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:

Section 1. Paragraph (e) of subdivision 2 of section 202-b of the state administrative procedure law, as added by 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and local governments to comply with new regulations, as proposed in legislative bills numbers S. 5812 and A. 842, is REPEALED and paragraphs (f) and (g) are relettered paragraphs (e) and (f).

§ 2. Subdivision 3 of section 207 of the state administrative procedure act, as added by chapter 262 of the laws of 1996, is amended to read as follows:

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

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

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

(a) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small businesses and local governments **or the time needed by small businesses or local governments to come into compliance with the rule**;

§ 4. Section 3 of 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, is amended to read as follows:

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

§ 5. This act shall take effect on the same date and in the same manner as 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, takes effect.