

# STATE OF NEW YORK

5812

2019-2020 Regular Sessions

## IN SENATE

May 15, 2019

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the state administrative procedure act, in relation to the time needed by small businesses and local governments to comply with new regulations

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

1 Section 1. Paragraphs (e) and (f) of subdivision 2 of section 202-b of  
2 the state administrative procedure act are relettered paragraphs (f) and  
3 (g) and a new paragraph (e) is added to read as follows:

4 (e) an assessment of the minimum time that will be needed by small  
5 businesses and local governments to come into compliance with the rule,  
6 taking into consideration any applicable practical, legal and economic  
7 or fiscal constraints on such compliance, and a description of the meas-  
8 ures that the agency intends to utilize to ensure that small businesses  
9 and local governments are informed of new or amended compliance require-  
10 ments with sufficient lead time to achieve compliance without experienc-  
11 ing unnecessary costs or burdens;

12 § 2. The opening paragraph and paragraph (b) of subdivision 6 of  
13 section 202-b of the state administrative procedure act, as amended by  
14 chapter 611 of the laws of 1996, are amended to read as follows:

15 When any rule is proposed for which a regulatory flexibility analysis  
16 is required, the agency shall assure that it has actively solicited the  
17 participation of small businesses and local governments [~~have been given~~  
18 ~~an opportunity to participate~~] in the rule making through activities in  
19 addition to publication in the state register and posting on the agen-  
20 cy's website, such [~~activities~~] as:

21 (b) the direct notification of interested small businesses and local  
22 governments affected by the proposed rule or organizations representing  
23 the interests of such entities;

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

LBD01558-01-9

1     § 3. This act shall take effect on the first of November next succeed-  
2     ing the date on which it shall have become a law and shall apply to all  
3     rules for which a notice of proposed rule making is published on or  
4     after such date.