



NEW YORK STATE SENATOR

Chris Jacobs

Jacobs Files Small Business Negotiated Rule Making Bill

PAUL PFEIFFER February 24, 2017

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(Albany, NY) – New York State Senator Chris Jacobs (60th SD), Chair of the State Senate’s Administrative Regulations Review Commission (ARRC), announced today a bill he introduced (S4590) that for the first time in New York State would provide for the use of negotiated rule making in the development of state agency rules and regulations.

“Negotiated rule making has been used very successfully by federal and state governments to narrow disagreements between rule making and enforcement agencies and the parties affected by their actions,” Senator Jacobs said. “When implemented effectively it can shorten the rule making process, reduce the likelihood of costly litigation and improve the terms and outcomes associated with new regulations,” the Senator added.

Known as the “Small Business Negotiated Rule Making Act of 2017”, Jacobs’ legislation establishes a framework to select appropriate subjects for negotiated rule making while establishing the process and standards by which a state agency would determine the need for negotiated rule making of a specific rule. Once that’s determined, the bill also provides for the formation of the rule making committee, ensuring inclusiveness and appropriate representation of interested and affected parties.

“The practical influence this bill will have is to create more opportunities to bring small businesses and regulated constituencies together with state agencies, face to face, to negotiate terms, iron out differences and develop as broad a consensus as possible when making rules and regulations that impact their competitiveness and viability,” said Senator Jacobs.

Currently, small businesses and other regulated entities have no means to negotiate with state agencies concerning the outcomes of a regulatory proposal. The existing methods of public hearings and soliciting comments don’t fully capture public sentiments, or adequately consider businesses concerns on the potentially negative impact of the new rule.

“Better sharing of information, knowledge and expertise in a cooperative setting is more than good law, it’s also common sense,” said Senator Jacobs. “I see the establishment of negotiated rule making as a reform measure that can enhance economic development and open the door to discovering new and better ways of doing business and establishing rules that will benefit companies in Western New York and across New York State,” Jacobs concluded.