

7725

I N S E N A T E

May 12, 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 and the legislative law, in relation to requiring legislative committee approval of certain proposed rules; and to amend the state administrative procedure act and the executive law, in relation to fiscal notes on proposed rules and executive orders affecting political subdivisions

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "regulatory fiscal accountability act of 2016".

3 S 2. The state administrative procedure act is amended by adding two
4 new sections 201-b and 202-f to read as follows:

5 S 201-B. FISCAL NOTES ON PROPOSED RULES. 1. FOR THE PURPOSES OF THIS
6 SECTION, THE TERM "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN,
7 VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT.

8 2. EACH AGENCY PROPOSING A RULE SHALL ATTACH A FISCAL NOTE TO A
9 PROPOSED RULE WHICH WOULD AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF
10 ANY POLITICAL SUBDIVISION. SUCH FISCAL NOTES SHALL FULLY DISCLOSE THE
11 COSTS AND SOURCE OF FUNDING OF EVERY PROVISION OF THE PROPOSED RULE
12 WHICH WOULD AFFECT THE REVENUE OR EXPENSES OF ANY POLITICAL SUBDIVISION.

13 3. FISCAL NOTES SHALL NOT, HOWEVER, BE REQUIRED FOR PROPOSED RULES
14 WHICH PROVIDE DISCRETIONARY AUTHORITY TO POLITICAL SUBDIVISIONS.

15 S 202-F. LEGISLATIVE APPROVAL. IN ADDITION TO THE PROCEDURE REQUIRED
16 PURSUANT TO SECTION TWO HUNDRED TWO OF THIS ARTICLE AND PRIOR TO THE
17 SUBMISSION OF A NOTICE OF PROPOSED RULEMAKING TO THE SECRETARY OF STATE
18 FOR PUBLICATION IN THE STATE REGISTER, AN AGENCY SHALL SUBMIT ANY
19 PROPOSED RULE WITH A FISCAL IMPACT IN EXCESS OF TEN MILLION DOLLARS,
20 INTENDED TO IMPLEMENT LEGISLATION, TO THE APPROPRIATE COMMITTEES IN THE
21 SENATE AND ASSEMBLY HAVING JURISDICTION OF THE SUBJECT MATTER FOR THEIR
22 APPROVAL. NO SUCH RULE SHALL TAKE EFFECT UNLESS IT HAS BEEN APPROVED BY
23 A TWO-THIRDS MAJORITY VOTE OF EACH COMMITTEE WITH JURISDICTION TO WHICH
24 IT HAS BEEN REFERRED.

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

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1 S 3. The legislative law is amended by adding a new section 68 to read
2 as follows:

3 S 68. APPROVAL OF LEGISLATIVE COMMITTEES. 1. STATE AGENCIES INTENDING
4 TO PROMULGATE ANY RULE WITH A FISCAL IMPACT IN EXCESS OF TEN MILLION
5 DOLLARS MUST SUBMIT SUCH A PROPOSED RULE TO THE CHAIR OF EACH APPROPRI-
6 ATE COMMITTEE IN THE SENATE AND ASSEMBLY FOR CONSIDERATION AND APPROVAL
7 OF THE PROPOSED RULE.

8 2. THE APPROPRIATE COMMITTEES IN THE SENATE AND ASSEMBLY SHALL HAVE
9 JURISDICTION TO CONSIDER AND APPROVE A PROPOSED RULE, IF THAT COMMITTEE
10 APPROVED THE BILL THAT PROVIDES THE STATUTORY AUTHORITY FOR WHICH THE
11 PROPOSED RULE IS INTENDED TO IMPLEMENT.

12 3. THE APPROPRIATE COMMITTEES IN THE SENATE AND ASSEMBLY WITH JURIS-
13 DICTION TO CONSIDER AND APPROVE A RULE MUST CONSIDER THE PROPOSED RULE
14 DURING THE FIRST SCHEDULED COMMITTEE MEETING, IMMEDIATELY FOLLOWING
15 RECEIPT OF THE PROPOSED RULE BY THE COMMITTEE CHAIR.

16 4. ALL MEMBERS OF THE APPROPRIATE COMMITTEES IN THE SENATE AND ASSEM-
17 BLY SHALL BE PROVIDED A COPY OF THE PROPOSED RULE AND BE ALLOWED SUFFI-
18 CIENT TIME TO DEBATE THE MERITS OF THE PROPOSED RULE, INCLUDING THE
19 FISCAL IMPACT OF THE PROPOSAL AND THE NEED TO PROMULGATE THE PROPOSED
20 RULE IN ORDER TO IMPLEMENT THE LAW AS INTENDED.

21 5. AFTER THE PROPOSED RULE HAS BEEN DEBATED AND PRIOR TO CONCLUSION OF
22 THE COMMITTEE MEETING, ALL MEMBERS OF THE COMMITTEE MUST VOTE TO EITHER
23 APPROVE OR REJECT THE PROPOSED RULE.

24 6. THE CHAIR OF THE APPROPRIATE COMMITTEE SHALL PROVIDE THE RESULTS OF
25 THE COMMITTEE VOTE TO THE STATE AGENCY THAT PROVIDED THE PROPOSED RULE.

26 7. A VOTE TO APPROVE A PROPOSED RULE BY NO LESS THAN TWO-THIRDS OF ALL
27 COMMITTEE MEMBERS, BY EVERY COMMITTEE WITH JURISDICTION TO CONSIDER AND
28 APPROVE THE PROPOSED RULE, SHALL BE REQUIRED BEFORE THE STATE AGENCY CAN
29 PROCEED TO PROPOSE THE RULE PURSUANT TO SECTION TWO HUNDRED TWO OF THE
30 STATE ADMINISTRATIVE PROCEDURE ACT.

31 S 4. The executive law is amended by adding a new section 13 to read
32 as follows:

33 S 13. FISCAL NOTES ON EXECUTIVE ORDERS AFFECTING POLITICAL SUBDIVI-
34 SIONS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "POLITICAL SUBDIVI-
35 SION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL
36 DISTRICT.

37 2. THE GOVERNOR SHALL ATTACH A FISCAL NOTE TO EVERY EXECUTIVE ORDER
38 WHICH WOULD AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF ANY POLITICAL
39 SUBDIVISION. SUCH FISCAL NOTES SHALL FULLY DISCLOSE THE COSTS AND SOURCE
40 OF FUNDING OF EVERY PROVISION OF THE EXECUTIVE ORDER WHICH WOULD AFFECT
41 THE REVENUE OR EXPENSES OF ANY POLITICAL SUBDIVISION.

42 3. FISCAL NOTES SHALL NOT, HOWEVER, BE REQUIRED FOR EXECUTIVE ORDERS
43 WHICH PROVIDE DISCRETIONARY AUTHORITY TO POLITICAL SUBDIVISIONS.

44 S 5. This act shall take effect on January 1, 2017.