

Key Regulatory Changes Affecting Small Businesses – July 1, 2009 through June 30, 2010

REGULATORY CHANGES IMPACTING SMALL BUSINESSES

[Economic Development Law §100(46)]

This year's annual report includes information regarding Governor Paterson's Executive Order No. 25 (August 6, 2009) Establishing a Regulatory Reform and Review Program. The Executive Order establishes a Regulatory Review Committee to work with designated agencies to identify regulations that impose unnecessary burdens on small businesses, are outdated or are otherwise in need of reform. Targeted agencies must conduct an internal review of their regulations as well as outreach to interested or affected parties to identify unsound or unduly burdensome or costly rules and paperwork that can be eliminated or reformed.

The Executive Order is being implemented in rounds. To date, three rounds have been initiated targeting significant rule making agencies that impact small businesses. The agencies designated to participate in the Program include: Round 1 – The Departments of Agriculture and Markets, Environmental Conservation, Health, Labor, State, and Taxation and Finance; Round 2 – The Departments of Motor Vehicles and Transportation, Banking Department, Insurance Department, Empire State Development Corporation, and the Office of General Services; Round 3 – The Adirondack Park Agency, Office of Children and Family Services, Higher Education Services Corporation, Athletic Commission, Division of Human Rights, and Office of Parks Recreation and Historic Preservation.

These agencies are at various stages in the process of conducting internal reviews of and receiving public comment on their regulations, and developing regulatory proposals necessary to implement the Executive Order's goals to eliminate unnecessary rules and reform regulatory provisions to ease the burdens on conducting business in the State.

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In addition to the Executive Order No. 25 initiative, key regulations affecting small businesses include:

Agency: **Department of Economic Development**

Title/Section(s): Minority- and Women-Owned Business Enterprise Program

State Register I.D. No: EDV-28-09-00013-1

<http://www.dos.state.ny.us/info/register/2009/sep23/pdfs/rules.pdf>

{ Scroll to page 1 }

Effective Date: September 23, 2009

Summary: The rule enables federally certified minority- and women-owned businesses to obtain New York State certification without having to undertake a separate duplicative State certification application process

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Agency: **Department of Labor**

Title/Section(s): Ski Tows and other Passenger Tramways

State Register I.D. No: LAB-46-09-00003-A
<http://www.dos.state.ny.us/info/register/2010/may5/pdfs/rules.pdf>
{ Scroll to page 25 }

Effective Date: May 5, 2010

Summary: The ski tow safety requirements were amended at the request of the alpine ski industry. The changes make the New York State ski tow requirements more consistent with recognized standards developed by the American National Standards Institute.

Agency Contact: Nancy Pepe, New York State Department of Labor, Building 12, State Office Campus, Room 509, Albany, New York 12240, (518) 457-0288

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Agency: **Insurance Department**

Title/Section(s): Conduct, Trustworthiness, and Competence of Insurance Producers, Especially Relating to Compensation Arrangements with Insurers

Effective Date: February 10, 2010

State Register I.D. No: INS-48-09-00002
<http://www.dos.state.ny.us/info/register/2010/feb10/pdfs/rules.pdf>
{ Scroll to page 10 }

Summary: The rule requires licensed insurance producers to disclose to consumers certain information about their business and compensation arrangements with insurers for selling a particular insurance product or products.

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Several rules were adopted as part of a grant program funded by the American Recovery and Reinvestment Act (ARRA) designed to promote water conservation, energy efficiency, green infrastructure and other green innovation projects. Governor Paterson stated in a press release (April 13, 2009), “The new Green Innovation Grant Program will provide at least \$38 million for local projects.”

The rules include the following:

Agency: **Environmental Facilities Corporation**
Department of Environmental Conservation

Title/Section(s): Clean Water State Revolving Fund

State Register I.D. No: EFC-43-09-00003
ENV-43-09-00002

<http://www.dos.state.ny.us/info/register/2009/dec30/pdfs/rules.pdf>

{ Scroll to page 11 }

Effective Date: December 30, 2009

Summary: This program is co-administered by the Environmental Facilities Corporation and the Department of Environmental Conservation. The rules amend the NYS Clean Water State Revolving Fund (CWSRF) to meet federal American Recovery and Reinvestment Act (ARRA) requirements and to obtain ARRA funds. The CWSRF provides low cost financial assistance to eligible projects for the planning, design, and construction of water pollution control facilities and wastewater treatment plants.

Agency Contact:

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Agency: **Environmental Facilities Corporation**
Department of Health

Title/Section(s): Drinking Water State Revolving Fund

State Register I.D. No: EFC-39-09-00002

<http://www.dos.state.ny.us/info/register/2009/dec30/pdfs/rules.pdf>
{ Scroll to page 11 }

HLT-37-09-00005

<http://www.dos.state.ny.us/info/register/2009/dec2/pdfs/rules.pdf>
{ Scroll to page 13 }

Effective Date: December 30, 2009

Summary: The Drinking Water State Revolving Fund provides financing for municipally and privately owned drinking water systems infrastructure improvement projects. The Department of Health oversees the technical review of the proposed projects and develops a “Readiness List,” while the Environmental Facilities Corporation administers the financial aspects of the Fund.

Agency Contact:

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