



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Majority Coalition Announces Major Initiative to Eliminate State Regulations That Cost Money and Jobs

DEAN G. SKELOS June 10, 2013



Senate Republican Conference Leader Dean Skelos and Independent Democratic Conference Leader Jeff Klein today announced that the Senate Majority Coalition will begin an unprecedented initiative to identify and eliminate thousands of costly and unnecessary government regulations that strangle business and job growth and drive up municipal and school property taxes.

“The state’s byzantine rule-making process can tie up businesses in expensive red tape that discourages job creation almost as much as high taxes,” Senator Skelos said. “The impact on local property taxes is just as bad. The Senate Majority Coalition wants to get rid of needless rules, make the regulatory process more accountable, and lessen the burden on taxpayers.”

“Over the past three years, state agencies have proposed almost 800 new rules and regulations, with nearly 95 percent of them ultimately becoming law,” Senator Klein said. “On average, small businesses in New York get buried under more than a hundred new rules and regulations each year. If we really want to make New York more business friendly, that needs to change.”

In addition to high taxes, the burden of regulations and red tape hurts New York’s business climate. This Senate Majority Coalition regulatory reform initiative will make New York more economically competitive and help businesses create new jobs by eliminating needless and costly regulations that limit economic growth. Fourteen bills will be acted on next week, including legislation that would:

- > Establish a task force to conduct a complete review of the State Administrative Procedure Act (SAPA) and regulatory review process;
- > Eliminate 1,000 burdensome regulations on businesses;
- > Give the Senate’s Administrative Regulations and Review Commission more oversight authority in the rulemaking process to ensure state agencies do not overstep their authority in implementing rules and regulations;
- > Stop unfunded state mandates on local governments and school districts; and
- > Require state agencies to provide more information on the costs and benefits of new rules.

In addition to the reform legislation, the Senate Majority Coalition, led by Senators Patrick Gallivan (R-C-I, Elma), David Valesky (D-Oneida), David Carlucci (D, Rockland/Westchester), and Kathleen Marchione (R-C, Halfmoon), will conduct industry-specific public hearings across the state to listen to businesses and local officials to learn which rules, regulations and mandates are the most useless, most costly, and should be eliminated.

Senator Valesky, Chair of the Senate Committee on Commerce, Economic Development and Small Business, said: "Part of our commitment to creating a more business friendly environment includes easing or eliminating the complicated, unnecessary regulations and mandates that are strangling businesses. This package is a good first step, and I’m looking forward to listening to businesses in the coming months in the hope of developing a long-

term solution."

Senator Gallivan, Deputy Republican Conference Leader for Economic Development, said: "It's no secret that the biggest challenge facing New York's families and businesses is the State's still recovering economy, particularly upstate. This is the result of a myriad of problems, first among them being the state's suffocating regulatory environment. Regulations in New York are tantamount to death by a thousand cuts for small businesses and large employers alike. I am proud to join with my colleagues from both sides of the aisle to eliminate needless red tape and foster an economic environment where existing business can grow and new ones want to locate."

Senator Carlucci said: "These bipartisan, pro-growth initiatives offer regulatory relief that taxpayers and business owners have been craving for years. For too long, state agencies have been given a blank check to implement unnecessary rules on the backs of our local governments and businesses, driving up overhead costs and saddling taxpayers with increasingly high bills. Enough is enough. I stand ready to work together with my Senate colleagues to pass immediate mandate relief that will protect taxpayers, create jobs, and reduce burdensome mandates."

Senator Marchione, Co-Chair of the Administrative Regulations Review Commission (ARRC), said: "New York is tangled up in approximately 12 miles of state rules, regulations and red tape – almost enough to stretch from Albany to Halfmoon – that stifles innovation, hurts our economic competitiveness, and sends a message that the Empire State isn't open for business. There is no arguing the fact that our state is over-regulated, urgently needs regulatory reform and far greater oversight of unaccountable State Agencies that produce hundreds of new rules and regulations annually. I am proud to be part of this unprecedented effort to rein in State Agency rule-making, get bad regulations off the books, and start cutting bureaucratic red tape that's strangling our private sector job creators, local

governments and taxpayers.”

The following bills are among those that have been introduced and will be acted on by the Senate next week:

(S5519, Senator Joseph Griffo R-C-I, Rome) Establishes an 11-member joint task force to perform a review and make recommendations relating to the necessity for each rule, regulation and public authority.

(S5161, Senator Marchione) Gives the Administrative Regulations Review Commission (ARRC) more oversight authority in the rulemaking process and would give ARRC the authority to bring suit against an agency for a regulation that is in violation of state law.

(S1294, Senator Griffo) Prohibits state mandates on local governments and school districts unless they are fully funded by the state.

(S5166, Senator Marchione) Directs the Governor to repeal at least 1,000 regulations that are burdensome on economic development and business. This measure was included in the Senate Republican’s “Blueprint for Jobs” economic development plan earlier this year.

(S3462, Senator James Seward, R-C-I, Oneonta) Proposes a constitutional amendment to allow the legislature to invalidate regulations that are not consistent with legislative intent or which are likely to have a substantial unanticipated fiscal impact on the state or local governments.

(S5657, Sponsored by Senators Gallivan, Marchione and Carlucci) Creates a 19-member joint task force to undertake a thorough review of the 142-page, State Administrative Procedure Act (SAPA) and regulatory review process now that the Governor’s Office of Regulatory Reform has been disbanded for over two years. This law, which sets out the process used by

state agencies to establish rules and regulations, was enacted in 1975 and since then there has been no comprehensive review of the law.

(S1564, Senator Kenneth LaValle, R-C-I, Port Jefferson) Requires the Regents to include certain information with respect to increased costs when altering or amending rules or regulations.

(S4302A, Senator Patty Ritchie, R-C, Heuvelton) Streamlines the license application and renewal process for supermarket chains and other food chain stores.

(S5536, Senator George Maziarz, R-C, Newfane) Provides new incentives to facilitate the extension of existing natural gas lines to under-served businesses and consumers to spur economic development and job creation.

(S5553, Senator David Valesky, D, Oneida) Require state agencies to provide expanded information on the costs and benefits associated with an agency proposal.

(S1784, Senator Carlucci) Amends SAPA to authorize a group of businesses that are regulated by a state agency or a representative of such businesses to petition a state agency for alternate methods of implementing a regulatory mandate that restricts the conducting or management of a business.

(S3246, Senator Carlucci) Facilitates electronic submission of documents by allowing state agencies to substitute affirmations for sworn oaths in permit applications.

(S3245, Senator Carlucci) Eliminates the requirement to provide free hard copies of the State Register to entities that opt to receive a free online version instead.

(S2160, Senator Valesky) Requires state agencies to actively solicit comments from those who may be adversely affected by a rule proposed by SAPA and seek opinions on the administrative and/or financial burdens it may place on a regulated entity.