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

7096

I N S E N A T E

March 24, 2016

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

AN ACT to amend the state administrative procedure act, in relation to minimum standards for online posting of rulemaking information

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

Section 1. Subdivision 7 of section 202 of the state administrative procedure act is amended by adding a new paragraph (d) to read as follows:

(D) WHEN A NOTICE PUBLISHED PURSUANT TO THIS SECTION REFERS TO ANY RULE, TEXT OR OTHER INFORMATION THAT HAS BEEN POSTED ON A WEBSITE MAINTAINED BY A STATE ENTITY IN LIEU OF PUBLICATION:

(I) THE TEXT OR INFORMATION SHALL BE POSTED NOT LATER THAN THE DATE THE NOTICE IS PUBLISHED IN THE STATE REGISTER, AND TO THE EXTENT PRACTICABLE SHALL BE MAINTAINED ON SUCH WEBSITE DURING THE ENTIRE PERIOD FOR WHICH SUCH NOTICE IS EFFECTIVE; AND

(II) THE NOTICE SHALL PROVIDE SUFFICIENT INFORMATION TO ENABLE THE PUBLIC TO ACCESS SUCH INFORMATION WITHOUT EXTENSIVE SEARCHING, AND SHALL CONFORM TO ANY GUIDANCE PRESCRIBED BY THE SECRETARY OF STATE PURSUANT TO SUBDIVISION NINE OF THIS SECTION.

S 2. Subparagraphs (iii) and (iv) of paragraph (a) of subdivision 9 of section 202 of the state administrative procedure act, as amended by chapter 230 of the laws of 2006, are amended and a new paragraph (v) is added to read as follows:

(iii) reject those notices which are not in substantial compliance with the provisions of this section, give prompt notice of such rejection to the agency, and advise such agency on the corrective action required; [and]

(iv) publish all notices and statements, required by this section and section two hundred one-a of this chapter, in the state register as soon as practicable[.]; AND

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

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(V) PRESCRIBED GUIDANCE, DEVELOPED IN CONSULTATION WITH THE OFFICE OF INFORMATION TECHNOLOGY SERVICES, FOR ONLINE POSTING OF TEXT AND INFORMATION PURSUANT TO THIS SECTION.

S 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become law, and shall apply to all notices published on or after such date.