

State of New York
Executive Chamber

No. _____

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 regulations must be targeted to accomplish this result without imposing unnecessary or excessive burdens on businesses, particularly small businesses, local governments, and the general public;

WHEREAS, the State Administrative Procedure Act and 1995 Executive Order No. 20 contain salutary provisions to ensure that agencies consider the effects 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 have only those rules and paperwork determined to be necessary to protect the public health, safety and general welfare;

WHEREAS, agencies therefore need to 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 is 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 and reform, where necessary, regulations, rules and paperwork requirements in order to reduce unnecessary burdens and to improve the State's economy while maintaining appropriate protections for the public health, safety and welfare and the conduct of business.
2. Definitions:
 - a. "Agency" shall have the same meaning as defined in State Administrative Procedure Act Section 102(1).
 - b. "Rule" shall have the same meaning as defined in State Administrative Procedure Act Section 102(2).
 - c. "Paperwork" shall mean forms, instructions, applications, reports and procedures.
 - d. "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 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 apply the cost benefit principles pursuant to the guide on the website of the Governor's Office of Regulatory Reform, and the criteria contained in the State Administrative Procedure Act and 1995 Executive Order No. 20. Agencies shall also propose to the Counsel to the Governor any legislation that may be necessary or helpful to achieve reforms.

The Regulatory Review and Reform Program shall first review the regulations and paperwork requirements of the Departments of Agriculture and Markets, Environmental Conservation, Health, Labor, State, Taxation and Finance, the State Liquor Authority and the Workers' Compensation Board. Thereafter, in 180 day intervals, the Review Committee shall periodically designate additional participating agencies the regulations, rules and paperwork requirements of which shall be examined pursuant to this Order. Such designation shall continue until the review of regulations, rules and paperwork of all state agencies has been completed.

4. Each agency participating in the Review Program shall prepare within 60 days of designation as a participating agency a complete, informative catalogue of its

significant regulations, rules and paperwork requirements and a schedule of the agency's plan for outreach and review. Such catalogue and schedule shall be submitted to the Review Committee in such manner as the Review Committee shall designate for its review and approval.

5. Progress reports and final reports shall be submitted by the participating agencies to the Review Committee in accordance with a schedule developed by the Review Committee in consultation with the participating agency. The reports shall summarize regulatory reform accomplishments, the results of any cost benefit analysis undertaken by the agency pursuant to this Order in evaluating its regulations and paperwork, identify any remaining statutory or regulatory changes necessary to achieve further reforms, and make recommendations for continuing the regulatory reform effort. The Review Committee shall periodically submit progress reports to the Governor.
6. In addition to and not in lieu of the requirements above, every agency shall assess and analyze criticism and comment, formal and informal, by members of the public, the business community and the media within the past five years about any of the agency's significant current rules and paperwork requirements. They shall identify and analyze those (not less than two or more than five in total) that have generated the most widespread or substantive criticism or opposition as being unnecessary, unbalanced, unwise, duplicative or burdensome. Each agency shall solicit and consider public comment during this process. The Review Committee shall designate the form of such analysis and report, which shall be submitted by agencies to the Review Committee within forty-five days thereafter. 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 withdraw particular rules or paperwork requirements.
7. The Governor's Office of Regulatory Reform shall insure 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 a contact person from whom businesses can obtain assistance with regulatory compliance.
8. 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.

Signed: David A. Paterson
Dated: August , 2008