



NEW YORK STATE SENATOR

Terrence Murphy

Murphy passes bill to protect businesses from job-killing regulations

TERRENCE P. MURPHY June 16, 2015

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ALBANY, NY - The New York State Senate today passed legislation (S4319), sponsored by Senator Terrence Murphy, to protect businesses from over-zealous state regulations that could hurt the continued growth of the economy. The bill would require the state to conduct a more thorough examination of the impact proposed regulations may have on jobs and employment opportunities, Murphy noted.

"When I came to Albany I did so to give everyone the opportunity to succeed. New York continues to lag behind other states when it comes to job creation, and the passage of today's bill is a significant step in the right direction by having our state agencies evaluate how any future regulation or rule would impact job creation," Murphy said. "If we are serious about giving everyone an opportunity to succeed, we must hold accountable the detrimental overreach of government, which has only killed jobs and stifled economic growth."

The legislation seeks to ensure that the potential impacts of rules and regulations developed for businesses by state agencies are fully examined. Currently, the State Administrative Procedure Act (SAPA) only requires agencies to analyze whether a proposed rule will affect jobs and issue a job impact statement. This current approach does not fully consider many of the potentially critical factors that would negatively affect business performance or result in job losses, Murphy said.

The legislation passed today would improve the evaluations performed by the state when assessing the potential impact regulations may have on jobs and employment opportunities by requiring:

- The Commissioners of Labor and Economic Development to review any statement issued by a state agency that finds that a proposed regulation may have a substantial and adverse impact on jobs;
- Agencies to perform additional analysis if they are unable to determine the potential impact of a proposed regulation, and would prevent the state from enacting the regulation until they have performed more analysis;
- Agencies to make methodology, data, and resources available for public review; and Job impact reports to include whether or not a significant change in employment is necessary.

It would also include whether a new regulation will have an affect on average wage levels, hours, and/or duration of employment, as well as other factors that could represent a substantial adverse impact on workers' incomes and economic security. The Senate also passed a bill (S.5353A) sponsored by Senator Murphy that would promote mandate relief and flexibility for local governments by tailoring regulatory requirements to meet the specific needs and capabilities of municipalities. These improvements to the regulatory process would promote efficiency and save money for local governments.

In addition, Senator Murphy championed three additional bills yesterday through the Senate in an effort to ease the regulatory burden throughout New York. S.4034 provides the Administrative Regulations Review Commission, which Senator Murphy chairs, the ability to object to an agency rule that may be deemed unreasonable, arbitrary or otherwise beyond the authority delegated to the agency.

Murphy's other bills included extending the period of time for comment regarding a proposed rule in the state register from 45 days to 60 (S.5418). This will allow greater transparency and ensure businesses have proper time to voice concerns. Lastly, S.43238 would add a formal negotiated rule making to SAPA which would allow small business owners and other stakeholders being affected by a regulation to meet and build a consensus on possible terms of a proposed rule.

All four pieces of legislation have passed the Senate and have been sent to the Assembly for approval.