



Legislation Details (With Text)

File #: Int 0643-2007 **Version:** * **Name:** Amend the City Administrative Procedure Act of the NYC Charter, to require that all agencies electronically transmit copies of proposed rules in a timely manner.

Type: Introduction **Status:** Enacted
In control: Committee on Governmental Operations

On agenda: 11/15/2007

Enactment date: 2/19/2008 **Enactment #:** 2008/006

Title: A Local Law to amend the City Administrative Procedure Act of the New York City Charter, to require that all agencies electronically transmit copies of proposed rules in a timely manner.

Sponsors: Simcha Felder, Gale A. Brewer, Leroy G. Comrie, Jr., Lewis A. Fidler, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, G. Oliver Koppell, Miguel Martinez, Michael C. Nelson, Annabel Palma, James Sanders, Jr., Kendall Stewart, Robert Jackson, Inez E. Dickens, Helen Sears, Daniel R. Garodnick, Thomas White, Jr., Betsy Gotbaum

Indexes:

Attachments: 1. Committee Report 12/6/07, 2. Hearing Testimony 12/6/07, 3. Hearing Testimony 12/6/07 (Con't), 4. Hearing Testimony 12/6/07 (Con't), 5. Hearing Transcript 12/6/07, 6. Committee Report 1/28/08, 7. Hearing Transcript 1/28/08, 8. Press Release, 9. Fiscal Impact Statement, 10. Letter from Mayor, 11. Hearing Transcript - Stated Meeting 1/30/08, 12. Local Law

Date	Ver.	Action By	Action	Result
11/15/2007	*	City Council	Introduced by Council	
11/15/2007	*	City Council	Referred to Comm by Council	
12/6/2007	*	Committee on Governmental Operations	Hearing Held by Committee	
12/6/2007	*	Committee on Governmental Operations	Laid Over by Committee	Pass
1/28/2008	*	Committee on Governmental Operations	Hearing Held by Committee	
1/28/2008	*	Committee on Governmental Operations	Approved by Committee	Pass
1/30/2008	*	City Council	Approved by Council	Pass
1/30/2008	*	City Council	Sent to Mayor by Council	
2/19/2008	*	Mayor	Hearing Held by Mayor	
2/19/2008	*	Mayor	Signed Into Law by Mayor	
2/19/2008	*	City Council	Recved from Mayor by Council	

Int. No. 643

By Council Members Felder, Brewer, Comrie, Fidler, Gennaro, Gentile, Gerson, Koppell, Martinez, Nelson, Palma, Sanders Jr., Stewart, Jackson, Sears, Garodnick, White Jr. and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the City Administrative Procedure Act of the New York City Charter, to require that all agencies electronically transmit copies of proposed rules in a timely manner.

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 1043 of the New York City Charter, as amended at General Election, November 7, 1989, is amended to read as follows;

2. Copies of the [notice] full text of the proposed rule shall be electronically transmitted to the office of the speaker of the council, the council's office of legislative documents, [and] the corporation counsel, [and mailed to such] each council member, the chairs of all community boards, the news media and civic organizations no later than the date the proposed rule is transmitted to the City Record for publication pursuant to paragraph one of subdivision b of this section; provided that an inadvertent failure to fully comply with the notice requirements of this paragraph shall not serve to invalidate any rule.

§2. Paragraph 2 of subdivision h of section 1043 of the New York City Charter, as added at General Election, November 8, 1998, is amended to read as follows:

1. Notwithstanding any other provision of this section, an agency may adopt a rule prior to the notice and comment otherwise required by this section if the immediate effectiveness of such rule is necessary to address an imminent threat to health, safety, property or a necessary service. A finding of such imminent threat and the specific reasons for the finding must be made in writing by the agency adopting such rule and shall be approved by the mayor before such rule may be made effective. In the event that an elected official other than the mayor has the authority to promulgate rules, such official may make such findings without prior mayoral approval. The rule and accompanying finding shall be made public forthwith and shall be published in the City Record as soon as practicable. Agencies shall also electronically transmit all emergency rules adopted pursuant to this paragraph to the office of the speaker of the council, the council's office of legislative documents, the corporation counsel, each council member, the chairs of all community boards, the news media and civic organizations, as such term is defined in subdivision b of this section, no later than the date the emergency rules are transmitted to the City Record for publication pursuant to this paragraph.

§3. This local law shall take effect ninety days after its enactment into law.

LS #3602
DG
1/22/08