

STATE OF NEW YORK

5240

2019-2020 Regular Sessions

IN SENATE

April 18, 2019

Introduced by Sens. KAPLAN, JACOBS -- read twice and ordered printed,
and when printed to be committed to the Committee on Commerce, Econom-
ic Development and Small Business

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 Assem-
bly, do enact as follows:

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

3 § 102-b. Small business regulatory nexus. 1. Each agency with a
4 substantial regulatory impact on small businesses shall establish and
5 maintain a section on its website to be designated the "small business
6 regulatory nexus" of such agency. An agency shall be deemed to have a
7 substantial regulatory impact on small businesses if it: (a) has posted
8 two or more small business regulation guides pursuant to section one
9 hundred two-a of this article; (b) has issued five or more regulatory
10 flexibility analyses in the past three calendar years; or (c) has been
11 established after the effective date of this section and has issued a
12 regulatory flexibility analysis, provided that the small business regu-
13 latory nexus shall be established within one hundred twenty days after
14 the date on which such initial regulatory flexibility analysis is
15 published in the state register. An agency that has issued regulatory
16 flexibility analyses solely to address adverse impacts or compliance
17 requirements on local governments shall designate such section of its
18 website as a "local government regulatory nexus".

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

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

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

LBD01557-01-9

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

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

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

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

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

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

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

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

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