S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 13, 2012

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

AN ACT to amend the state administrative procedure act, in relation to providing information on the prevention of common regulatory violations in small business regulation guides

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 102-a of the state administrative procedure act, as amended by section 3 of part O of chapter 60 of the laws of 2011, is 1mended to read as follows:

S 102-a. Small business regulation guides. 1. For each rule or group of related rules which significantly impact a substantial number of small businesses, the agency which adopted the rule shall post on its website one or more guides explaining the actions a small business may take to comply with such rule or group of rules if the agency determines, IN CONJUNCTION WITH THE DIVISION FOR SMALL BUSINESS, that such guide or guides will assist small businesses in complying with the rule, and shall designate each such posting as a "small business regulation guide". The guide shall explain the actions a small business may take to comply with a rule or group of rules, IDENTIFY ANY SOURCES OF INFORMATION OR ASSISTANCE AVAILABLE TO FACILITATE SMALL BUSINESS REGULATORY COMPLIANCE, AND, WHERE APPROPRIATE, INCLUDE INFORMATION ON (A) THE MOST COMMON REGULATORY VIOLATIONS THAT SMALL BUSINESSES ARE CITED FOR BY THE AGENCY AND (B) ANY ACTIONS THAT SMALL BUSINESSES CAN REASONABLY UNDERTAKE TO MINIMIZE OR PREVENT THE OCCURRENCE OF SUCH VIOLATIONS.

2. The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language that it is likely to be understood by affected small businesses. Agencies shall cooperate with THE DIVISION FOR SMALL BUSINESS AND other state agencies in developing such guides. THE DIVISION FOR SMALL BUSINESS SHALL OVERSEE AND COORDINATE THE PREPARATION OF SUCH SMALL BUSINESS REGULATION GUIDES BY AGENCIES. AN AGENCY SHALL PROVIDE THE DIVISION AT SUCH TIMES AND IN SUCH FORMAT AS THE DIVISION MAY REQUEST WITH (A) STATISTICAL

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

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INFORMATION ON THE FREQUENCY OF VIOLATIONS OF VARIOUS REGULATIONS BY SMALL BUSINESSES AND (B) INFORMATION AND ANALYSIS REGARDING ACTIONS THAT CAN REASONABLY BE UNDERTAKEN BY SMALL BUSINESSES TO MINIMIZE OR PREVENT THE OCCURRENCE OF SUCH VIOLATIONS.

S 2. This act shall take effect immediately.