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

5889

2013-2014 Regular Sessions

I N S E N A T E

June 19, 2013

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to making certain technical amendments

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

Section 1. The opening paragraph of subdivision 2 of section 666 of the executive law, as amended by section 1 of part B of a chapter of the laws of 2013 amending the economic development law and other laws relating to establishing the START-UP NY program, as proposed in legislative bill number S.5884, is amended to read as follows:

There is hereby created within the executive department the mandate AND REGULATORY relief council, which shall be comprised of eleven members as follows: the secretary to the governor, who shall chair the council, the counsel to the governor, the director of the division of the budget, the secretary of state, and three additional members to be appointed by the governor from among his or her executive chamber staff, two members to be appointed by the temporary president of the senate, and two members to be appointed by the speaker of the assembly.

S 2. Paragraph b of subdivision 3 of section 666 of the executive law, as amended by section 1 of part B of a chapter of the laws of 2013 amending the economic development law and other laws relating to establishing the START-UP NY program, as proposed in legislative bill number S.5884, is amended to read as follows:

b. upon a two-thirds vote, refer a regulation to the governor for repeal or modification, where the council has previously determined that such regulation imposes upon any local government OR BUSINESS a mandate in an unsound, unduly burdensome or costly manner, so as to necessitate that it be eliminated or reformed. Upon receipt of such referral by the council, the governor shall within sixty days, direct the state agency responsible for the promulgation, repeal or modification of such regu-

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

LBD11599-02-3

lation to effectuate such repeal or modification of the regulation pursuant to the procedures that such agency would otherwise be required to follow under the law, had such agency on its own accord sought to repeal or modify the regulation.

S 3. The opening paragraph of subdivision 5 of section 666 of the executive law is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(B) BUSINESS REQUEST. A BUSINESS MAY ASK THE COUNCIL TO REVIEW A SPECIFIC STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT IS UNSOUND, UNDULY BURDENSOME OR COSTLY SO AS TO REQUIRE THAT IT BE ELIMINATED OR REFORMED. NO BUSINESS MAY MAKE MORE THAN THREE SUCH REQUESTS IN EACH CALENDAR YEAR. UPON SUCH REVIEW, THE COUNCIL SHALL, BY MAJORITY VOTE, DETERMINE WHETHER SUCH MANDATE HAS BEEN IMPOSED UPON SUCH BUSINESS IN AN UNSOUND, UNDULY BURDENSOME OR COSTLY MANNER, SO AS TO NECESSITATE THAT IT BE ELIMINATED OR REFORMED. A DETERMINATION OF THE COUNCIL SHALL RESOLVE ANY DISPUTE REGARDING WHETHER SUCH A STATUTE, REGULATION, RULE OR ORDER IS UNSOUND, UNDULY BURDENSOME OR COSTLY, BUT SHALL NOT BE DEEMED A JUDICIAL DETERMINATION UNDER THE LAW.

S 4. This act shall take effect on the same date and in the same manner as part B of a chapter of the laws of 2013 amending the economic development law and other laws relating to establishing the START-UP NY program, as proposed in legislative bill number S.5884, takes effect.