



State of New York

Executive Chamber

No. 25

EXECUTIVE ORDER

ESTABLISHING A REGULATORY REVIEW AND REFORM PROGRAM

WHEREAS, a responsive and balanced regulatory system is vital to promote the State's economy and the welfare of its citizens;

WHEREAS, State rules must be targeted to accomplish this result without imposing unnecessary or excessive burdens on businesses, particularly small businesses, local governments, health care providers and other entities subject to State regulation, and the general public;

WHEREAS, outdated, inadvisable or unwise rules and paperwork requirements imposed on regulated entities place unnecessary costs and burdens and are inconsistent with the need to achieve widespread fiscal reform and government efficiencies;

WHEREAS, outdated, inadvisable or unwise rules and paperwork requirements imposed on local governments place unnecessary costs, burdens and inefficiencies, and are inconsistent with the ongoing effort to reduce local property tax burdens;

WHEREAS, the State Administrative Procedure Act, 1995 Executive Order No. 20 and 2009 Executive Order No. 17 contain salutary provisions to ensure that agencies consider the costs, benefits and burdens of their proposed and existing rules and paperwork on regulated parties and the general public;

WHEREAS, it is in the interest of all of New York's constituents that the State impose only those rules and paperwork determined to be necessary to protect the public health, safety and general welfare, unless necessary to comply with specific legal requirements;

WHEREAS, agencies therefore must review their existing rules and paperwork requirements on a regular basis to ensure that they are current, reflect available technologies, establish clear standards, avoid undue burdens and are as flexible as feasible;

WHEREAS, the Governor's Office of Regulatory Reform is vested by statute and executive order with duties of oversight of the State's regulatory process, including to require cost benefit and cost effectiveness analyses, risk assessments, peer reviews, and policy dialogues for proposed and existing rules; and

WHEREAS, the review of proposed rule makings by the Governor's Office of Regulatory Reform is part of an established process to apply cost benefit and cost effectiveness analysis, risk assessment, peer review and policy dialogues, as appropriate, to proposed rule makings of State agencies to ensure that they are proportionate, responsive and not overly burdensome:

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby order as follows:

1. A Regulatory Review and Reform Program (the "Review Program") is established to evaluate, reform, or repeal, where necessary, rules and paperwork requirements in order to reduce substantially unnecessary burdens, costs and inefficiencies and to improve the State's economy while maintaining appropriate protections for the public health, safety and welfare and the conduct of business. The Chair of the Review Committee shall be the Secretary to the Governor.
2. Definitions:
 - a. "Agency" shall have the same meaning as defined in State Administrative Procedure Act Section 102(1).
 - b. "Local government" shall mean county, city, town, village, school district or special district.
 - c. "Rule" shall have the same meaning as defined in State Administrative Procedure Act Section 102(2), which includes regulations.
 - d. "Paperwork" shall mean forms, instructions, applications, reports and procedures.
 - e. "Review Committee" shall mean the Secretary to the Governor, the Counsel to the Governor, the Director of State Operations, the Director of the Governor's Office of Regulatory Reform, and the Director of the Division of the Budget.
3. The Review Committee, in consultation with the heads of the participating agencies, shall coordinate and oversee the Review Program. Pursuant to this Order, and as requested by the Review Committee, State agencies designated from time to time as participating agencies shall conduct an internal review as well as outreach to interested parties and affected constituencies, to identify unsound or unduly burdensome or costly rules and paperwork that can be eliminated or reformed to accomplish the goals of this Order. In identifying such rules and paperwork, the participating agencies shall take into consideration informed comment about them and shall review them in light of the cost benefit principles stated in the guide on the website of the Governor's Office of Regulatory Reform, and the criteria contained in the State Administrative Procedure Act, 1995 Executive Order No. 20 and section 4 of 2009 Executive Order No. 17. Agencies also shall propose to the Counsel to the Governor any legislation that may be necessary or helpful to achieve reforms.
4. The Review Program shall review first the rules and paperwork requirements of the Departments of Agriculture and Markets, Environmental Conservation, Health, Labor, State, and Taxation and Finance, and the State Liquor Authority. Thereafter, at 180-day intervals or such other time period as determined by the Review Committee, the Review Committee shall designate additional participating agencies, the rules and paperwork requirements of which shall be examined pursuant to this Order. Such designations shall continue until the review of rules and paperwork of all state agencies has been completed.
5. Each agency designated to participate in the Review Program following such designation, shall issue a public invitation to comment, published in the State Register by mail to interested parties, and through other appropriate venues and media which shall invite comment on whether any of the agency's existing regulations are unnecessary, unbalanced, unwise, duplicative or unduly burdensome. The invitation shall be subject to the Review Committee's review and approval, and shall provide for a 60-day period during which such comments may be submitted.
6. Every designated agency, in conjunction with the Review Committee, shall assess and analyze the responses to the invitation for comment, along with criticism and comment received by the agency, or comment available from public sources, within the past three years about any of the agency's significant current rules and paperwork requirements. Each designated agency thereafter shall select those regulations (not less than two or more than ten in total) that have generated the most widespread or substantive criticism and opposition.
7. The agency, in conjunction with the Review Committee, shall decide upon such steps as may be helpful for further analysis, including solicitation of additional comment (including comments from supporters of the regulation at issue), statistical analyses, surveys, and comparisons with other states.
8. The agency shall analyze and report on such regulations, in a form designated by the Review Committee, and which shall be submitted by agencies to the Review Committee within 45 days after selection of regulations in accordance with paragraph 6. Such report shall include suggested changes, or reasons why the agency has declined to make changes requested in the public comment, and specific responses to the criticisms received. Upon receipt of the completed agency reports, the Review Committee may take such action as it deems appropriate, including requesting additional agency analysis or public input and directing the agency to alter, reappraise or repeal particular rules or paperwork requirements.
9. The Review Committee periodically shall submit progress reports to the Governor. It may designate a process for further retrospective regulatory review as it deems fit, consistent with the purposes of this order.

10. The Governor's Office of Regulatory Reform shall ensure agency compliance with the requirements of State Administrative Procedure Act §202-d, Regulatory Agenda, and §207, Review of Existing Rules, and that participating agencies conform their regulatory review and reform efforts pursuant to this Order with the requirements of such laws. Agencies shall send their Regulatory Agendas and §207 five-year rule review notices to the Governor's Office of Regulatory Reform prior to submitting them for publication in the New York State Register. Agencies shall designate on their websites a contact person from whom businesses can obtain assistance with regulatory compliance.

11. The Review Committee may request and shall receive from any department, division, board, bureau, commission or other agency of the State or from any public corporation such cooperation, assistance, services and data as it determines is reasonably necessary to carry out the purposes of this Order. The Review Committee shall coordinate efforts with all existing commissions, task forces and working groups to the extent the Review Committee deems necessary.

12. The purpose of the review process set forth in this order shall be to reduce the costs, burdens and inefficiencies of rules and paperwork requirements on all regulated entities and the general public, and to eliminate outdated, inadvisable or unwise rules and paperwork.



G I V E N under my hand and the Privy Seal of the
State in the City of Albany this sixth day
of August in the year two thousand nine.

BY THE GOVERNOR

/s/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor