LAW THAT IS TO BE REPEALED OR OF NO FORCE AND EFFECT ON OR AFTER A CERTAIN DATE, THE AMENDMENT SHALL NOT AFFECT THE REPEAL OR LOSS OF FORCE AND EFFECT OF THE PROVISION, AND THE AMENDMENT SHALL BE DEEMED TO BE REPEALED OR TO BE OF NO FORCE AND EFFECT THEREWITH, UNLESS THE ACT PROVIDES OTHERWISE.

S 2. This act shall take effect immediately.

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

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