

5418--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state administrative procedure act and the executive law, in relation to the comment period for proposed rules

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

1 Section 1. Paragraph (a) of subdivision 1 of section 202 of the state  
2 administrative procedure act, as amended by chapter 429 of the laws of  
3 2003, is amended to read as follows:  
4 (a) Prior to the adoption of a rule, an agency shall submit a notice  
5 of proposed rule making to the secretary of state for publication in the  
6 state register and shall afford the public an opportunity to submit  
7 comments on the proposed rule. Unless a different time is specified by  
8 statute or this paragraph, the notice of proposed rule making must  
9 appear in the state register at least [forty-five] SIXTY days prior to  
10 either  
11 (i) the addition, amendment or repeal of a rule for which statute does  
12 not require that a public hearing be held prior to adoption, or  
13 (ii) the first public hearing on a proposed rule for which such hear-  
14 ing is so required.  
15 The notice of proposed rule making shall indicate the last date for  
16 submission of comments on the proposed rule, which, unless a different  
17 time is specified in statute or this paragraph, shall be not less than  
18 [forty-five] SIXTY days after the date of publication of such notice,  
19 or, if statute requires that a public hearing be held prior to adoption,  
20 not less than five days after the date of the last public hearing sched-  
21 uled to be held on the proposed rule. Notwithstanding any other

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

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1 provision of this paragraph, when the notice of proposed rule making  
2 contains only a description of the subject, purpose and substance of the  
3 rule as provided in subparagraph (v) of paragraph (f) of this subdivi-  
4 sion, and the full text of the proposed rule has not been posted on a  
5 website maintained by the agency or another state entity, the last date  
6 for submission of comments shall be not less than sixty days after the  
7 date of publication of such notice, unless the rule is a consensus rule  
8 or a rule defined in subparagraph (ii) of paragraph (a) of subdivision  
9 two of section one hundred two of this chapter.

10 S 2. Subdivision 2 of section 101-a of the executive law, as amended  
11 by chapter 610 of the laws of 1987, is amended to read as follows:

12 2. Except as provided in subdivision three of this section, at least  
13 [forty-five] SIXTY days prior to either the adoption of any rule, or, if  
14 a public hearing is required by statute, at least [forty-five] SIXTY  
15 days prior to the first public hearing on a proposed rule, the agency  
16 proposing to take such action shall send a notification of such proposed  
17 action to the temporary president of the senate and the speaker of the  
18 assembly. This notification shall: (a) refer to the statutory authority  
19 under which the action is proposed, (b) give the time and place of any  
20 public hearing that may be scheduled concerning the proposed action, or  
21 state the manner in which data, views or arguments may be submitted to  
22 the agency concerning the proposed action, (c) contain a copy of the  
23 complete text of the proposed rule, and (d) contain a fiscal statement  
24 setting forth the fiscal consequences of the proposed action on the  
25 state and its local governments.

26 S 3. This act shall take effect October 1, 2016, and shall apply to  
27 all notices of proposed rule making published in the state register on  
28 or after such date.