

STATE OF NEW YORK

7092

2017-2018 Regular Sessions

IN ASSEMBLY

April 4, 2017

Introduced by M. of A. SIMOTAS, ZEBROWSKI, COLTON, BRAUNSTEIN, SCHIM-MINGER, ORTIZ, McDONALD, JAFFEE, JEAN-PIERRE, GALEF, LAVINE, THIELE, DICKENS, SKOUFIS, McKEVITT, D'URSO, BLAKE, GLICK -- Multi-Sponsored by -- M. of A. CAHILL, COOK, DiPIETRO, HYNDMAN, NOLAN, SIMANOWITZ, SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to the electronic distribution of rule making information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (a), (b) and (c) of subdivision 6-a of section
2 202 of the state administrative procedure act, paragraphs (a) and (b) as
3 amended by chapter 171 of the laws of 1994 and paragraph (c) as added by
4 chapter 850 of the laws of 1990, are amended to read as follows:

5 (a) An agency shall transmit a copy of any rule making notice prepared
6 pursuant to this article to the governor, the temporary president of the
7 senate, the speaker of the assembly~~[7]~~ and the administrative regu-
8 lations review commission [~~and the office of regulatory and management~~
9 ~~assistance~~] at the time such notice is submitted to the secretary of
10 state for publication in the state register. Such transmittal shall
11 include the complete rule text, regulatory impact statement, regulatory
12 flexibility analysis, rural area flexibility analysis, or revisions
13 thereof, and any other information submitted to the secretary of state
14 pursuant to this article.

15 (b) An agency shall make a copy of the complete text of any proposed,
16 adopted or emergency rule, regulatory impact statement, regulatory flex-
17 ibility analysis, rural area flexibility analysis, or revisions thereof
18 available to the public at the time such documents are submitted to the
19 secretary of state for publication in the state register and shall send
20 to any person a copy of such text upon written or electronic request.

21 (c) An agency shall notify every person who has submitted a written or
22 electronic request to be notified of all proposed, revised, emergency

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

LBD10702-01-7

1 and/or adopted rules which may affect such person. [~~Such~~] The agency may
2 allow requests for only the rules of particular divisions or programs
3 within the agency that are of interest to such person. Written requests
4 shall expire annually on the thirty-first day of December with renewals
5 for the succeeding year to be accepted on or after December first. Elec-
6 tronic requests shall not expire, but shall continue until the person
7 submits a request to discontinue such notification. Notices issued
8 pursuant to such requests shall be sent [~~in writing~~] to the last address
9 specified by the person. An agency may charge any person requesting such
10 notice a fee consisting of the cost of preparation, handling and
11 postage; provided, however, that no fee shall be charged for electronic
12 notices. As an alternative to sending a document electronically, an
13 agency may identify the document and provide a link to the section of
14 its website containing the full text of such document.

15 § 2. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.