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

10242

I N A S S E M B L Y

May 17, 2016

Introduced by M. of A. ZEBROWSKI, PEOPLES-STOKES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to regulatory agendas; and to amend chapter 402 of the laws of 1994, amending the state administrative procedure act relating to requiring certain agencies to submit regulatory agendas for publication in the state register, in relation to extending the expiration of certain provisions of such chapter

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

Section 1. Subdivision 1 of section 202-d of the state administrative procedure act, as amended by chapter 193 of the laws of 2008, paragraphs (a), (b), and (c) as amended by chapter 462 of the laws of 2012, and paragraph (d) as amended by section 6 of part O of chapter 60 of the laws of 2011, is amended to read as follows:

1. (a) The departments of health, education, environmental conservation, financial services, labor, agriculture and markets, motor vehicles and state, the offices of children and family services and temporary and disability assistance, the division of housing and community renewal, THE STATE GAMING COMMISSION, THE OFFICE OF MENTAL HEALTH, THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES and the workers' compensation board, and any other department OR AGENCY specified by the governor or his or her designee shall, and any other agency may, in its discretion, submit to the secretary of state, for publication in [the first] ANY regular issue of the state register published during the month of January [and the last regular issue of the state register published in June], a regulatory agenda to solicit comments concerning any rule which the agency is considering to propose, but for which no notice of proposed rule making has been submitted pursuant to subdivision one of section two hundred two of this article.

(b) A regulatory agenda shall be comprised of a list and brief description of subject matter being considered for rule making and the name, public office, address, e-mail address and telephone number of the agency representative, knowledgeable on such regulatory agenda, from

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

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whom any information may be obtained, INCLUDING ANY DRAFT VERSION OF A POTENTIAL RULE THAT AN AGENCY IS MAKING PUBLICLY AVAILABLE, and to whom written comments may be submitted concerning such regulatory agenda.

(c) Agencies shall publish the regulatory agendas and information related to such agendas on their respective websites. An agency may [maintain a continuously updated regulatory agenda, wherein] UPDATE THE REGULATORY AGENDA ON ITS WEBSITE BY ADDING a description of a rule [is added when the agency begins] WHICH THE AGENCY HAS BEGUN to consider proposing [it and is removed when the agency proposes such rule or is no longer considering to propose such a rule] AFTER PUBLICATION OF ITS REGULATORY AGENDA IN THE STATE REGISTER. Such description shall identify the date on which the description is first listed in the regulatory agenda and shall conspicuously indicate that the description has been newly listed for a period of not less than thirty days after such date. [In any year that an agency maintains a continuously updated regulatory agenda, it shall not be required to publish a regulatory agenda in the last regular issue of the state register in June. The agency shall inform the public that it maintains an updated regulatory agenda on its website and shall list the address of its website in a notice published with the regulatory agenda such agency submits for publication in January. The secretary of state shall republish this notice in the last regular issue in June.] UPDATING A REGULATORY AGENDA ON ITS WEBSITE SHALL NOT REQUIRE AN AGENCY TO SUBMIT ANY ADDITIONAL INFORMATION FOR PUBLICATION IN THE STATE REGISTER RELATED TO SUCH UPDATE.

(d) An agency shall identify each rule described in its regulatory agenda for which a regulatory flexibility analysis or a rural area flexibility analysis may be required, and shall provide outreach as appropriate to potentially affected small businesses, local governments and public and private interests in rural areas. Such outreach may include solicitation of input from potentially affected parties through electronic means or through any of the activities listed in subdivision six of section two hundred two-b and subdivision seven of section two hundred two-bb of this article.

S 2. Section 2 of chapter 402 of the laws of 1994, amending the state administrative procedure act relating to requiring certain agencies to submit regulatory agendas for publication in the state register, as amended by chapter 462 of the laws of 2012, is amended to read as follows:

S 2. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law and shall expire and be deemed repealed on December 31, [2016] 2020, and upon such date the provisions of subdivisions 1 and 2 of section 202-d of the state administrative procedure act as amended by section one of this act shall revert to and be read as set out in law on the date immediately preceding such effective date.

S 3. This act shall take effect immediately and shall apply to all regulatory agendas published on or after such date; provided, however, that the amendments to subdivision 1 of section 202-d of the state administrative procedure act made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.