STATE OF NEW YORK

6800

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

AN ACT to amend the state administrative procedure act and the executive law, in relation to requiring the secretary of state to publish a small business compliance guide

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

Section 1. Subdivisions 1 and 2 of section 202-e of the state administrative procedure act, subdivision 1 as amended by chapter 253 of the laws of 2005 and subdivision 2 as added by chapter 730 of the laws of 2004, are amended to read as follows:

1. Not less than once each year, every agency shall submit to the secretary of state for publication in the state register a list of all guidance documents on which the agency currently relies, and provide information on where and how regulated parties and members of the public may inspect and obtain copies of any such document; provided, however, that the department of environmental conservation shall be exempt from the requirements of this subdivision. **Guidance published according to section one hundred two-a of the executive law shall be published in the state register.** Unless otherwise provided for by law, an agency may make such documents available as provided in the freedom of information law, and may charge fees pursuant to such law for copies of any such document.

2. The secretary of state may exempt an agency from compliance with the requirements of subdivision one of this section upon a determination that the agency has published on its website the full text of all guidance documents on which it currently relies **except for guidance documents published according to section one hundred two-a of the executive law**. The secretary of state shall publish a notice of such determination identifying the website in the state register.

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

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§ 2. The executive law is amended by adding a new section 102-a to read as follows:

§ 102-a. Small business compliance guide. 1. The secretary of state shall compile and publish a small business compliance guide by January thirty-first each year in consultation with the division of small business at the empire state development corporation and any other relevant state agency, department, office, division, board, bureau, commission or authority. Such guide shall inform small business owners and operators of statutory and regulatory changes that have taken effect within the previous calendar year. Such guide shall include but not be limited to information regarding permits, licenses, taxes, insurance, workplace safety, workers' compensation, wages, hours, and benefits. Such guide shall describe any statutory and regulatory changes in plain and commonly understood terms and shall aid the reader in understanding the statutory and regulatory changes and shall limit the use of technical terms whenever possible. Such guide shall also include appropriate contact information for relevant state agencies.

2. The secretary of state shall publish such small business compliance guide on the department of state's website. The secretary of state shall annually engage in a public awareness campaign. Such public awareness campaign may utilize public forums, social media and mass media, including but not limited to internet, radio, and print advertising and shall include materials and information on the department of state's website. The secretary of state shall coordinate with relevant statewide and regional business advocacy organizations. The campaign shall be tailored to educate small business owners and operators regarding the availability of the small business compliance guide and resources available to assist small businesses and operators with complying with statutory and regulatory changes.

§ 3. This act shall take effect one year after it shall have become a law.