

2010-11 NEW YORK STATE EXECUTIVE BUDGET

**OFFICE OF TAXPAYER ACCOUNTABILITY
INTERAGENCY EFFICIENCIES
ARTICLE VII LEGISLATION**

MEMORANDUM IN SUPPORT

MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in
Accordance with Article VII of the Constitution

AN ACT to amend the executive law and the
state administrative procedure act, in relation
to requirements for permit applications; and to
amend the public officers law and the public
authorities law, in relation to meetings of public
bodies

Purpose:

This bill would remove unnecessary legal barriers to efficient operation by State agencies and public benefit corporations by: (1) allowing agencies to permit applications to be filed under penalty of perjury; (2) streamlining regulatory filings; (3) allowing various criminal information to be submitted electronically; and (4) permitting attendance at various agency and authority meetings to take place by telephone.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

In the face of the severe fiscal limitations that confront the State at present and in the years ahead, State agencies and public authorities must be able to operate efficiently, so as to limit costs and more effectively serve the public. Yet it is often the case that legislative mandates reflecting old technology or outdated procedures continue to constrain the State long after they have ceased to serve any useful function. This bill would lift some of those needless requirements to allow agencies to reduce costs and provide better service.

Section 1 of the bill would create a new Executive Law § 97-b to permit state agencies and public benefit corporations, by regulation, to allow for the filing of applications by affirmation under penalty of perjury, in lieu of an oath. This would extend across the board similar legislation that has been enacted for particular agencies, See Labor Law § 219-a (Department of Labor); Exec. Law. Since the application would not require notarization to meet this requirement, it would allow for electronic filing. Further, the affirmation requirement would not have any lesser deterrent value, since a false submission could still give rise to a prosecution for perjury. Agencies that wished to maintain oath requirements would be free to do so.

Sections 2 through 6 of the bill would amend State Administrative Procedure Act §§ 201 –a, 202, 202-a, 202-b and 202-bb to streamline the process for regulatory filings. In

particular, the bill would permit an agency to include within a regulatory impact statement the elements of a job impact analysis; allow an agency to combine various regulatory filings in a single document; include within a regulatory impact statement the elements of a regulatory flexibility analysis for small businesses and local governments; and include within a regulatory impact statement the elements of a rural area flexibility analysis.

Section 7 of the bill would amend Executive Law §837(7) by adding a provision that specifies that whenever any provision of law requires or permits the submission, transmission, forwarding, retention, return or destruction thereof, the terms “criminal record”, “criminal history record”, “fingerprints”, “fingerprint cards”, “photographs”, “palmprints”, “personal appearance data”, “handwriting samples”, and “descriptive data” shall mean and include digital or electronic images, impressions, representations or reproductions of such items.

Sections 8 and 9 of the bill would create a new Public Officers Law § 108-a and a new Public Authorities Law § 2829 to allow public meetings by designees of State agencies and board members of public authorities to take place by telephone, provided that such participation is permitted by a majority vote of the body at issue and all persons at the meeting are able to hear each other at the same time.

Budget Implications:

Enactment of this bill is necessary to implement the 2010-11 Executive Budget because it would facilitate efficient and cost-effective agency operation.

Effective Date:

This bill takes effect immediately.