

# STATE OF NEW YORK

304--A

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "regulatory fiscal accountability act of 2018".

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

5 § 201-b. Fiscal notes on proposed rules. 1. For the purposes of this  
6 section, the term "political subdivision" means any county, city, town,  
7 village, special district or school district.

8 2. Each agency proposing a rule shall attach a fiscal note to a  
9 proposed rule which would affect the revenues or expenses, or both, of  
10 any political subdivision. Such fiscal notes shall fully disclose the  
11 costs and source of funding of every provision of the proposed rule  
12 which would affect the revenue or expenses of any political subdivision.

13 3. Fiscal notes shall not, however, be required for proposed rules  
14 which provide discretionary authority to political subdivisions.

15 § 202-f. Legislative approval. In addition to the procedure required  
16 pursuant to section two hundred two of this article and prior to the  
17 submission of a notice of proposed rulemaking to the secretary of state  
18 for publication in the state register, an agency shall submit any  
19 proposed rule with a fiscal impact in excess of ten million dollars,

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

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1 intended to implement legislation, to the appropriate committees in the  
2 senate and assembly having jurisdiction of the subject matter for their  
3 approval. No such rule shall take effect unless it has been approved by  
4 a two-thirds majority vote of each committee with jurisdiction to which  
5 it has been referred.

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

8 § 68. Approval of legislative committees. 1. State agencies intending  
9 to promulgate any rule with a fiscal impact in excess of ten million  
10 dollars must submit such a proposed rule to the chair of each appropri-  
11 ate committee in the senate and assembly for consideration and approval  
12 of the proposed rule.

13 2. The appropriate committees in the senate and assembly shall have  
14 jurisdiction to consider and approve a proposed rule, if that committee  
15 approved the bill that provides the statutory authority for which the  
16 proposed rule is intended to implement.

17 3. The appropriate committees in the senate and assemble with juris-  
18 isdiction to consider and approve a rule must consider the proposed rule  
19 during the first scheduled committee meeting, immediately following  
20 receipt of the proposed rule by the committee chair.

21 4. All members of the appropriate committees in the senate and assem-  
22 bly shall be provided a copy of the proposed rule and be allowed suffi-  
23 cient time to debate the merits of the proposed rule, including the  
24 fiscal impact of the proposal and the need to promulgate the proposed  
25 rule in order to implement the law as intended.

26 5. After the proposed rule has been debated and prior to conclusion of  
27 the committee meeting, all members of the committee must vote to either  
28 approve or reject the proposed rule.

29 6. The chair of the appropriate committee shall provide the results of  
30 the committee vote to the state agency that provided the proposed rule.

31 7. A vote to approve a proposed rule by no less than two-thirds of all  
32 committee members, by every committee with jurisdiction to consider and  
33 approve the proposed rule, shall be required before the state agency can  
34 proceed to propose the rule pursuant to section two hundred two of the  
35 state administrative procedure act.

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

38 § 13. Fiscal notes on executive orders affecting political subdivi-  
39 sions. 1. For the purposes of this section, the term "political subdivi-  
40 sion" means any county, city, town, village, special district or school  
41 district.

42 2. The governor shall attach a fiscal note to every executive order  
43 which would affect the revenues or expenses, or both, of any political  
44 subdivision. Such fiscal notes shall fully disclose the costs and source  
45 of funding of every provision of the executive order which would affect  
46 the revenue or expenses of any political subdivision.

47 3. Fiscal notes shall not, however, be required for executive orders  
48 which provide discretionary authority to political subdivisions.

49 § 5. This act shall take effect on January 1, 2019.