STATE OF NEW YORK

5721

2017-2018 Regular Sessions

IN SENATE

April 26, 2017

Introduced by Sen. JACOBS -- 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 the electronic distribution of rule making information

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

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

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

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

(c) An agency shall notify every person who has submitted a written **or electronic** request to be notified of all proposed, revised, emergency and/or adopted rules which may affect such person. [~~**Such**~~] **The agency may allow requests for only the rules of particular divisions or programs**

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

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within the agency that are of interest to such person. Written requests shall expire annually on the thirty-first day of December with renewals for the succeeding year to be accepted on or after December first. **Electronic requests shall not expire, but shall continue until the person submits a request to discontinue such notification.** Notices issued pursuant to such requests shall be sent [~~**in writing**~~] to the last address specified by the person. An agency may charge any person requesting such notice a fee consisting of the cost of preparation, handling and postage**; provided, however, that no fee shall be charged for electronic notices. As an alternative to sending a document electronically, an agency may identify the document and provide a link to the section of its website containing the full text of such document**.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.