

STATE OF NEW YORK

7298

IN SENATE

January 5, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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; and to amend a chapter of the laws of 2017, amending the state administrative procedure act, relating to providing information on the prevention of common regulatory violations in small business regulation guides, as proposed in legislative bills numbers S. 1643 and A. 5779, in relation to the effectiveness thereof

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

1 Section 1. Section 102-a of the state administrative procedure act, as
2 amended by a chapter of the laws of 2017, amending the state administra-
3 tive procedure act, relating to providing information on the prevention
4 of common regulatory violations in small business regulation guides, as
5 proposed in legislative bills numbers S. 1643 and A. 5779, is amended to
6 read as follows:

7 § 102-a. Small business regulation guides. 1. For each rule or group
8 of related rules which significantly impact a substantial number of
9 small businesses, the agency which adopted the rule shall post on its
10 website one or more guides explaining the actions a small business may
11 take to comply with such rule or group of rules if the agency deter-
12 mines[~~, in conjunction with the division for small business,~~] that such
13 guide or guides will assist small businesses in complying with the rule,
14 and shall designate each such posting as a "small business regulation
15 guide". The guide shall explain the actions a small business may take to
16 comply with a rule or group of rules, identify any sources of informa-
17 tion or assistance available to facilitate small business regulatory
18 compliance, and, where appropriate, include information on (a) the most
19 common regulatory violations that small businesses are cited for by the
20 agency [~~and~~], (b) statistical information on the frequency of violations
21 of various regulations by small businesses and (c) any actions that
22 small businesses can reasonably undertake to minimize or prevent the

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

LBD01840-02-8

1 occurrence of such violations, including any relevant information and
2 analysis.

3 2. The agency shall, in its sole discretion, taking into account the
4 subject matter of the rule and the language of relevant statutes, ensure
5 that the guide is written using sufficiently plain language that it is
6 likely to be understood by affected small businesses. Agencies shall
7 cooperate with [~~the division for small business and~~] other state agen-
8 cies in developing such guides. [~~The division for small business shall~~
9 ~~oversee and coordinate the preparation of such small business regulation~~
10 ~~guides by agencies. An agency shall provide the division at such times~~
11 ~~and in such format as the division may request with (a) statistical~~
12 ~~information on the frequency of violations of various regulations by~~
13 ~~small businesses and (b) information and analysis regarding actions that~~
14 ~~can reasonably be undertaken by small businesses to minimize or prevent~~
15 ~~the occurrence of such violations.~~]

16 § 2. Section 2 of a chapter of the laws of 2017, amending the state
17 administrative procedure act, relating to providing information on the
18 prevention of common regulatory violations in small business regulation
19 guides, as proposed in legislative bills numbers S. 1643 and A. 5779, is
20 amended to read as follows:

21 § 2. This act shall take effect [~~immediately~~] on April 1, 2019;
22 provided, however, that any small business regulation guide that was
23 issued six months prior to such date shall be reviewed by the agency and
24 updated as appropriate not later than one hundred eighty days after such
25 date.

26 § 3. This act shall take effect immediately; provided however that
27 section one of this act shall take effect on the same date and in the
28 same manner as a chapter of the laws of 2017, amending the state admin-
29 istrative procedure act, relating to providing information on the
30 prevention of common regulatory violations in small business regulation
31 guides, as proposed in legislative bills numbers S. 1643 and A. 5779,
32 takes effect.