

7675

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 30, 2013

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

AN ACT to amend the state administrative procedure act, in relation to the impact of proposed rules on jobs and employment opportunities

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

1     Section 1. Subdivision 1 of section 201-a of the state administrative  
2 procedure act, as added by chapter 189 of the laws of 1996, is amended  
3 to read as follows:

4     1. In [developing] THE INITIAL DEVELOPMENT, PREPARATION AND PROMULGA-  
5 TION OF a rule, an agency shall strive to accomplish the objectives of  
6 applicable statutes in a manner which minimizes any unnecessary adverse  
7 impacts on existing jobs and promotes the development of new employment  
8 opportunities, including opportunities for self-employment, for the  
9 residents of the state.

10     S 2. The opening paragraph, and paragraphs (c), (d) and (e) of subdi-  
11 vision 2 of section 201-a of the state administrative procedure act, as  
12 added by chapter 189 of the laws of 1996, are amended to read as  
13 follows:

14     Before proposing a rule for adoption or adopting a rule on an emergen-  
15 cy basis, an agency shall evaluate the potential impact of the rule on  
16 EXISTING AND POTENTIAL FUTURE jobs and employment opportunities.

17     (c) When the information available to an agency is insufficient to  
18 enable it to determine whether a rule will have a substantial adverse  
19 impact on jobs or employment opportunities, or to prepare a job impact  
20 statement pursuant to paragraph (b) of this subdivision, the agency  
21 shall issue a statement indicating the information which it needs to  
22 complete a job impact statement and requesting the assistance of other  
23 state agencies, REGULATED PERSONS and the public in obtaining such  
24 information.

25     (d) An agency shall issue a revised job impact statement when:

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

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1 (i) the information presented in the statement is inadequate, MISLEAD-  
2 ING or incomplete;

3 (ii) the proposed rule contains any substantial revisions which neces-  
4 sitate that such statement be modified; or

5 (iii) the agency has issued a statement pursuant to paragraph (c) of  
6 this subdivision, and has received information from other state  
7 agencies, REGULATED PERSONS or the public which enable it to provide a  
8 more complete evaluation of the potential impact of the rule on jobs and  
9 employment opportunities.

10 (e) If, after requesting the assistance of other state agencies, REGU-  
11 LATED PERSONS and the public pursuant to paragraph (c) of this subdivi-  
12 sion, an agency is still unable to determine whether the rule will have  
13 a substantial adverse impact on jobs and employment opportunities, it  
14 may adopt the rule. When adopting a rule pursuant to this paragraph, the  
15 agency shall issue a revised job impact statement which includes infor-  
16 mation on the measures the agency took to evaluate the potential impact  
17 of the rule on jobs and employment opportunities.

18 S 3. Subparagraph (viii) of paragraph (f) of subdivision 1 of section  
19 202 of the state administrative procedure act, as amended by chapter 229  
20 of the laws of 2000, is amended and a new subparagraph (vii-a) is added  
21 to read as follows:

22 (VII-A) INCLUDE THE JOB IMPACT STATEMENTS PREPARED PURSUANT TO SECTION  
23 TWO HUNDRED ONE-A OF THIS ARTICLE;

24 (viii) give the name, public office address and telephone number of an  
25 agency representative, who is knowledgeable on the proposed rule, from  
26 whom the complete text of such rule and any scientific or statistical  
27 study, report and analysis that served as the basis for the rule and any  
28 supporting data, the regulatory impact statement, the regulatory flexi-  
29 bility analysis, THE JOB IMPACT STATEMENT and the rural area flexibility  
30 analysis may be obtained; from whom information about any public hearing  
31 may be obtained; and to whom written data, views and arguments may be  
32 submitted; and

33 S 4. Subparagraph (vii) of paragraph (c) of subdivision 4-a of section  
34 202 of the state administrative procedure act, as amended by chapter 171  
35 of the laws of 1994, is amended and a new subparagraph (vi-a) is added  
36 to read as follows:

37 (VI-A) INCLUDE THE REVISED JOB IMPACT STATEMENTS PREPARED PURSUANT TO  
38 SECTION TWO HUNDRED ONE-A OF THIS ARTICLE;

39 (vii) give the name, address and telephone number of an agency repre-  
40 sentative knowledgeable on the rule, from whom the complete revised text  
41 of such rule, any revised regulatory impact statement, any revised regu-  
42 latory flexibility analysis, ANY REVISED JOB IMPACT STATEMENT and any  
43 revised rural area flexibility analysis may be obtained; from whom  
44 information about any additional public hearing may be obtained; and to  
45 whom written data, views and arguments may be submitted;

46 S 5. Subparagraph (viii) of paragraph (c) of subdivision 5 of section  
47 202 of the state administrative procedure act, as amended by chapter 171  
48 of the laws of 1994, is amended and a new subparagraph (vi-a) is added  
49 to read as follows:

50 (VI-A) INCLUDE THE REVISED JOB IMPACT STATEMENTS PREPARED PURSUANT TO  
51 SECTION TWO HUNDRED ONE-A OF THIS ARTICLE;

52 (viii) give the name, public office address and telephone number of an  
53 agency representative from whom the complete text of the rule and any  
54 revised regulatory impact statement, revised regulatory flexibility  
55 analysis, REVISED JOB IMPACT STATEMENT, rural area flexibility analysis  
56 or assessment of comments may be obtained; and

1 S 6. Subparagraph (x) of paragraph (d) of subdivision 6 of section 202  
2 of the state administrative procedure act, as amended by chapter 171 of  
3 the laws of 1994, is amended and a new subparagraph (ix-a) is added to  
4 read as follows:

5 (IX-A) INCLUDE THE JOB IMPACT STATEMENT PREPARED PURSUANT TO SECTION  
6 TWO HUNDRED ONE-A OF THIS ARTICLE;

7 (x) give the name, public office address and telephone number of an  
8 agency representative, knowledgeable on the rule, from whom a complete  
9 text of such rule, the regulatory impact statement, THE JOB IMPACT  
10 STATEMENT, regulatory flexibility analysis, and the rural area flexibil-  
11 ity analysis may be obtained; from whom information about any public  
12 hearing may be obtained; and to whom written data, views and arguments  
13 may be submitted; and

14 S 7. Paragraphs (a) and (b) of subdivision 6-a of section 202 of the  
15 state administrative procedure act, as amended by chapter 171 of the  
16 laws of 1994, are amended to read as follows:

17 (a) An agency shall transmit a copy of any rule making notice prepared  
18 pursuant to this article to the governor, the temporary president of the  
19 senate, the speaker of the assembly[, ] AND the administrative regu-  
20 lations review commission [and the office of regulatory and management  
21 assistance] at the time such notice is submitted to the secretary of  
22 state for publication in the state register. Such transmittal shall  
23 include the complete rule text, regulatory impact statement, JOB IMPACT  
24 STATEMENT, regulatory flexibility analysis, rural area flexibility anal-  
25 ysis, or revisions thereof, and any other information submitted to the  
26 secretary of state pursuant to this article.

27 (b) An agency shall make a copy of the complete text of any proposed,  
28 adopted or emergency rule, regulatory impact statement, regulatory flex-  
29 ibility analysis, JOB IMPACT STATEMENT rural area flexibility analysis,  
30 or revisions thereof available to the public at the time such documents  
31 are submitted to the secretary of state for publication in the state  
32 register and shall send to any person a copy of such text upon written  
33 request.

34 S 8. This act shall take effect on the first of January next succeed-  
35 ing the date on which it shall have become a law, and shall apply to any  
36 rule first proposed on or after such date.