STATE OF NEW YORK

28

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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 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".

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

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

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

(ii) any regulation guides posted by the agency;

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

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

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

(vi) the plain language summary prepared by the agency pursuant to subdivision two of section three hundred one of this chapter for any adjudicatory proceedings applicable to small businesses or local governments, and any streamlined optional adjudicatory proceedings for small businesses adopted by the agency pursuant to section three hundred eight of this chapter;

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

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

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

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