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

10450

I N A S S E M B L Y

May 27, 2016

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Governmental Operations

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:

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

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

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

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

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

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

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

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

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

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

3. THE APPROPRIATE COMMITTEES IN THE SENATE AND ASSEMBLE WITH JURISDICTION TO CONSIDER AND APPROVE A RULE MUST CONSIDER THE PROPOSED RULE DURING THE FIRST SCHEDULED COMMITTEE MEETING, IMMEDIATELY FOLLOWING RECEIPT OF THE PROPOSED RULE BY THE COMMITTEE CHAIR.

4. ALL MEMBERS OF THE APPROPRIATE COMMITTEES IN THE SENATE AND ASSEMBLY SHALL BE PROVIDED A COPY OF THE PROPOSED RULE AND BE ALLOWED SUFFICIENT TIME TO DEBATE THE MERITS OF THE PROPOSED RULE, INCLUDING THE FISCAL IMPACT OF THE PROPOSAL AND THE NEED TO PROMULGATE THE PROPOSED RULE IN ORDER TO IMPLEMENT THE LAW AS INTENDED.

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

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

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

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

S 13. FISCAL NOTES ON EXECUTIVE ORDERS AFFECTING POLITICAL SUBDIVISIONS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT.

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

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

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