

# STATE OF NEW YORK

2364

2023-2024 Regular Sessions

## IN ASSEMBLY

January 25, 2023

Introduced by M. of A. STIRPE, OTIS -- read once and referred to the  
Committee on Small Business

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

The People of the State of New York, represented in Senate and Assem-  
bly, 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  
22 economic development law. The secretary of state shall publish a notice  
23 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.

LBD00369-01-3

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

3 § 138-a. Small business compliance guide. 1. The division for small-  
4 business shall compile and publish a small business compliance guide by  
5 January thirty-first each year in consultation with any other relevant  
6 state agency, department, office, division, board, bureau, commission or  
7 authority. Such guide shall inform small business owners and operators  
8 of statutory and regulatory changes that have taken effect within the  
9 previous calendar year. Such guide shall include but not be limited to  
10 information regarding permits, licenses, taxes, insurance, workplace  
11 safety, workers' compensation, wages, hours, and benefits. Such guide  
12 shall describe any statutory and regulatory changes in plain and common-  
13 ly understood terms and shall aid the reader in understanding the statu-  
14 tory and regulatory changes and shall limit the use of technical terms  
15 whenever possible. Such guide shall also include appropriate contact  
16 information for relevant state agencies.

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

29 § 3. This act shall take effect immediately.