

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:

1 Section 1. Paragraph (a) of subdivision 1 of section 202 of the state
2 administrative procedure act, as amended by chapter 304 of the laws of
3 2016, is amended to read as follows:

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

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

12 (ii) the first public hearing on a proposed rule for which such hear-
13 ing is so required.

14 The notice of proposed rule making shall indicate the last date for
15 submission of comments on the proposed rule, which, unless a different
16 time is specified in statute or this paragraph, shall be not less than
17 [~~forty-five~~ *sixty* days after the date of publication of such notice,
18 or, if statute requires that a public hearing be held prior to adoption,
19 not less than five days after the date of the last public hearing sched-
20 uled to be held on the proposed rule. Notwithstanding any other
21 provision of this paragraph, when the notice of proposed rule making
22 contains only a description of the subject, purpose and substance of the
23 rule as provided in subparagraph (v) of paragraph (f) of this subdivi-
24 sion, 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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1 maintained by the agency or another state entity and shall remain posted
2 until such proposed rule is adopted, revised, withdrawn or expires
3 pursuant to this article, except that such web posting shall not be
4 required for any rule defined in subparagraph (ii) of paragraph (a) of
5 subdivision two of section one hundred two of this chapter.

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

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

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