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

6729

I N S E N A T E

February 10, 2016

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to notice of public hearings relating to the adoption of rules and regulations

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

Section 1. Paragraph a of subdivision 2 of section 3-0301 of the environmental conservation law, as amended by section 44 of part D of chapter 60 of the laws of 2012, is amended to read as follows:

a. Adopt, amend or repeal environmental standards, criteria and those rules and regulations having the force and effect of standards and criteria to carry out the purposes and provisions of this act. Any such environmental standard, criterion, rule or regulation or change thereto shall become effective thirty days after being filed with the Secretary of State for publication in the "Official Compilation of Codes, Rules, and Regulations of the State of New York" published pursuant to section 102 of the Executive Law. This provision shall not in any way restrict the commissioner in the exercise of any function, power or duty transferred to him or her and heretofore authorized to be exercised by any other department acting through its commissioner to promulgate, adopt, amend or repeal any standards, rules and regulations. No such environmental standards, criterion, rule or regulation or change thereto shall be proposed for approval unless a public hearing relating to the subject of such standard shall be held by the commissioner prior thereto not less than [30] 45 days after date of notice therefor, any provision of law to the contrary notwithstanding. Notice shall be given by public advertisement of the date, time, place and purpose of such hearing.

S 2. Subdivision 1 of section 19-0303 of the environmental conservation law, as amended by chapter 469 of the laws of 1974, is amended to read as follows:

1. A code, rule or regulation or any amendment or repeal thereof shall not be adopted until after a public hearing within the area of the state concerned. Notice of such hearing shall be given at least [thirty]

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

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FORTY-FIVE days prior to the scheduled date of the hearing by public advertisement of the date, time, place and purpose of such hearing. At such hearing, opportunity to be heard by the department with respect to the subject thereof shall be given to the public. A code, rule or regulation or an amendment or repeal thereof shall not become effective until thirty days after certified copies thereof shall have been filed with the secretary of state. Any person heard at such hearing shall be given written notice of the action of the department with respect to the subject thereof.

S 3. Section 27-0705 of the environmental conservation law, as added by chapter 399 of the laws of 1973 and as renumbered by chapter 425 of the laws of 1977, is amended to read as follows:

S 27-0705. Adoption of rules and regulations; public hearings.

A rule or regulation or any amendment or repeal thereof shall not be adopted until after public hearing thereon. Notice of such hearing shall be given at least [thirty] FORTY-FIVE days prior to the scheduled date of the hearing by public advertisement in the area of the state concerned of the date, time, place and purpose of such hearing. At such hearing, opportunity to be heard shall be given to the public. A rule or regulation or an amendment or repeal thereof shall not become effective until sixty days after certified copies thereof shall have been filed with the secretary of state.

S 4. Subdivision 1 of section 35-0109 of the environmental conservation law is amended to read as follows:

1. Notice of public hearing shall be by publication in two newspapers most likely to give notice to the people of this state of such hearings at least once in each of three successive weeks, provided, however, that notice of public hearing shall be given to the manufacturer or manufacturers of such household cleansing products in writing, whenever practicable or in such other form as in the commissioner's judgment will reasonably notify such manufacturer of said hearing. Such hearing shall not be conducted less than [thirty] FORTY-FIVE days following the date of first publication of notice of such hearing.

S 5. Section 37-0105 of the environmental conservation law, as amended by chapter 671 of the laws of 1986, is amended to read as follows:

S 37-0105. Rules and regulations.

The department is hereby authorized to promulgate rules and regulations pertaining to the storage and release to the environment of substances hazardous or acutely hazardous to public health, safety or the environment. Such rules and regulations may require the users of substances which may meet the criteria upon which the lists referred to in paragraphs (a) and (b) of subdivision one of section 37-0103 of this chapter are based to furnish to the department for the public record any information regarding such substances which the said user may have, and the nature and extent of research performed by said user concerning the effects of such substances on human health and the environment. Prior to promulgation of rules and regulations hereunder, public hearings shall be held upon notice in two newspapers in the locality of said public hearings, at least two times per week in each of three successive weeks. Such hearings shall be conducted not less than [thirty (30)] FORTY-FIVE (45) days following the date of last publication.

S 6. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to any rule or regulation proposed on or after such date.