

2158

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sens. VALESKY, MAZIARZ, RANZENHOFER, SEWARD -- 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (viii) give the name, public office address and telephone number of an
54 agency representative from whom the complete text of the rule and any
55 revised regulatory impact statement, revised regulatory flexibility

1 analysis, REVISED JOB IMPACT STATEMENT, rural area flexibility analysis
2 or assessment of comments may be obtained; and

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

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

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

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

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

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

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