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

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2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

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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