



NEW YORK STATE SENATOR

Kathleen A. Marchione

## Senator Marchione Named to Burger Style Commission to Eliminate Unnecessary Regulations

KATHLEEN A. MARCHIONE August 2, 2013

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Senator Marchione, Chairman of the Senate's Administrative Regulations Review Commission (ARRC), and members of the Senate Majority Coalition announced that they will begin an unprecedented initiative to identify and eliminate approximately a thousand costly and unnecessary government regulations that strangle business and job growth and drive up municipal and school property taxes.

In addition to high taxes, the burden of regulations and red tape hurts New York's business climate. The 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 were passed in the Senate, 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 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 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), Kathleen Marchione (R-C, Halfmoon), David Valesky (D-Oneida), and David Carlucci (D, Rockland/Westchester), 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.

The following bills are among those that have been introduced and have been passed by the Senate:

S5161, Senator Marchione, gives the Administrative Regulations Review Commission 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.

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.

S5519, Senator Griffo, 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.

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

S3462, Senator James Seward, proposes a constitutional amendment to allow the legislature to invalidate regulations that are not consistent with legislative intent or which are likely to have substantial unanticipated fiscal impact on state or local governments.

S5657, Senator 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 first enacted in 1975 and since then there has been no comprehensive review of the law.

S5164, Senator LaValle, requires the regents to include certain information with respect to increased costs when altering or amending rules or regulations.

S4302, Senator Ritchie, Streamlines the license application and renewal process for supermarket chains and other food chain stores.

S5536, Senator Maziarz, 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 Valesky, 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 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 under SAPA and to seek opinions on the administrative and/or financial burdens it may place on a regulated entity.

The Senate-backed regulatory reform package is supported by Unshackle Upstate, National Federation of Independent Business-New York, and the NYS Association of Counties.