

STATE OF NEW YORK

6800--A

2019-2020 Regular Sessions

IN SENATE

October 23, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state administrative procedure act and the economic development law, in relation to requiring the division for small-business to publish a small business compliance guide

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

- 1 Section 1. Subdivisions 1 and 2 of section 202-e of the state adminis-
2 trative procedure act, subdivision 1 as amended by chapter 253 of the
3 laws of 2005 and subdivision 2 as added by chapter 730 of the laws of
4 2004, are amended to read as follows:
- 5 1. Not less than once each year, every agency shall submit to the
6 secretary of state for publication in the state register a list of all
7 guidance documents on which the agency currently relies, and provide
8 information on where and how regulated parties and members of the public
9 may inspect and obtain copies of any such document; provided, however,
10 that the department of environmental conservation shall be exempt from
11 the requirements of this subdivision. Guidance published according to
12 section one hundred thirty-eight-a of the economic development law shall
13 be published in the state register. Unless otherwise provided for by
14 law, an agency may make such documents available as provided in the
15 freedom of information law, and may charge fees pursuant to such law for
16 copies of any such document.
- 17 2. The secretary of state may exempt an agency from compliance with
18 the requirements of subdivision one of this section upon a determination
19 that the agency has published on its website the full text of all guid-
20 ance documents on which it currently relies except for guidance docu-
21 ments published according to section one hundred thirty-eight-a of the

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

LBD13976-02-9

1 economic development law. The secretary of state shall publish a notice
2 of such determination identifying the website in the state register.

3 § 2. The economic development law is amended by adding a new section
4 138-a to read as follows:

5 § 138-a. Small business compliance guide. 1. The division for small-
6 business shall compile and publish a small business compliance guide by
7 January thirty-first each year in consultation with any other relevant
8 state agency, department, office, division, board, bureau, commission or
9 authority. Such guide shall inform small business owners and operators
10 of statutory and regulatory changes that have taken effect within the
11 previous calendar year. Such guide shall include but not be limited to
12 information regarding permits, licenses, taxes, insurance, workplace
13 safety, workers' compensation, wages, hours, and benefits. Such guide
14 shall describe any statutory and regulatory changes in plain and common-
15 ly understood terms and shall aid the reader in understanding the statu-
16 tory and regulatory changes and shall limit the use of technical terms
17 whenever possible. Such guide shall also include appropriate contact
18 information for relevant state agencies.

19 2. The commissioner shall publish such small business compliance guide
20 on the division for small-business's website. The division for small-bu-
21 siness shall annually engage in a public awareness campaign. Such public
22 awareness campaign may utilize public forums, social media and mass
23 media, including but not limited to internet, radio, and print advertis-
24 ing and shall include materials and information on the division for
25 small-business's website. The division for small-business shall coordi-
26 nate with relevant statewide and regional business advocacy organiza-
27 tions. The campaign shall be tailored to educate small business owners
28 and operators regarding the availability of the small business compli-
29 ance guide and resources available to assist small businesses and opera-
30 tors with complying with statutory and regulatory changes.

31 § 3. This act shall take effect immediately.