STATE OF NEW YORK

5795

2017-2018 Regular Sessions

IN SENATE

May 1, 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 and the executive law, in relation to the comment period for proposed rules

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

Section 1. Paragraph (a) of subdivision 1 of section 202 of the state administrative procedure act, as amended by chapter 304 of the laws of 2016, is amended to read as follows:

(a) Prior to the adoption of a rule, an agency shall submit a notice of proposed rule making to the secretary of state for publication in the state register and shall afford the public an opportunity to submit comments on the proposed rule. Unless a different time is specified by statute, the notice of proposed rule making must appear in the state register at least [~~forty-five~~] **sixty** days prior to either

(i) the addition, amendment or repeal of a rule for which statute does not require that a public hearing be held prior to adoption, or

(ii) the first public hearing on a proposed rule for which such hearing is so required.

The notice of proposed rule making shall indicate the last date for submission of comments on the proposed rule, which, unless a different time is specified in statute or this paragraph, shall be not less than [~~forty-five~~] **sixty** days after the date of publication of such notice, or, if statute requires that a public hearing be held prior to adoption, not less than five days after the date of the last public hearing scheduled to be held on the proposed rule. Notwithstanding any other provision of this paragraph, when the notice of proposed rule making contains only a description of the subject, purpose and substance of the rule as provided in subparagraph (v) of paragraph (f) of this subdivision, the full text of the proposed rule shall be posted on a website

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

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maintained by the agency or another state entity and shall remain posted until such proposed rule is adopted, revised, withdrawn or expires pursuant to this article, except that such web posting shall not be required for any rule defined in subparagraph (ii) of paragraph (a) of subdivision two of section one hundred two of this chapter.

§ 2. Subdivision 2 of section 101-a of the executive law, as amended by chapter 610 of the laws of 1987, is amended to read as follows:

2. Except as provided in subdivision three of this section, at least [~~forty-five~~] **sixty** days prior to either the adoption of any rule, or, if a public hearing is required by statute, at least [~~forty-five~~] **sixty** days prior to the first public hearing on a proposed rule, the agency proposing to take such action shall send a notification of such proposed action to the temporary president of the senate and the speaker of the assembly. This notification shall: (a) refer to the statutory authority under which the action is proposed, (b) give the time and place of any public hearing that may be scheduled concerning the proposed action, or state the manner in which data, views or arguments may be submitted to the agency concerning the proposed action, (c) contain a copy of the complete text of the proposed rule, and (d) contain a fiscal statement setting forth the fiscal consequences of the proposed action on the state and its local governments.

§ 3. This act shall take effect October 1, 2017, and shall apply to all notices of proposed rule making published in the state register on or after such date.