

STATE OF NEW YORK

7881

2023-2024 Regular Sessions

IN ASSEMBLY

July 19, 2023

Introduced by M. of A. SLATER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to requiring the approval of the legislature for certain proposed rule changes

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

1 Section 1. The state administrative procedure act is amended by adding
2 a new section 201-b to read as follows:

3 § 201-b. Legislative approval of certain rules. 1. Prior to commence-
4 ment of the public comment period of a proposed rule requiring legisla-
5 tive approval under this section, such proposed rule shall be approved
6 by the assembly and the senate after being submitted to the speaker of
7 the assembly, the majority leader of the assembly, the minority leader
8 of the assembly, the temporary president of the senate, and the minority
9 leader of the senate.

10 2. A proposed rule shall require legislative approval when such rule:
11 (a) Includes civil or criminal penalties;
12 (b) Impacts civil or criminal penalties;
13 (c) Impacts the fiscal liability or responsibility of a municipality
14 or school district within the state;
15 (d) Impacts the costs due for a resident of the state, including, but
16 not limited to;

17 (i) Tuition;
18 (ii) Hunting license fees; or
19 (iii) DMV fees; or
20 (e) Changes the state's education curriculum.

21 3. A proposed rule shall be approved upon the adoption of a resolution
22 submitted by the agency seeking to adopt such rule by simple majority
23 vote in the assembly and a simple majority vote in the senate.

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

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1 4. When the proposed rule is to be implemented in response to an emer-
2 gency situation where the response time to the emergency is of impor-
3 tance, such rule shall be considered approved until such time that the
4 emergency is no longer of concern, at which time the rule shall no long-
5 er be in effect unless and until such rule has been approved by the
6 legislature.

7 5. When the legislature is not scheduled to be in session for the next
8 month, a proposed rule shall be deemed temporarily approved by the
9 legislature until the legislature returns to session, at which time the
10 proposed rule shall require approval of the legislature.

11 § 2. This act shall take effect immediately.