



NEW YORK STATE SENATOR

David J. Valesky

## Senate Passes Valesky Legislation to Require State Agencies to Consider Impacts of New Rules on Businesses as Part of Larger Regulatory Relief Package

DAVID J. VALESKY May 14, 2014

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Albany, NY – Today, the New York State Senate passed legislation ([S.2158](#)) sponsored by Senator David J. Valesky (D-Oneida) that strengthens the State Administrative Procedure Act (SAPA) to require consideration of potential adverse impacts on existing and future jobs and employment opportunities in the rulemaking process for state agencies.

“Too often, businesses become aware of the adverse repercussions of a rule or regulation after the fact,” Senator Valesky said. “This legislation will provide an opportunity for business owners and state agencies to proactively consider the effect a new rule could have on existing or future jobs, and make any necessary changes accordingly.”

Currently, state agencies must file a Job Impact Statement (JIS) outlining the potential effects of a new rule on existing jobs. Senator Valesky’s legislation expands this provision to require consideration of future jobs and to make the JIS available to the public.

“There’s an economic risk to keeping business owners in the dark, especially small business owners, about the possible changes new rules will have on jobs,” Senator Valesky said. “This

legislation will shed some light on the process, and hopefully promote job retention and growth in the process.”

The legislation is part of a package passed in the Senate today which provides regulatory relief to businesses. Last year, the New York State Senate Majority Coalition held industry-specific public hearings across the state to listen to businesses and local officials and learn which rules, regulations, and mandates are the most useless, most costly, and should be eliminated. The coalition, led by Senators Valesky, Patrick Gallivan (R-C-I, Elma), David Carlucci (D, Rockland/Westchester), and Kathleen Marchione (R-C, Halfmoon), issued a comprehensive report in January that shed light on New York State’s notoriously dense regulatory structure and identified 2,219 specific rules, regulations and practices that put New York’s businesses at a competitive disadvantage.

The report confirmed that along with the need to deliver relief from high taxes, burdensome and unnecessary regulations continue to be a major obstacle when it comes to revitalizing New York's economy. The report recognizes the importance of the state’s regulatory structure, but noted that rules should not be arbitrary, the reporting should not be duplicative, and the requirements should be easily accessible by those who must comply.

In addition to Senator Valesky’s legislation, legislation passed today includes:

- **Bill S.5657B** sponsored by Senators Gallivan, Marchione, and Carlucci – establishes a task force to conduct a comprehensive review of the State Administrative Procedure Act (SAPA). The task force would examine and make recommendations concerning the state’s rulemaking process and whether SAPA ensures the establishment of consistent, uniform rules or whether the process results in rules and regulations that are overly and unnecessarily burdensome and costly.

- **Bill S.1784** sponsored by Senator Carlucci - reforms SAPA to allow regulated businesses to petition a state agency for approval to use an alternative method to comply with a rule instead of the standards prescribed in the rule. Under current law, only groups of local governments can petition a state agency to use an alternative method to implement a rule.