IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance.

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means.

AN ACT to amend the executive law and the state administrative procedure act, in relation to requirements for permit applications; and to amend the public officers law and the public authorities law, in relation to meetings of public bodies.

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

Section 1. The executive law is amended by adding a new section 97-b to read as follows:

§ 97-b. Affirmation in lieu of oath on permit applications; signature requirement for electronic permit applications. 1. Definitions:

(a) "state agency" shall mean any department, board, bureau, commission, division, office, council, committee or officer of the state, or a public benefit corporation or public authority, at least one of whose members is appointed by the governor, authorized by law to make rules or to make final decisions in adjudicatory proceedings but shall not include the governor, agencies in the legislative and judicial branches, agencies created by interstate compact or international agreement, the division of military and naval affairs to the extent it exercises its responsibility for military and naval affairs, the division of state police, the identification and intelligence unit of the division of criminal justice services, the state insurance fund, the unemployment insurance appeal board, the state division of parole and the department of correctional services;

(b) "applicant" shall mean any person who submits an application; and

(c) "application" shall mean a paper, form or document produced by or on behalf of a state agency and required to be filed by a person with a state agency, public authority or public benefit corporation for such

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

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state agency, public authority or public benefit corporation to determine whether to issue, modify or renew a permit, license, certificate, approval, registration, charter, or similar form of permission or authority required by law or by state agency rules having the force and effect of law, which is required for a business undertaking, project or activity for an applicant, but shall not include bonds or other forms of security required to be submitted by applicants, or any individual licenses for practicing a profession prescribed in title eight of the education law, filings under the uniform commercial code, routine licenses and permits for individual privileges, including licenses for operating a motor vehicle and amateur sporting licenses, such as for hunting and fishing, or building permit issued by a city, town or village.

2. Notwithstanding any provision of law to the contrary, any state agency may, by promulgation of regulations in accordance with the state administrative procedure act, permit any application to be filed with such agency, in lieu of being acknowledged, verified, or sworn under oath where such is required by statute, to be subscribed by the applicant and affirmed by him or her as true and complete under penalty of perjury.

3. Notwithstanding any provision of law to the contrary, any state agency may, by promulgation of regulations in accordance with the state administrative procedure act, permit any application to be submitted:
   (a) by electronic means, provided that a signature is required thereon that meets the requirements of subdivision three of section three hundred two of the state technology law, and the use of electronic records shall meet the requirements of subdivision one of section three hundred five of the state technology law; and
   (b) subscribed by the applicant and affirmed by him or her as true under penalty of perjury, in lieu of any requirement that the application be acknowledged or sworn to under oath.

§ 2. Subdivision 6 of section 201-a of the state administrative procedure act is renumbered subdivision 7 and a new subdivision 6 is added to read as follows:
   6. To reduce paperwork for agencies, in lieu of preparing a separate statement, an agency may comply with the requirements of this section by including within the regulatory impact statement prepared pursuant to section two hundred two-a of this article all of the elements of the job impact statement.

§ 3. Subparagraph (vii) of paragraph (f) of subdivision 1 of section 202 of the state administrative procedure act, as amended by chapter 171 of the laws of 1994, is amended to read as follows:
   (vii) include a regulatory flexibility analysis and a job impact statement prepared pursuant to sections two hundred one-a, two hundred two-b, and two hundred two-bb of this [chapter] article, provided, however, if an analysis exceeds two thousand words, the notice shall include only a summary of such analysis in less than two thousand words. An agency may dispense with the requirements of this subparagraph by preparing a regulatory impact statement as referenced in subparagraph (vi) of this paragraph that includes all of the elements of the regulatory flexibility analysis for small businesses and local governments, rural area flexibility analysis and job impact statement. Provided, however, when an agency prepares a combined regulatory impact statement and such statement exceeds four thousand words, the notice shall include only a summary of such statement in less than four thousand words;
§ 4. Paragraphs (a) and (b) of subdivision 4 of section 202-a of the state administrative procedure act, as amended by chapter 698 of the laws of 1984, are amended and a new paragraph (c) is added to read as follows:

(a) Consider a series of closely related and simultaneously proposed rules as one rule for the purpose of submitting a consolidated regulatory impact statement; [and]

(b) Submit a consolidated regulatory impact statement for any series of virtually identical rules proposed in the same year[.]; and

(c) Prepare a combined regulatory impact statement that includes all of the elements required by subdivision three of this section, section two hundred one-a of this article related to the job impact analysis, section two hundred two-b of this article related to the regulatory flexibility analysis for small businesses and local governments, and section two hundred two-bb of this article related to rural area flexibility analysis.

§ 5. Subdivision 4 of section 202-b of the state administrative procedure act, as amended by chapter 17 of the laws of 1984, is amended to read as follows:

4. In order to avoid duplicative action, an agency may (a) consider a series of closely related rules as one rule for the purpose of complying with subdivision two of this section; and (b) in lieu of preparing a separate statement, include within the regulatory impact statement, prepared pursuant to section two hundred two-a of this article, all of the elements of the regulatory flexibility analysis for small businesses and local governments.

§ 6. Subdivision 5 of section 202-bb of the state administrative procedure act, as added by chapter 171 of the laws of 1994, is amended to read as follows:

5. In order to avoid duplicative action, an agency may (a) consider a series of closely related rules as one rule for the purpose of complying with subdivision three of this section; and (b) in lieu of preparing a separate statement, include within the regulatory impact statement, prepared pursuant to section two hundred two-a of this article, all of the elements of the rural area flexibility analysis.

§ 7. Subdivision 7 of section 837 of the executive law, as added by chapter 399 of the laws of 1972 and such section as renumbered by chapter 603 of the laws of 1973, is amended to read as follows:

7. Receive, process and file fingerprints, photographs and other descriptive data for the purpose of establishing identity and previous criminal record. Whenever any provision of law requires or permits the submission, transmission, forwarding, retention, return or destruction thereof, the terms "criminal record", "criminal history record", "fingerprint", "fingerprint cards", "photographs", "palms prints", "personal appearance data", "handwriting samples", and "descriptive data" shall mean and include digital or electronic images, impressions, representations or reproductions of such criminal record, criminal history record, fingerprints, fingerprint cards, photographs, palmpits, personal appearance data, handwriting samples and descriptive data;

§ 8. The public officers law is amended by adding a new section 108-a to read as follows:

§ 108-a. Attendance at meetings by public bodies. Participation at a meeting of a public body, a majority of whose members are appointed by state agencies, as such term is defined in section ninety-seven-b of the executive law, may take place by conference telephone or other similar communications equipment allowing all persons participating in the meet-
§ 9. The public authorities law is amended by adding a new section 2829 to read as follows:

§ 2829. Attendance at meetings by public bodies. Notwithstanding any other provision of law to the contrary, any one or more directors or board members of any authority may participate in any meeting by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time and the meeting otherwise complies with article seven of the public officers law (open meetings law). Participation by such means shall constitute presence in person at a meeting.

§ 10. This act shall take effect immediately.