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

7445

2011-2012 Regular Sessions

I N A S S E M B L Y

May 4, 2011

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to providing a cure period in regulations affecting small businesses and local governments

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

Section 1. Section 202-b of the state administrative procedure act is amended by adding a new subdivision 1-a to read as follows:

1-A. IN DEVELOPING A RULE FOR WHICH A REGULATORY FLEXIBILITY ANALYSIS IS REQUIRED AND WHICH INVOLVES THE ESTABLISHMENT OR MODIFICATION OF A VIOLATION OR OF PENALTIES ASSOCIATED WITH A VIOLATION, THE AGENCY SHALL: (A) INCLUDE A CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION, THE SUCCESSFUL COMPLETION OF WHICH WILL PREVENT THE IMPOSITION OF PENALTIES ON THE PARTY OR PARTIES SUBJECT TO ENFORCEMENT; OR (B) INCLUDE IN THE REGULATORY FLEXIBILITY ANALYSIS AN EXPLANATION OF WHY NO SUCH CURE PERIOD WAS INCLUDED IN THE RULE.

S 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law, and shall apply to all rules for which a notice of proposed rule making is published on or after such date.

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

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