

RECALLED
7/1/92

CHAPTER 331

LAWS OF 19 92

MEMORANDUM NO. _____

SENATE BILL 6633-A

ASSEMBLY BILL _____

Cal. No. 1392

6633--A

IN SENATE

(Prefiled)

January 8, 1992

Introduced by Sen. SEARS -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the state administrative procedure act, in relation to the use of plain language in rules and regulations and related documents

IN THE ASSEMBLY BY A-11084 Lopez (ms)

DATE RECEIVED BY GOVERNOR:

7/9

6/25

ACTION MUST BE TAKEN BY:

7/21

7/7

DATE GOVERNOR'S ACTION TAKEN:

JUL 17 1992

000001

000002

SENATE VOTE 58 Y 0 N

HOME RULE MESSAGE _____ Y N

DATE 6/22/92

BILL IS DISAPPROVED

ASSEMBLY VOTE 14 Y 2 N

DATE _____

DATE 6-23-92

COUNSEL TO THE GOVERNOR

1992

SENATE JOURNAL

JUN 22 1992

PAGE 71

SENATE

The Senate Bill

by Sen. SEARS

Entitled: "

Calendar No. 1392Senate No. 6633-A

Assem. Rept. No. _____

AN ACT to amend the state administrative procedure act, in relation to the use of plain language in rules and regulations and related documents

"was read the third time

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	17	Mr. Babbush	EXCUSED		46	Mr. McHugh	
	43	Mr. Bruno			23	Mr. Mega	
	25	Mr. Connor			30	Mrs. Mendez	
	40	Mr. Cook			22	Ms. Montgomery	
	61	Mr. Daly			42	Mr. Nolan	
	44	Mr. Farley			27	Mr. Ohrenstein	
	31	Mr. Galiber			14	Mr. Onorato	
	13	Mr. Gold			36	Mrs. Oppenheimer	
	32	Mr. González			11	Mr. Padavan	
	37	Mrs. Goodhue			29	Mr. Paterson	
	26	Mr. Goodman			54	Mr. Perry	
	18	Mr. Halperin			56	Mr. Present	
	6	Mr. Hannon			55	Mr. Quattrociocchi	
	48	Ms. Hoffmann			41	Mr. Saland	
	38	Mr. Holland			47	Mr. Sears	
	4	Mr. Johnson			50	Mr. Seward	
	53	Mr. Kehoe	EXCUSED		60	Mr. Sheffer	
	33	Mr. Korman			9	Mr. Skelos	
	52	Mr. Kuhl			20	Miss Smith	
	2	Mr. Lack			19	Mr. Solomon	
	39	Mr. Larkin			35	Mr. Spano	
	1	Mr. LaValle			57	Mr. Stachowski	
	28	Mr. Leichter			45	Mr. Stafford	
	8	Mr. Levy			12	Mr. Stavisky	
	51	Mr. Libous			3	Mr. Trunzo	
	49	Mr. Lombardi			7	Mr. Tully	
	15	Mr. Maltese			34	Mr. Velella	
	24	Mr. Marchi			59	Mr. Volker	
	5	Mr. Marino			10	Mr. Waldon	
	21	Mr. Markowitz	EXCUSED		16	Mr. Weinstein	
	58	Mr. Masiello					

AYES 58NAYS 0

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

000003

S. Lel33-A

NEW YORK STATE ASSEMBLY
TWO HUNDRED FIFTEENTH SESSION

REPRINT
DATE: 06/22/92

DATE: 06/22/1992
TIME: 06:51:57 PM

BILL: S6633-A (A11084)

SPONSOR: SEARS

Encourages agencies to ensure that rules, regulations and related documents be written in plain language

Y	Abbate PJ	Y	Gantt DF	Y	O'Neil JG
Y	Anderson RR	Y	Genovesi AJ	Y	Orloff C
Y	Aubry JL	Y	Glick DJ	Y	O'Shea CJ
Y	Balboni MA	Y	Gottfried RN	Y	Parment WL
Y	Barbaro FJ	Y	Graber VJ	Y	Parola FE
Y	Barnett HW	Y	Grannis A	Y	Pataki GE
NAY	Barraga TF	Y	Green RL	Y	Pheffer AI
Y	Becker GR	Y	Greene A	Y	Pillittere JT
Y	Behan JL	Y	Griffith E	Y	Pordum FJ
Y	Bennett LE	Y	Gromack AJ	Y	Prescott DW
Y	Bianchi IW	Y	Harenberg PE	Y	Proskin AW
Y	Bonacic JJ	Y	Hasper J	Y	Ramirez R
Y	Boyland WF	Y	Hawley RS	Y	Rappleyea CD
Y	Bragman MJ	Y	Healey PB	Y	Ravitz J
Y	Brennan JF	Y	Hevesi AG	Y	Reynolds TM
Y	Brodsky RL	Y	Hikind D	Y	Robach JE
Y	Brown HC	Y	Hill EH	Y	Rosado D
Y	Butler DJ	Y	Hillman MC	Y	Sanders S
Y	Calhoun N	Y	Hinchey MD	Y	Sawicki J
Y	Canestrari RJ	Y	Hoyt WB	Y	Schimminger RL
Y	Casale AJ	Y	Jacobs RS	Y	Schmidt ED
Y	Catapano TF	Y	Jenkins C	ABS	Seabrook L
Y	Christensen JK	NAY	John SV	Y	Seminario AS
Y	Clark BM	Y	Kaufman SB	Y	Sidikman DS
Y	Cochrane JC	Y	Keane RJ	Y	Silver S
Y	Colman S	Y	Kelleher NW	Y	Singer CD
Y	Connelly EA	Y	King JP	Y	Spano MI
Y	Connors RJ	Y	Koppell GO	Y	Straniere RA
Y	Conte JD	Y	Lafayette IC	Y	Sullivan EC
Y	Cook VE	Y	Lasher HL	Y	Sullivan FT
Y	Coombe RI	Y	Leibell VL	Y	Sullivan PM
Y	Crowley J	Y	Lentol JR	Y	Sweeney RK
Y	D'Andrea RA	Y	Lopez VJ	Y	Tallon JR
Y	Daniels GL	Y	Luster MA	Y	Talomie FG
Y	Davidson DR	Y	Magee B	Y	Tedisco J
Y	Davis G	Y	Mayersohn N	Y	Tocci RC
Y	Dearie JC	Y	McGee PK	Y	Tokasz P
Y	Del Toro A	Y	McMillen DH	Y	Tonko PD
Y	Diaz HL	Y	Miller RJ	Y	Townsend DR
Y	DiNapoli TP	Y	Morelle JD	Y	Vann A
Y	Dugan EC	Y	Murphy MJ	Y	Van Varick D
Y	Eannace RJ	Y	Murtaugh JB	Y	Vitaliano EN
Y	Englebright S	Y	Muscarella VT	Y	Warren GE
Y	Eye AO	Y	Nadler J	Y	Weinstein HE
Y	Farrell HD	Y	Nagle JF	Y	Weisenberg H
Y	Faso JJ	Y	Nicoletti JA	Y	Wertz RC
Y	Feldman D	Y	Nolan CT	Y	Winner GH
Y	Flanagan JJ	Y	Norman C	Y	Yosweil JA
Y	Friedman G	Y	Nortz HR	Y	Young GP
Y	Frisa D	Y	Nozzolio MF	Y	Mr. Speaker

YEAS: 146

NAYS: 2

CONTROL: 26660712

CERTIFICATION: /S/ FRANCINE M. MISASI
CLERK OF THE ASSEMBLY

LEGEND: Y=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT,
ELB=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

000004

STATE OF NEW YORK
IN SENATE



By Senator MARINO

Resolved (if the Assembly concur), that Senate Bill No. _____ be
returned to the Governor.

2174	7127	7706A
4163	7184A	7751A
4543	7241A	7799B
5218	7246B	7837
5669	7319	7923B
5953B	7374B	7961
6613	7383	8029A
6633A	7431	8090
6720	7480A	8529
6910B	7573A	8584
6951	7575A	8585
6974A	7681	8604A
7126	7685A	

By Order of the Senate,
Stephen F. Sloan
Secretary

IN ASSEMBLY

JULY 9, 1992

19

Concurred in without amendments

000005

By order of the Assembly,

Form No. 12-A - Return Senate Bill to Governor

William M. Marino
Clerk



State of New York

Executive Chamber

Albany July 1, 1992

To the Senate:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Senate Bill Number

Entitled "An Act

- | | |
|-------|-------|
| 2174 | 7431 |
| 4163 | 7480A |
| 4543 | 7573A |
| 5218 | 7575A |
| 5669 | 7681 |
| 5901 | 7685A |
| 5953B | 7706A |
| 6613 | 7799B |
| 6633A | 7837 |
| 6720 | 7923B |
| 6910B | 7961 |
| 6951 | 8029A |
| 6974A | 8090 |
| 7126 | 8529 |
| 7127 | 8584 |
| 7184A | 8585 |
| 7241A | 8604A |
| 7246B | |
| 7319 | |
| 7374B | |
| 7383 | |

Elizabeth D. Moore, Counsel to the Governor

JUL - 1 1992
IN SENATE

By Senator MARINO

Resolved (if the Assembly concur), That a respectful message be sent to the Governor requesting the return of Senate Bill No.5

2174 ⁷³³	6974A ¹⁰⁰²	7575A ⁷¹⁸	8585 ⁹²⁵
4163 ⁵⁵⁶	7126 ³²⁵	7681 ⁹⁶⁴	8604A ⁹⁷⁰
4543 ⁵⁷²	7127 ³²⁶	7685A ⁶⁵⁹	
5218 ³⁸⁰	7184A ⁴²⁵	7706A ⁹⁶³	
5669 ¹⁵⁶	7241A ⁴⁴¹	7799B ⁸³⁵	
5901 ⁷⁶²	7246B ¹⁰⁰⁷	7837 ⁸⁶⁷	
5953B ⁷³⁷	7319 ⁷⁸⁵	7923B ⁹⁶²	
6613 ⁴⁹⁷	7374B ⁵⁴⁵	7961 ⁹⁶⁷	
6633A ¹⁰⁰¹	7383 ⁹³⁸	8029A ¹⁰¹¹	
6720 ⁴¹⁸	7431 ⁸⁶⁴	8090 ⁸²⁰	
6910B ⁷¹⁰	7480A ⁹⁶²	8529 ⁸⁹⁰	
6951 ⁶⁸⁹	7573A ⁷¹⁷	8584 ⁹²⁴	

By Order of the Senate,
Stephen F. Sloan
Secretary

IN ASSEMBLY

JULY 1 1992

19

Concurred in without amendments

By order of the Assembly,
Janine M. Mucci

MEMORANDUM IN SUPPORT

S. 6633 By: Senator William R. Sears

A. _____ By: _____

AN ACT to amend the state administrative procedure act, in relation to requiring that rules and notices of rule makings be clearly written so as to be easily understood

PURPOSE:

The purpose of this bill is to have agencies write their rule proposals in plain language so that the rules may be more readily understood by the regulated public.

JUSTIFICATION:

Agencies are notorious for putting their regulations in technical jargon and legalese which is very difficult for the affected parties to comprehend. To facilitate both public comment and compliance, this bill requires the agencies to use clear and understandable language.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

October 1 next succeeding the date the bill becomes law.

000008

C-331

S-6633-A

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule 11i, §1(f)

Bill Number: Assembly: 11084 _____ Memo on original draft of bill
Senate: _____ _____ Memo on amended bill

Sponsors: Members of Assembly: LOPEZ _____

Senators: _____

Introduced at the request of Lopez _____

Title of Bill: AN ACT to amend the state administrative procedure act, in relation to the use of plain language in rules and regulations and related documents

Purpose or General Idea of Bill:

This bill, which is part of the Assembly's 1992 regulatory reform/streamlining project, would require each state agency, insofar as is practical, to use plain language in its rules, regulations and rule-making documents.

Summary of Provisions:

Section 201 of the State Administrative Procedure Act (SAPA) is amended to provide that each agency shall strive to ensure that, to the maximum extent practical, its rules, regulations and related documents are written in a clear and coherent manner, using words with common and everyday meanings.

Effects of Present Law which This Bill Would Alter:

Currently, there is no general direction in law to state agencies to use of plain language in rule-making activities.

Justification:

To the extent that agencies use language which is not clear and coherent, it becomes difficult for the public to comprehend what is being proposed by the agency, and -- even more importantly -- what conduct is expected under the rules. Language which is arcane or unusual also leaves more room for individual agency staff to misconstrue the meaning originally intended by the agency.

Finally, use of words with common, everyday meanings can make state policies more readily understandable to people with limited English proficiency, and can reduce state costs by making translations easier and by limiting the need to reproduce plain-language summaries of involved regulatory language.

This bill borrows the "plain language" standard made applicable to contracts by General Obligations Law §5-702. However, it also recognizes that, in some cases, agencies may regulate in highly technical areas, or may have developed a body of terminology which it may not be practical to change overnight. For this reason, the bill establishes a standard that agencies should strive to ensure "to the maximum extent practical" that their rules are written clearly and coherently in plain language.

Prior Legislative History:

None.

Fiscal Implications for State and Local Governments:

None.

Effective Date:

Immediately.

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JJ

S 6633-A

EXECUTIVE DEPARTMENT
OFFICE OF GENERAL SERVICES

June 26, 1992

SENATE-Introduced by:
Sen. Sears
Bill No.- S-6633-A

ASSEMBLY-Introduced by:
M. of A. Lopez
A-11084

RECOMMENDATION: (check one)

Approval [] No Objection [X]
Disapproval [] No recommendation []

STATUTES INVOLVED: Section 201 of the State Administrative
Procedure Act.

EFFECTIVE DATE: Immediately

DISCUSSION:

1. Purpose of Bill:

This bill would require that state agencies write rules, regulations and related documents in plain language so that they may be more readily understood by the regulated public.

2. Summary of Provisions of bill:

The bill amends Section 201 of the State Administrative Procedure Act to provide that each agency shall strive to ensure that rules, regulations and related documents are written in a clear and coherent manner using words with common and everyday meanings.

3. Prior History:

Unknown

4. Known position of others respecting bill:

Unknown.

5. Budget implications:

None

6. Arguments in support of bill:

This bill will facilitate both public comment and compliance with established rules and regulations by requiring agencies to use clear and understandable language in their promulgation and adoption.

7. Arguments in opposition to bill:

None.

8. Reasons for recommendation:

The proposed amendment is regarded as beneficial for effectuating agency regulations. No grounds are known in opposition.

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