



NEW YORK STATE SENATOR

Terrence Murphy

Cutting through the red tape: New bills sponsored by Senator Terrence Murphy will accelerate regulatory process

TERRENCE MURPHY November 16, 2016

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ALBANY, NY – In a year of record-breaking firsts on the baseball diamond and in the political ring, perhaps the most accomplished feat comes from Senator Terrence Murphy, who has chaptered the most regulatory reform bills in the last twenty years. As the Chairman of the Administrative Regulations Review Commission (ARRC), Senator Murphy understands that individuals, small businesses, local governments, and advocacy groups can benefit from advance notice of new rules and changes to existing rules. A new bill sponsored by Senator

Murphy (S7660-A), will amend the State Administrative Procedure Act (SAPA) and streamline the process for print and online publication of regulatory agendas by state agencies.

Advance notice of possible rule proposals helps the public in voicing their support or opposition to rule changes, as well as making suggestions for improvements to regulations. Additional notice of proposed rules also provides agencies with additional time to solicit and receive public comments.

Currently law requires several major regulatory agencies publish regulatory agendas twice per year, in the first regular issue of the State Register published in January and the last regular issue published in June. The new legislation allows an agency to do away with publication of a second regulatory agenda in June by maintaining a continuously updated regulatory agenda on its website. It also allows that a draft version of a potential rule can be made available.

“The current requirement of semi-annual publications doubles the workloads of agencies without providing a substantial benefit to the public,” said Senator Murphy. “The June agendas include a high percentage of repetitive information. Limiting the publication requirement to once per year makes it easier for agencies to focus on a single, comprehensive list of potential rules.”

“The Business Council of Westchester is in strong support of Senator Murphy’s bill to amend the State Administrative Procedures Act. This bill will make the complicated regularity agenda process more transparent for the business community,” said John Ravitz, Executive Vice President for the Westchester Business Council. “This bill is another example of how Senator Murphy is looking to make New York State more business friendly, by ensuring that businesses have any opportunity to make comments on regulatory issues affecting their industry.”

Erin Meagher, CEO & Executive Director for the Mahopac Chamber of Commerce added, “This bill will make sure the people of New York State’s businesses interests are protected and will provide additional information to the public about our regulatory agencies.”

The bill extends the current requirements under SAPA for certain New York State Agencies to provide regulatory agendas for publication online and in the New York State Register through 2020. Because regulatory agendas have been a great success for twelve state agencies, this legislation expands the list of organizations required to publish regulatory agendas to include three new agencies: the Office of Mental Health, the Office for People With Developmental Disabilities and the State Gaming Commission.

A second bill sponsored by Senator Murphy (S6729), amends the New York State Environmental Conservation Law (ECL) to require that the Department of Environmental Conservation (DEC) provides the public with at least forty-five days notice of public hearings related to the adoption of proposed rules. This piece of legislation seeks to apply the same period for public hearings to the DEC that has already been applied to every other New York State Agency.

The amended provisions include: any environmental standards, any code, rule or regulation concerning air pollution control, solid waste, resource recovery facilities, labeling or ingredients of detergents and other household cleansing products, and the storage and release to the environment of substances hazardous to public health, safety or the environment.

“Public participation is essential to administrative rulemaking in New York State, and this bill seeks to improve that participation in DEC’s administrative rulemaking process,” said Senator Murphy. “The DEC should comply with the same requirements for administrative rulemaking that other agencies are required to meet. This bill ensures that the public will be

given greater notice of DEC proposed regulations.”

“This is another great piece of legislation by Senator Terrence Murphy,” said Ms. Meagher.

“This bill aids in protecting our environment and providing the opportunity for the public’s input so we have a cleaner, greener and more transparent New York State.”