

# 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:

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 two-a of the executive law shall be published in the  
13 state register. Unless otherwise provided for by law, an agency may make  
14 such documents available as provided in the freedom of information law,  
15 and may charge fees pursuant to such law for copies of any such docu-  
16 ment.

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 two-a of the executive  
22 law. The secretary of state shall publish a notice of such determi-  
23 nation identifying the website in the state register.

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

LBD13976-01-9

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

3 § 102-a. Small business compliance guide. 1. The secretary of state  
4 shall compile and publish a small business compliance guide by January  
5 thirty-first each year in consultation with the division of small busi-  
6 ness at the empire state development corporation and any other relevant  
7 state agency, department, office, division, board, bureau, commission or  
8 authority. Such guide shall inform small business owners and operators  
9 of statutory and regulatory changes that have taken effect within the  
10 previous calendar year. Such guide shall include but not be limited to  
11 information regarding permits, licenses, taxes, insurance, workplace  
12 safety, workers' compensation, wages, hours, and benefits. Such guide  
13 shall describe any statutory and regulatory changes in plain and common-  
14 ly understood terms and shall aid the reader in understanding the statu-  
15 tory and regulatory changes and shall limit the use of technical terms  
16 whenever possible. Such guide shall also include appropriate contact  
17 information for relevant state agencies.

18 2. The secretary of state shall publish such small business compliance  
19 guide on the department of state's website. The secretary of state shall  
20 annually engage in a public awareness campaign. Such public awareness  
21 campaign may utilize public forums, social media and mass media, includ-  
22 ing but not limited to internet, radio, and print advertising and shall  
23 include materials and information on the department of state's website.  
24 The secretary of state shall coordinate with relevant statewide and  
25 regional business advocacy organizations. The campaign shall be tailored  
26 to educate small business owners and operators regarding the availabili-  
27 ty of the small business compliance guide and resources available to  
28 assist small businesses and operators with complying with statutory and  
29 regulatory changes.

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