

# STATE OF NEW YORK

7183

## IN SENATE

January 10, 2020

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the state administrative procedure act, in relation to the time needed by small businesses and local governments to comply with new regulations; to amend a chapter of the laws of 2019, amending the state administrative procedure act relating to the time needed by small businesses and local governments to comply with new regulations, as proposed in legislative bills numbers S. 5812 and A. 842, in relation to the effectiveness thereof; and to repeal certain provisions of the state administrative procedure act related thereto

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

1 Section 1. Paragraph (e) of subdivision 2 of section 202-b of the  
2 state administrative procedure law, as added by a chapter of the laws of  
3 2019, amending the state administrative procedure act relating to the  
4 time needed by small businesses and local governments to comply with new  
5 regulations, as proposed in legislative bills numbers S. 5812 and A.  
6 842, is REPEALED and paragraphs (f) and (g) are relettered paragraphs  
7 (e) and (f).

8 § 2. Subdivision 3 of section 207 of the state administrative proce-  
9 dure act, as added by chapter 262 of the laws of 1996, is amended to  
10 read as follows:

11 3. If an agency determines that a rule subject to the provisions of  
12 this section should be modified, it shall publish a notice of proposed  
13 rule making for such rule, which, in addition to the information other-  
14 wise required by this article, shall include a statement setting forth a  
15 reasoned justification for modification of the rule and an assessment of  
16 public comments, prepared in accordance with subdivision four-a of  
17 section two hundred two of this article, which were submitted to the  
18 agency in response to the listing of the rule in the regulatory agenda.  
19 Where appropriate, the agency shall also include in its statement a  
20 discussion of the degree to which changes in technology, economic condi-  
21 tions, time required to comply, or other factors in the area affected by  
22 the rule necessitate changes in the rule.

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

LBD01558-02-0

1 § 3. Paragraph (a) of subdivision 1 of section 202-b of the state  
2 administrative procedure act, as amended by chapter 611 of the laws of  
3 1996, is amended to read as follows:

4 (a) the establishment of differing compliance or reporting require-  
5 ments or timetables that take into account the resources available to  
6 small businesses and local governments or the time needed by small busi-  
7 nesses or local governments to come into compliance with the rule;

8 § 4. Section 3 of a chapter of the laws of 2019, amending the state  
9 administrative procedure act relating to the time needed by small busi-  
10 nesses and local governments to comply with new regulations, as proposed  
11 in legislative bills numbers S. 5812 and A. 842, is amended to read as  
12 follows:

13 § 3. This act shall take effect on the [~~first of November next~~  
14 ~~succeeding the date on which~~] one hundred twentieth day after it shall  
15 have become a law and shall apply to all rules for which a notice of  
16 proposed rule making is [~~published~~] filed on or after such date.

17 § 5. This act shall take effect on the same date and in the same  
18 manner as a chapter of the laws of 2019, amending the state administra-  
19 tive procedure act relating to the time needed by small businesses and  
20 local governments to comply with new regulations, as proposed in legis-  
21 lative bills numbers S. 5812 and A. 842, takes effect.