

STATE OF NEW YORK

7124

2017-2018 Regular Sessions

IN ASSEMBLY

April 10, 2017

Introduced by M. of A. SIMOTAS, ZEBROWSKI, CAHILL, McDONALD, GALEF, GLICK, BLAKE, DICKENS, COLTON, SCHIMMINGER, ORTIZ, JAFFEE, LAVINE, THIELE, D'URSO, SKOUFIS, JEAN-PIERRE, McKEVITT -- Multi-Sponsored by -- M. of A. COOK, DiPIETRO, ENGLEBRIGHT, HYNDMAN, NOLAN, SIMANOWITZ, SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state administrative procedure act, in relation to the provision of regulatory information to small businesses through the establishment of a small business regulatory nexus by certain agencies

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

Section 1. The state administrative procedure act is amended by adding a new section 102-b to read as follows:

§ 102-b. Small business regulatory nexus. 1. Each agency with a substantial regulatory impact on small businesses shall establish and maintain a section on its website to be designated the "small business regulatory nexus" of such agency. An agency shall be deemed to have a substantial regulatory impact on small businesses if it: (a) has posted two or more small business regulation guides pursuant to section one hundred two-a of this article; (b) has issued five or more regulatory flexibility analyses in the past three calendar years; or (c) has been established after the effective date of this section and has issued a regulatory flexibility analysis, provided that the small business regulatory nexus shall be established within one hundred twenty days after the date on which such initial regulatory flexibility analysis is published in the state register. An agency that has issued regulatory flexibility analyses solely to address adverse impacts or compliance requirements on local governments shall designate such section of its website as a "local government regulatory nexus".

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

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1 2. (a) The small business regulatory nexus shall include the following
2 information or direct links to such information:

3 (i) the rules of the agency, identifying the applicability of any such
4 rules to specific categories of small businesses or local governments;

5 (ii) any regulation guides posted by the agency;

6 (iii) all guidance documents posted on the agency website pursuant to
7 subdivision two of section two hundred two-e of this chapter that are
8 applicable to small businesses and local governments;

9 (iv) each notice of proposed rule making and notice of revised rule
10 making for which a regulatory flexibility analysis has been issued that
11 is currently under consideration by the agency, and each notice of emer-
12 gency adoption for a currently effective emergency rule for which a
13 regulatory flexibility analysis has been prepared or is being prepared
14 by the agency;

15 (v) the most recent regulatory agenda published by the agency, if any,
16 including the identification of each rule which may require a regulatory
17 flexibility analysis and of any rules currently under review by the
18 agency pursuant to section two hundred seven of this chapter;

19 (vi) the plain language summary prepared by the agency pursuant to
20 subdivision two of section three hundred one of this chapter for any
21 adjudicatory proceedings applicable to small businesses or local govern-
22 ments, and any streamlined optional adjudicatory proceedings for small
23 businesses adopted by the agency pursuant to section three hundred eight
24 of this chapter;

25 (vii) a description of any compliance assistance program offered by
26 the agency to small businesses or local governments, and of any such
27 programs that are known by the agency to be offered by other state,
28 local or Federal agencies to categories of small businesses or local
29 governments impacted by the regulations of the agency, including but not
30 limited to the small business pollution prevention and environmental
31 compliance assistance program provided pursuant to section 28-0109 of
32 the environmental conservation law and the small business pollution
33 prevention and environmental compliance ombudsman program provided
34 pursuant to section one hundred thirty-eight of the economic development
35 law; and

36 (viii) any other information that the agency deems useful to small
37 businesses or local governments.

38 (b) The small business regulatory nexus shall provide interactive
39 opportunities for a small business or local government to provide feed-
40 back, obtain additional information or seek assistance in complying with
41 agency regulations, and shall include information on how to contact
42 members of agency staff who are knowledgeable on regulatory programs of
43 the agency and can provide further information.

44 § 2. This act shall take effect immediately; provided, however, that
45 any agency to which the provisions of this act apply on such date shall
46 establish a small business regulatory nexus within 120 days after such
47 effective date.