S T A T E O F N E W Y O R K

7865

I N S E N A T E

May 18, 2010

Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the New York State Paperwork Reduction Act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new article 43 to read as follows:

ARTICLE 43

NEW YORK STATE PAPERWORK REDUCTION ACT

SECTION 925. DEFINITIONS.
926. AUTHORITY AND FUNCTIONS OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM.
927. ASSIGNMENT OF TASKS AND DEADLINES.
928. STATE AGENCY RESPONSIBILITIES.
929. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM; APPROVAL AND DELEGATION.
930. DETERMINATION OF NECESSITY FOR INFORMATION; HEARING.
931. DESIGNATION OF CENTRAL COLLECTION AGENCY.
932. COOPERATION OF AGENCIES IN MAKING INFORMATION AVAILABLE.
933. PUBLIC PROTECTION.
934. DIRECTOR REVIEW OF AGENCY ACTIVITIES; REPORTING; AGENCY RESPONSE.
935. RESPONSIVENESS TO THE LEGISLATURE.
936. ADMINISTRATIVE POWERS.
937. RULES AND REGULATIONS.
938. CONSULTATION WITH OTHER AGENCIES AND THE PUBLIC.

S 925. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE MEANING ASCRIBED TO THEM, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. THE TERMS "STATE AGENCY" OR "AGENCY" MEANS ANY DEPARTMENT, BUREAU, COMMISSION, BOARD, PUBLIC AUTHORITY OR OTHER AGENCY OF THE STATE,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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INCLUDING ANY PUBLIC BENEFIT CORPORATION ANY MEMBER OF WHICH IS APPOINTED BY THE GOVERNOR.

2. THE TERM "BURDEN" MEANS TIME, EFFORT, OR FINANCIAL RESOURCES EXPENDED BY PERSONS TO GENERATE, MAINTAIN, OR PROVIDE INFORMATION TO OR FOR A STATE AGENCY, INCLUDING THE RESOURCES EXPENDED FOR:

(A) REVIEWING INSTRUCTIONS;

(B) ACQUIRING, INSTALLING, AND UTILIZING TECHNOLOGY AND SYSTEMS;

(C) ADJUSTING THE EXISTING WAYS TO COMPLY WITH ANY PREVIOUSLY APPLICABLE INSTRUCTIONS AND REQUIREMENTS;

(D) SEARCHING DATA SOURCES;

(E) COMPLETING AND REVIEWING THE COLLECTION OF INFORMATION; AND

(F) TRANSMITTING, OR OTHERWISE DISCLOSING THE INFORMATION;

3. THE TERM "COLLECTION OF INFORMATION" MEANS THE OBTAINING, CAUSING TO BE OBTAINED, SOLICITING, OR REQUIRING THE DISCLOSURE TO THIRD PARTIES OR THE PUBLIC, OF FACTS OR OPINIONS BY OR FOR AN AGENCY, REGARDLESS OF FORM OR FORMAT, CALLING FOR EITHER:

(A) ANSWERS TO IDENTICAL QUESTIONS POSED TO, OR IDENTICAL REPORTING OR RECORDKEEPING REQUIREMENTS IMPOSED ON, TEN OR MORE PERSONS, OTHER THAN AGENCIES, INSTRUMENTALITIES, OR EMPLOYEES OF THE STATE; OR

(B) ANSWERS TO QUESTIONS POSED TO AGENCIES, INSTRUMENTALITIES, OR EMPLOYEES OF THE STATE WHICH ARE TO BE USED FOR GENERAL STATISTICAL PURPOSES;

4. THE TERM "INDEPENDENT REGULATORY AGENCY" MEANS ANY AGENCY DESIGNATED AS A STATE INDEPENDENT REGULATORY AGENCY OR COMMISSION;

5. THE TERM "INFORMATION RESOURCES" MEANS INFORMATION AND RELATED RESOURCES, SUCH AS PERSONNEL, EQUIPMENT, FUNDS, AND INFORMATION TECHNOLOGY;

6. THE TERM "INFORMATION RESOURCES MANAGEMENT" MEANS THE PROCESS OF MANAGING INFORMATION RESOURCES TO ACCOMPLISH AGENCY MISSIONS AND TO IMPROVE AGENCY PERFORMANCE, INCLUDING THROUGH THE REDUCTION OF INFORMATION COLLECTION BURDENS ON THE PUBLIC;

7. THE TERM "INFORMATION SYSTEM" MEANS A DISCRETE SET OF INFORMATION RESOURCES ORGANIZED FOR THE COLLECTION, PROCESSING, MAINTENANCE, USE, SHARING, DISSEMINATION, OR DISPOSITION OF INFORMATION;

8. THE TERM "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION, BUSINESS TRUST, OR LEGAL REPRESENTATIVE, AN ORGANIZED GROUP OF INDIVIDUALS, A TERRITORIAL, TRIBAL, OR LOCAL GOVERNMENT OR BRANCH THEREOF, OR A POLITICAL SUBDIVISION OF A TERRITORY, TRIBAL, OR LOCAL GOVERNMENT OR A BRANCH OF A POLITICAL SUBDIVISION;

9. THE TERM "PRACTICAL UTILITY" MEANS THE ABILITY OF AN AGENCY TO USE INFORMATION, PARTICULARLY THE CAPABILITY TO PROCESS SUCH INFORMATION IN A TIMELY AND USEFUL FASHION;

10. THE TERM "PUBLIC INFORMATION" MEANS ANY INFORMATION, REGARDLESS OF FORM OR FORMAT, THAT AN AGENCY DISCLOSES, DISSEMINATES, OR MAKES AVAILABLE TO THE PUBLIC;

11. THE TERM "RECORDKEEPING REQUIREMENT" MEANS A REQUIREMENT IMPOSED BY OR FOR AN AGENCY ON PERSONS TO MAINTAIN SPECIFIED RECORDS, INCLUDING A REQUIREMENT TO:

(A) RETAIN SUCH RECORDS;

(B) NOTIFY THIRD PARTIES, THE STATE GOVERNMENT, OR THE PUBLIC OF THE EXISTENCE OF SUCH RECORDS;

(C) DISCLOSE SUCH RECORDS TO THIRD PARTIES, THE STATE GOVERNMENT, OR THE PUBLIC; OR

(D) REPORT TO THIRD PARTIES, THE STATE GOVERNMENT, OR THE PUBLIC REGARDING SUCH RECORDS; AND

12. THE TERM "PENALTY" INCLUDES THE IMPOSITION BY AN AGENCY OR COURT OF A FINE OR OTHER PUNISHMENT; A JUDGMENT FOR MONETARY DAMAGES OR EQUITABLE RELIEF; OR THE REVOCATION, SUSPENSION, REDUCTION, OR DENIAL OF A LICENSE, PRIVILEGE, RIGHT, GRANT, OR BENEFIT.

S 926. AUTHORITY AND FUNCTIONS OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM.

1. (A) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL OVERSEE THE USE OF INFORMATION RESOURCES TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF GOVERNMENTAL OPERATIONS TO SERVE AGENCY MISSIONS, INCLUDING BURDEN REDUCTION AND SERVICE DELIVERY TO THE PUBLIC. IN PERFORMING SUCH OVERSIGHT, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(I) DEVELOP, COORDINATE AND OVERSEE THE IMPLEMENTATION OF STATE INFORMATION RESOURCES MANAGEMENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES; AND

(II) PROVIDE DIRECTION AND OVERSEE:

(A) THE REVIEW AND APPROVAL OF THE COLLECTION OF INFORMATION AND THE REDUCTION OF THE INFORMATION COLLECTION BURDEN;

(B) AGENCY DISSEMINATION OF AND PUBLIC ACCESS TO INFORMATION;

(C) STATISTICAL ACTIVITIES;

(D) RECORDS MANAGEMENT ACTIVITIES;

(E) PRIVACY, CONFIDENTIALITY, SECURITY, DISCLOSURE, AND SHARING OF INFORMATION; AND

(F) THE ACQUISITION AND USE OF INFORMATION TECHNOLOGY, INCLUDING ALTERNATIVE INFORMATION TECHNOLOGIES THAT PROVIDE FOR ELECTRONIC SUBMISSION, MAINTENANCE, OR DISCLOSURE OF INFORMATION AS A SUBSTITUTE FOR PAPER AND FOR THE USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(B) THE AUTHORITY OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM UNDER THIS ARTICLE SHALL BE EXERCISED CONSISTENT WITH APPLICABLE LAW.

2. WITH RESPECT TO GENERAL INFORMATION RESOURCES MANAGEMENT POLICY, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) DEVELOP AND OVERSEE THE IMPLEMENTATION OF UNIFORM INFORMATION RESOURCES MANAGEMENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES;

(B) FOSTER GREATER SHARING, DISSEMINATION, AND ACCESS TO PUBLIC INFORMATION, INCLUDING THROUGH THE DEVELOPMENT AND UTILIZATION OF COMMON STANDARDS FOR INFORMATION COLLECTION, STORAGE, PROCESSING AND COMMUNICATION, INCLUDING STANDARDS FOR SECURITY, INTERCONNECTIVITY AND INTEROPERABILITY;

(C) INITIATE AND REVIEW PROPOSALS FOR CHANGES IN LEGISLATION, REGULATIONS, AND AGENCY PROCEDURES TO IMPROVE INFORMATION RESOURCES MANAGEMENT PRACTICES;

(D) OVERSEE THE DEVELOPMENT AND IMPLEMENTATION OF BEST PRACTICES IN INFORMATION RESOURCES MANAGEMENT, INCLUDING TRAINING; AND

(E) OVERSEE AGENCY INTEGRATION OF PROGRAM AND MANAGEMENT FUNCTIONS WITH INFORMATION RESOURCES MANAGEMENT FUNCTIONS.

3. WITH RESPECT TO THE COLLECTION OF INFORMATION AND THE CONTROL OF PAPERWORK, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) REVIEW AND APPROVE PROPOSED AGENCY COLLECTIONS OF INFORMATION;

(B) MINIMIZE THE STATE INFORMATION COLLECTION BURDEN, WITH PARTICULAR EMPHASIS ON THOSE INDIVIDUALS AND ENTITIES MOST ADVERSELY AFFECTED;

(C) MAXIMIZE THE PRACTICAL UTILITY OF AND PUBLIC BENEFIT FROM INFORMATION COLLECTED BY OR FOR THE STATE GOVERNMENT; AND

(D) ESTABLISH AND OVERSEE STANDARDS AND GUIDELINES BY WHICH AGENCIES ARE TO ESTIMATE THE BURDEN TO COMPLY WITH A PROPOSED COLLECTION OF INFORMATION.

4. WITH RESPECT TO INFORMATION DISSEMINATION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL DEVELOP AND OVERSEE THE IMPLEMENTATION OF POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES TO:

(A) APPLY TO STATE AGENCY DISSEMINATION OF PUBLIC INFORMATION, REGARDLESS OF THE FORM OR FORMAT IN WHICH SUCH INFORMATION IS DISSEMINATED; AND

(B) PROMOTE PUBLIC ACCESS TO PUBLIC INFORMATION AND FULFILL THE PURPOSES OF THIS ARTICLE, INCLUDING THROUGH THE EFFECTIVE USE OF INFORMATION TECHNOLOGY.

5. WITH RESPECT TO STATISTICAL POLICY AND COORDINATION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) COORDINATE THE ACTIVITIES OF THE STATE STATISTICAL SYSTEM TO ENSURE:

(I) THE EFFICIENCY AND EFFECTIVENESS OF THE SYSTEM; AND

(II) THE INTEGRITY, OBJECTIVITY, IMPARTIALITY, UTILITY, AND CONFIDENTIALITY OF INFORMATION COLLECTED FOR STATISTICAL PURPOSES;

(B) ENSURE THAT BUDGET PROPOSALS OF AGENCIES ARE CONSISTENT WITH SYSTEM-WIDE PRIORITIES FOR MAINTAINING AND IMPROVING THE QUALITY OF STATE STATISTICS AND PREPARE AN ANNUAL REPORT ON STATISTICAL PROGRAM FUNDING;

(C) DEVELOP AND OVERSEE THE IMPLEMENTATION OF GOVERNMENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES CONCERNING:

(I) STATISTICAL COLLECTION PROCEDURES AND METHODS;

(II) STATISTICAL DATA CLASSIFICATION;

(III) STATISTICAL INFORMATION PRESENTATION AND DISSEMINATION;

(IV) TIMELY RELEASE OF STATISTICAL DATA; AND

(V) SUCH STATISTICAL DATA SOURCES AS MAY BE REQUIRED FOR THE ADMINISTRATION OF STATE PROGRAMS;

(D) EVALUATE STATISTICAL PROGRAM PERFORMANCE AND AGENCY COMPLIANCE WITH GOVERNMENT POLICIES, PRINCIPLES, STANDARDS AND GUIDELINES;

(E) PROMOTE THE SHARING OF INFORMATION COLLECTED FOR STATISTICAL PURPOSES CONSISTENT WITH PRIVACY RIGHTS AND CONFIDENTIALITY PLEDGES;

(F) PROVIDE OPPORTUNITIES FOR TRAINING IN STATISTICAL POLICY FUNCTIONS TO EMPLOYEES OF THE STATE GOVERNMENT UNDER WHICH:

(I) EACH TRAINEE SHALL BE SELECTED AT THE DISCRETION OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM BASED ON AGENCY REQUESTS; AND

(II) ALL COSTS OF THE TRAINING SHALL BE PAID BY THE AGENCY REQUESTING TRAINING.

6. WITH RESPECT TO RECORDS MANAGEMENT, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) REVIEW COMPLIANCE BY AGENCIES WITH THIS ARTICLE; AND

(B) OVERSEE THE APPLICATION OF RECORDS MANAGEMENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES, INCLUDING REQUIREMENTS FOR ARCHIVING INFORMATION MAINTAINED IN ELECTRONIC FORMAT, IN THE PLANNING AND DESIGN OF INFORMATION SYSTEMS.

7. WITH RESPECT TO PRIVACY AND SECURITY, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) DEVELOP AND OVERSEE THE IMPLEMENTATION OF POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES ON PRIVACY, CONFIDENTIALITY, SECURITY, DISCLOSURE AND SHARING OF INFORMATION COLLECTED OR MAINTAINED BY OR FOR AGENCIES; AND

(B) REQUIRE STATE AGENCIES, CONSISTENT WITH THE STANDARDS AND GUIDELINES PROMULGATED UNDER FEDERAL LAW, TO IDENTIFY AND AFFORD SECURITY PROTECTIONS COMMENSURATE WITH THE RISK AND MAGNITUDE OF THE HARM RESULTING FROM THE LOSS, MISUSE, OR UNAUTHORIZED ACCESS TO OR MODIFICATION OF INFORMATION COLLECTED OR MAINTAINED BY OR ON BEHALF OF AN AGENCY.

8. WITH RESPECT TO STATE INFORMATION TECHNOLOGY, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) DEVELOP AND OVERSEE THE IMPLEMENTATION OF POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES FOR INFORMATION TECHNOLOGY FUNCTIONS AND ACTIVITIES OF THE STATE GOVERNMENT, INCLUDING PERIODIC EVALUATIONS OF MAJOR INFORMATION SYSTEMS; AND

(B) ENSURE, THROUGH THE REVIEW OF AGENCY BUDGET PROPOSALS, INFORMATION RESOURCES MANAGEMENT PLANS AND OTHER MEANS:

(I) AGENCY INTEGRATION OF INFORMATION RESOURCES MANAGEMENT PLANS, PROGRAM PLANS AND BUDGETS FOR ACQUISITION AND USE OF INFORMATION TECHNOLOGY; AND

(II) THE EFFICIENCY AND EFFECTIVENESS OF INTER-AGENCY INFORMATION TECHNOLOGY INITIATIVES TO IMPROVE AGENCY PERFORMANCE AND THE ACCOMPLISHMENT OF AGENCY MISSIONS; AND

(E) PROMOTE THE USE OF INFORMATION TECHNOLOGY BY THE STATE GOVERNMENT TO IMPROVE THE PRODUCTIVITY, EFFICIENCY, AND EFFECTIVENESS OF STATE PROGRAMS, INCLUDING THROUGH DISSEMINATION OF PUBLIC INFORMATION AND THE REDUCTION OF INFORMATION COLLECTION BURDENS ON THE PUBLIC.

S 927. ASSIGNMENT OF TASKS AND DEADLINES. 1. IN CARRYING OUT THE FUNCTIONS UNDER THIS ARTICLE, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(A) IN CONSULTATION WITH AGENCY HEADS, SET AN ANNUAL GOAL FOR THE REDUCTION OF INFORMATION COLLECTION BURDENS BY THE STATE GOVERNMENT BY AT LEAST TEN PERCENT DURING EACH OF FISCAL YEARS TWO THOUSAND ELEVEN AND TWO THOUSAND TWELVE AND FIVE PERCENT DURING EACH OF FISCAL YEARS TWO THOUSAND THIRTEEN, TWO THOUSAND FOURTEEN, TWO THOUSAND FIFTEEN AND TWO THOUSAND SIXTEEN, AND SET ANNUAL AGENCY GOALS TO:

(I) REDUCE INFORMATION COLLECTION BURDENS IMPOSED ON THE PUBLIC THAT:

(A) REPRESENT THE MAXIMUM PRACTICABLE OPPORTUNITY IN EACH AGENCY; AND

(B) ARE CONSISTENT WITH IMPROVING AGENCY MANAGEMENT OF THE PROCESS FOR THE REVIEW OF COLLECTIONS OF INFORMATION ESTABLISHED UNDER SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE; AND

(II) IMPROVE INFORMATION RESOURCES MANAGEMENT IN WAYS THAT INCREASE THE PRODUCTIVITY, EFFICIENCY AND EFFECTIVENESS OF STATE PROGRAMS, INCLUDING SERVICE DELIVERY TO THE PUBLIC;

(B) WITH SELECTED AGENCIES AND NON-STATE ENTITIES ON A VOLUNTARY BASIS, CONDUCT PILOT PROJECTS TO TEST ALTERNATIVE POLICIES, PRACTICES, REGULATIONS, AND PROCEDURES TO FULFILL THE PURPOSES OF THIS ARTICLE, PARTICULARLY WITH REGARD TO MINIMIZING THE STATE INFORMATION COLLECTION BURDEN; AND

(C) DEVELOP AND MAINTAIN A STRATEGIC PLAN FOR INFORMATION RESOURCES MANAGEMENT, THAT SHALL INCLUDE:

(I) A DESCRIPTION OF THE OBJECTIVES AND THE MEANS BY WHICH THE STATE GOVERNMENT SHALL APPLY INFORMATION RESOURCES TO IMPROVE AGENCY AND PROGRAM PERFORMANCE;

(II) PLANS FOR:

(A) REDUCING INFORMATION BURDENS ON THE PUBLIC, INCLUDING REDUCING SUCH BURDENS THROUGH THE ELIMINATION OF DUPLICATION AND MEETING SHARED DATA NEEDS WITH SHARED RESOURCES;

(B) ENHANCING PUBLIC ACCESS TO AND DISSEMINATION OF, INFORMATION, USING ELECTRONIC AND OTHER FORMATS; AND

(C) MEETING THE INFORMATION TECHNOLOGY NEEDS OF THE STATE GOVERNMENT IN ACCORDANCE WITH THE PURPOSES OF THIS ARTICLE; AND

(III) A DESCRIPTION OF PROGRESS IN APPLYING INFORMATION RESOURCES MANAGEMENT TO IMPROVE AGENCY PERFORMANCE AND THE ACCOMPLISHMENT OF MISSIONS.

2. FOR PURPOSES OF ANY PILOT PROJECT CONDUCTED UNDER PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY, AFTER CONSULTATION WITH THE AGENCY HEAD, WAIVE THE APPLICATION OF ANY ADMINISTRATIVE DIRECTIVE ISSUED BY AN AGENCY WITH WHICH THE PROJECT IS CONDUCTED, INCLUDING ANY DIRECTIVE REQUIRING A COLLECTION OF INFORMATION, AFTER GIVING TIMELY NOTICE TO THE PUBLIC AND THE LEGISLATURE REGARDING THE NEED FOR SUCH WAIVER.

S 928. STATE AGENCY RESPONSIBILITIES. 1. (A) THE HEAD OF EACH AGENCY SHALL BE RESPONSIBLE FOR:

(I) CARRYING OUT THE AGENCY'S INFORMATION RESOURCES MANAGEMENT ACTIVITIES TO IMPROVE AGENCY PRODUCTIVITY, EFFICIENCY, AND EFFECTIVENESS; AND

(II) COMPLYING WITH THE REQUIREMENTS OF THIS ARTICLE AND RELATED POLICIES ESTABLISHED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM.

(B) THE HEAD OF EACH AGENCY SHALL DESIGNATE A CHIEF INFORMATION OFFICER WHO SHALL REPORT DIRECTLY TO SUCH AGENCY HEAD TO CARRY OUT THE RESPONSIBILITIES OF THE AGENCY UNDER THIS ARTICLE.

(C) THE CHIEF INFORMATION OFFICER DESIGNATED UNDER PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE RESPONSIBLE FOR ENSURING AGENCY COMPLIANCE WITH AND PROMPT, EFFICIENT, AND EFFECTIVE IMPLEMENTATION OF THE INFORMATION POLICIES AND INFORMATION RESOURCES MANAGEMENT RESPONSIBILITIES ESTABLISHED UNDER THIS ARTICLE, INCLUDING THE REDUCTION OF INFORMATION COLLECTION BURDENS ON THE PUBLIC. THE CHIEF INFORMATION OFFICER SHALL BE SELECTED WITH SPECIAL ATTENTION TO THE PROFESSIONAL QUALIFICATIONS REQUIRED TO ADMINISTER THE FUNCTIONS DESCRIBED UNDER THIS ARTICLE.

(D) EACH AGENCY PROGRAM OFFICIAL SHALL BE RESPONSIBLE AND ACCOUNTABLE FOR INFORMATION RESOURCES ASSIGNED TO AND SUPPORTING THE PROGRAMS UNDER SUCH OFFICIAL. IN CONSULTATION WITH THE CHIEF INFORMATION OFFICER DESIGNATED UNDER PARAGRAPH (B) OF THIS SUBDIVISION AND THE AGENCY CHIEF FINANCIAL OFFICER, OR COMPARABLE OFFICIAL, EACH AGENCY PROGRAM OFFICIAL SHALL DEFINE PROGRAM INFORMATION NEEDS AND DEVELOP STRATEGIES, SYSTEMS, AND CAPABILITIES TO MEET THOSE NEEDS.

2. WITH RESPECT TO GENERAL INFORMATION RESOURCES MANAGEMENT, EACH AGENCY SHALL:

(A) MANAGE INFORMATION RESOURCES TO:

(I) REDUCE INFORMATION COLLECTION BURDENS ON THE PUBLIC;

(II) INCREASE PROGRAM EFFICIENCY AND EFFECTIVENESS; AND

(III) IMPROVE THE INTEGRITY, QUALITY, AND UTILITY OF INFORMATION TO ALL USERS WITHIN AND OUTSIDE THE AGENCY, INCLUDING CAPABILITIES FOR ENSURING DISSEMINATION OF PUBLIC INFORMATION, PUBLIC ACCESS TO GOVERNMENT INFORMATION, AND PROTECTIONS FOR PRIVACY AND SECURITY;

(B) IN ACCORDANCE WITH GUIDANCE BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM, DEVELOP AND MAINTAIN A STRATEGIC INFORMATION RESOURCES MANAGEMENT PLAN THAT SHALL DESCRIBE HOW INFORMATION RESOURCES MANAGEMENT ACTIVITIES HELP ACCOMPLISH AGENCY MISSIONS;

(C) DEVELOP AND MAINTAIN AN ONGOING PROCESS TO:

(I) ENSURE THAT INFORMATION RESOURCES MANAGEMENT OPERATIONS AND DECISIONS ARE INTEGRATED WITH ORGANIZATIONAL PLANNING, BUDGET, FINANCIAL MANAGEMENT, HUMAN RESOURCES MANAGEMENT, AND PROGRAM DECISIONS;

(II) IN COOPERATION WITH THE AGENCY CHIEF FINANCIAL OFFICER, OR COMPARABLE OFFICIAL, DEVELOP A FULL AND ACCURATE ACCOUNTING OF INFORMATION TECHNOLOGY EXPENDITURES, RELATED EXPENSES, AND RESULTS; AND

(III) ESTABLISH GOALS FOR IMPROVING INFORMATION RESOURCES MANAGEMENT'S CONTRIBUTION TO PROGRAM PRODUCTIVITY, EFFICIENCY, AND EFFECTIVENESS, METHODS FOR MEASURING PROGRESS TOWARDS THOSE GOALS, AND CLEAR ROLES AND RESPONSIBILITIES FOR ACHIEVING THOSE GOALS;

(D) IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF REGULATORY REFORM, MAINTAIN A CURRENT AND COMPLETE INVENTORY OF THE AGENCY'S INFORMATION RESOURCES; AND

(E) IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF REGULATORY REFORM, CONDUCT FORMAL TRAINING PROGRAMS TO EDUCATE AGENCY PROGRAM AND MANAGEMENT OFFICIALS ABOUT INFORMATION RESOURCES MANAGEMENT.

3. WITH RESPECT TO THE COLLECTION OF INFORMATION AND THE CONTROL OF PAPERWORK, EACH AGENCY SHALL:

(A) ESTABLISH A PROCESS WITHIN THE OFFICE HEADED BY THE CHIEF INFORMATION OFFICER DESIGNATED UNDER SUBDIVISION ONE OF THIS SECTION, THAT IS SUFFICIENTLY INDEPENDENT OF PROGRAM RESPONSIBILITY TO EVALUATE FAIRLY WHETHER PROPOSED COLLECTIONS OF INFORMATION SHOULD BE APPROVED UNDER THIS ARTICLE, TO:

(I) REVIEW EACH COLLECTION OF INFORMATION BEFORE SUBMISSION TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM FOR REVIEW UNDER THIS ARTICLE, INCLUDING:

(A) AN EVALUATION OF THE NEED FOR THE COLLECTION OF INFORMATION;

(B) A FUNCTIONAL DESCRIPTION OF THE INFORMATION TO BE COLLECTED;

(C) A PLAN FOR THE COLLECTION OF THE INFORMATION;

(D) A SPECIFIC, OBJECTIVELY SUPPORTED ESTIMATE OF BURDEN;

(E) A TEST OF THE COLLECTION OF INFORMATION THROUGH A PILOT PROGRAM, IF APPROPRIATE; AND

(F) A PLAN FOR THE EFFICIENT AND EFFECTIVE MANAGEMENT AND USE OF THE INFORMATION TO BE COLLECTED, INCLUDING NECESSARY RESOURCES;

(II) ENSURE THAT EACH INFORMATION COLLECTION:

(A) IS INVENTORIED, DISPLAYS A CONTROL NUMBER AND, IF APPROPRIATE, AN EXPIRATION DATE;

(B) INDICATES THE COLLECTION IS IN ACCORDANCE WITH THE CLEARANCE REQUIREMENTS OF SECTION NINE HUNDRED TWENTY-NINE OF THIS ARTICLE; AND

(C) INFORMS THE PERSON RECEIVING THE COLLECTION OF INFORMATION OF:

(I) THE REASONS THE INFORMATION IS BEING COLLECTED;

(II) THE WAY SUCH INFORMATION IS TO BE USED;

(III) AN ESTIMATE, TO THE EXTENT PRACTICABLE, OF THE BURDEN OF THE COLLECTION;

(IV) WHETHER RESPONSES TO THE COLLECTION OF INFORMATION ARE VOLUNTARY, REQUIRED TO OBTAIN A BENEFIT, OR MANDATORY; AND

(V) THE FACT THAT AN AGENCY MAY NOT CONDUCT OR SPONSOR, AND A PERSON IS NOT REQUIRED TO RESPOND TO, A COLLECTION OF INFORMATION UNLESS IT DISPLAYS A VALID CONTROL NUMBER; AND

(III) ASSESS THE INFORMATION COLLECTION BURDEN OF PROPOSED LEGISLATION AFFECTING THE AGENCY;

(B)(I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH OR SUBDIVISION TEN OF SECTION NINE HUNDRED TWENTY-NINE OF THIS ARTICLE, PROVIDE SIXTY-DAY NOTICE IN THE STATE REGISTER, AND OTHERWISE CONSULT WITH MEMBERS OF THE PUBLIC AND AFFECTED AGENCIES CONCERNING EACH PROPOSED COLLECTION OF INFORMATION, TO SOLICIT COMMENT TO:

(A) EVALUATE WHETHER THE PROPOSED COLLECTION OF INFORMATION IS NECESSARY FOR THE PROPER PERFORMANCE OF THE FUNCTIONS OF THE AGENCY, INCLUDING WHETHER THE INFORMATION SHALL HAVE PRACTICAL UTILITY;

(B) EVALUATE THE ACCURACY OF THE AGENCY'S ESTIMATE OF THE BURDEN OF THE PROPOSED COLLECTION OF INFORMATION;

(C) ENHANCE THE QUALITY, UTILITY, AND CLARITY OF THE INFORMATION TO BE COLLECTED; AND

(D) MINIMIZE THE BURDEN OF THE COLLECTION OF INFORMATION ON THOSE WHO ARE TO RESPOND, INCLUDING THROUGH THE USE OF AUTOMATED COLLECTION TECHNIQUES OR OTHER FORMS OF INFORMATION TECHNOLOGY; AND

(II) FOR ANY PROPOSED COLLECTION OF INFORMATION CONTAINED IN A PROPOSED RULE, PROVIDE NOTICE AND COMMENT THROUGH THE NOTICE OF PROPOSED RULEMAKING FOR THE PROPOSED RULE AND SUCH NOTICE SHALL HAVE THE SAME PURPOSES SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

(C) CERTIFY, AND PROVIDE A RECORD SUPPORTING SUCH CERTIFICATION, INCLUDING PUBLIC COMMENTS RECEIVED BY THE AGENCY, THAT EACH COLLECTION OF INFORMATION SUBMITTED TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM FOR REVIEW UNDER SECTION NINE HUNDRED TWENTY-NINE OF THIS ARTICLE:

(I) IS NECESSARY FOR THE PROPER PERFORMANCE OF THE FUNCTIONS OF THE AGENCY, INCLUDING THAT THE INFORMATION HAS PRACTICAL UTILITY;

(II) IS NOT UNNECESSARILY DUPLICATIVE OF INFORMATION OTHERWISE REASONABLY ACCESSIBLE TO THE AGENCY;

(III) REDUCES TO THE EXTENT PRACTICABLE AND APPROPRIATE THE BURDEN ON PERSONS WHO SHALL PROVIDE INFORMATION TO OR FOR THE AGENCY, INCLUDING WITH RESPECT TO SMALL ENTITIES, THE USE OF SUCH TECHNIQUES AS:

(A) ESTABLISHING DIFFERING COMPLIANCE OR REPORTING REQUIREMENTS OR TIMETABLES THAT TAKE INTO ACCOUNT THE RESOURCES AVAILABLE TO THOSE WHO ARE TO RESPOND;

(B) THE CLARIFICATION, CONSOLIDATION, OR SIMPLIFICATION OF COMPLIANCE AND REPORTING REQUIREMENTS; OR

(C) AN EXEMPTION FROM COVERAGE OF THE COLLECTION OF INFORMATION, OR ANY PART THEREOF;

(IV) IS WRITTEN USING PLAIN, COHERENT, AND UNAMBIGUOUS TERMINOLOGY AND IS UNDERSTANDABLE TO THOSE WHO ARE TO RESPOND;

(V) IS TO BE IMPLEMENTED IN WAYS CONSISTENT AND COMPATIBLE, TO THE MAXIMUM EXTENT PRACTICABLE, WITH THE EXISTING REPORTING AND RECORDKEEPING PRACTICES OF THOSE WHO ARE TO RESPOND;

(VI) INDICATES FOR EACH RECORDKEEPING REQUIREMENT THE LENGTH OF TIME PERSONS ARE REQUIRED TO MAINTAIN THE RECORDS SPECIFIED;

(VII) CONTAINS THE STATEMENT REQUIRED UNDER CLAUSE (C) OF SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION;

(VIII) HAS BEEN DEVELOPED BY AN OFFICE THAT HAS PLANNED AND ALLOCATED RESOURCES FOR THE EFFICIENT AND EFFECTIVE MANAGEMENT AND USE OF THE INFORMATION TO BE COLLECTED, INCLUDING THE PROCESSING OF THE INFORMATION IN A MANNER WHICH SHALL ENHANCE, WHERE APPROPRIATE, THE UTILITY OF THE INFORMATION TO AGENCIES AND THE PUBLIC;

(IX) USES EFFECTIVE AND EFFICIENT STATISTICAL SURVEY METHODOLOGY APPROPRIATE TO THE PURPOSE FOR WHICH THE INFORMATION IS TO BE COLLECTED; AND

(X) TO THE MAXIMUM EXTENT PRACTICABLE, USES INFORMATION TECHNOLOGY TO REDUCE BURDEN AND IMPROVE DATA QUALITY, AGENCY EFFICIENCY AND RESPONSIVENESS TO THE PUBLIC.

4. WITH RESPECT TO INFORMATION DISSEMINATION, EACH AGENCY SHALL:

(A) ENSURE THAT THE PUBLIC HAS TIMELY AND EQUITABLE ACCESS TO THE AGENCY'S PUBLIC INFORMATION, INCLUDING ENSURING SUCH ACCESS THROUGH:

(I) ENCOURAGING A DIVERSITY OF PUBLIC AND PRIVATE SOURCES FOR INFORMATION BASED ON GOVERNMENT PUBLIC INFORMATION;

(II) IN CASES IN WHICH THE AGENCY PROVIDES PUBLIC INFORMATION MAINTAINED IN ELECTRONIC FORMAT, PROVIDING TIMELY AND EQUITABLE ACCESS TO THE UNDERLYING DATA (IN WHOLE OR IN PART); AND

(III) AGENCY DISSEMINATION OF PUBLIC INFORMATION IN AN EFFICIENT, EFFECTIVE, AND ECONOMICAL MANNER;

(B) REGULARLY SOLICIT AND CONSIDER PUBLIC INPUT ON THE AGENCY'S INFORMATION DISSEMINATION ACTIVITIES;

(C) PROVIDE ADEQUATE NOTICE WHEN INITIATING, SUBSTANTIALLY MODIFYING, OR TERMINATING SIGNIFICANT INFORMATION DISSEMINATION PRODUCTS; AND

(D) NOT, EXCEPT WHERE SPECIFICALLY AUTHORIZED BY STATUTE:
(I) ESTABLISH AN EXCLUSIVE, RESTRICTED, OR OTHER DISTRIBUTION ARRANGEMENT THAT INTERFERES WITH TIMELY AND EQUITABLE AVAILABILITY OF PUBLIC INFORMATION TO THE PUBLIC;
(II) RESTRICT OR REGULATE THE USE, RESALE, OR REDISSEMINATION OF PUBLIC INFORMATION BY THE PUBLIC;
(III) CHARGE FEES OR ROYALTIES FOR RESALE OR REDISSEMINATION OF PUBLIC INFORMATION; OR
(IV) ESTABLISH USER FEES FOR PUBLIC INFORMATION THAT EXCEED THE COST OF DISSEMINATION.
5. WITH RESPECT TO STATISTICAL POLICY AND COORDINATION, EACH AGENCY SHALL:
(A) ENSURE THE RELEVANCE, ACCURACY, TIMELINESS, INTEGRITY, AND OBJECTIVITY OF INFORMATION COLLECTED OR CREATED FOR STATISTICAL PURPOSES;
(B) INFORM RESPONDENTS FULLY AND ACCURATELY ABOUT THE SPONSORS, PURPOSES, AND USES OF STATISTICAL SURVEYS AND STUDIES;
(C) PROTECT RESPONDENTS' PRIVACY AND ENSURE THAT DISCLOSURE POLICIES FULLY HONOR PLEDGES OF CONFIDENTIALITY;
(D) OBSERVE STATE STANDARDS AND PRACTICES FOR DATA COLLECTION, ANALYSIS, DOCUMENTATION, SHARING, AND DISSEMINATION OF INFORMATION;
(E) ENSURE THE TIMELY PUBLICATION OF THE RESULTS OF STATISTICAL SURVEYS AND STUDIES, INCLUDING INFORMATION ABOUT THE QUALITY AND LIMITATIONS OF THE SURVEYS AND STUDIES; AND
(F) MAKE DATA AVAILABLE TO STATISTICAL AGENCIES AND READILY ACCESSIBLE TO THE PUBLIC.
6. WITH RESPECT TO RECORDS MANAGEMENT, EACH AGENCY SHALL IMPLEMENT AND ENFORCE APPLICABLE POLICIES AND PROCEDURES, INCLUDING REQUIREMENTS FOR ARCHIVING INFORMATION MAINTAINED IN ELECTRONIC FORMAT, PARTICULARLY IN THE PLANNING, DESIGN AND OPERATION OF INFORMATION SYSTEMS.
7. WITH RESPECT TO PRIVACY AND SECURITY, EACH AGENCY SHALL:
(A) IMPLEMENT AND ENFORCE APPLICABLE POLICIES, PROCEDURES, STANDARDS, AND GUIDELINES ON PRIVACY, CONFIDENTIALITY, SECURITY, DISCLOSURE AND SHARING OF INFORMATION COLLECTED OR MAINTAINED BY OR FOR THE AGENCY; AND
(B) IDENTIFY AND AFFORD SECURITY PROTECTIONS COMMENSURATE WITH THE RISK AND MAGNITUDE OF THE HARM RESULTING FROM THE LOSS, MISUSE, OR UNAUTHORIZED ACCESS TO OR MODIFICATION OF INFORMATION COLLECTED OR MAINTAINED BY OR ON BEHALF OF AN AGENCY.
8. WITH RESPECT TO STATE INFORMATION TECHNOLOGY, EACH AGENCY SHALL:
(A) IMPLEMENT AND ENFORCE APPLICABLE GOVERNMENT AND AGENCY INFORMATION TECHNOLOGY MANAGEMENT POLICIES, PRINCIPLES, STANDARDS, AND GUIDELINES;
(B) ASSUME RESPONSIBILITY AND ACCOUNTABILITY FOR INFORMATION TECHNOLOGY INVESTMENTS;
(C) PROMOTE THE USE OF INFORMATION TECHNOLOGY BY THE AGENCY TO IMPROVE THE PRODUCTIVITY, EFFICIENCY, AND EFFECTIVENESS OF AGENCY PROGRAMS, INCLUDING THE REDUCTION OF INFORMATION COLLECTION BURDENS ON THE PUBLIC AND IMPROVED DISSEMINATION OF PUBLIC INFORMATION;
(D) PROPOSE CHANGES IN LEGISLATION, REGULATIONS, AND AGENCY PROCEDURES TO IMPROVE INFORMATION TECHNOLOGY PRACTICES, INCLUDING CHANGES THAT IMPROVE THE ABILITY OF THE AGENCY TO USE TECHNOLOGY TO REDUCE BURDEN; AND
(E) ASSUME RESPONSIBILITY FOR MAXIMIZING THE VALUE AND ASSESSING AND MANAGING THE RISKS OF MAJOR INFORMATION SYSTEMS INITIATIVES THROUGH A PROCESS THAT IS:
(I) INTEGRATED WITH BUDGET, FINANCIAL, AND PROGRAM MANAGEMENT DECISIONS; AND

(II) USED TO SELECT, CONTROL, AND EVALUATE THE RESULTS OF MAJOR INFORMATION SYSTEMS INITIATIVES.

S 929. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM; APPROVAL AND DELEGATION. 1. AN AGENCY SHALL NOT CONDUCT OR SPONSOR THE COLLECTION OF INFORMATION UNLESS IN ADVANCE OF THE ADOPTION OR REVISION OF THE COLLECTION OF INFORMATION:

(A) THE AGENCY HAS:

(I) CONDUCTED THE REVIEW ESTABLISHED UNDER PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE;

(II) EVALUATED THE PUBLIC COMMENTS RECEIVED UNDER PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE;

(III) SUBMITTED TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM THE CERTIFICATION REQUIRED UNDER PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE, THE PROPOSED COLLECTION OF INFORMATION, COPIES OF PERTINENT STATUTORY AUTHORITY, REGULATIONS, AND OTHER RELATED MATERIALS AS THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY SPECIFY; AND

(IV) PUBLISHED A NOTICE IN THE STATE REGISTER;

(A) STATING THAT THE AGENCY HAS MADE SUCH SUBMISSION; AND

(B) SETTING FORTH:

(I) A TITLE FOR THE COLLECTION OF INFORMATION;

(II) A SUMMARY OF THE COLLECTION OF INFORMATION;

(III) A BRIEF DESCRIPTION OF THE NEED FOR THE INFORMATION AND THE PROPOSED USE OF THE INFORMATION;

(IV) A DESCRIPTION OF THE LIKELY RESPONDENTS AND PROPOSED FREQUENCY OF RESPONSE TO THE COLLECTION OF INFORMATION;

(V) AN ESTIMATE OF THE BURDEN THAT SHALL RESULT FROM THE COLLECTION OF INFORMATION; AND

(VI) NOTICE THAT COMMENTS MAY BE SUBMITTED TO THE AGENCY AND GOVERNOR'S OFFICE OF REGULATORY REFORM;

(B) THE GOVERNOR'S OFFICE OF REGULATORY REFORM HAS APPROVED THE PROPOSED COLLECTION OF INFORMATION OR APPROVAL HAS BEEN INFERRED, UNDER THE PROVISIONS OF THIS SECTION; AND

(C) THE AGENCY HAS OBTAINED FROM THE GOVERNOR'S OFFICE OF REGULATORY REFORM A CONTROL NUMBER TO BE DISPLAYED UPON THE COLLECTION OF INFORMATION.

2. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PROVIDE AT LEAST THIRTY DAYS FOR PUBLIC COMMENT PRIOR TO MAKING A DECISION UNDER SUBDIVISION THREE, FOUR OR EIGHT OF THIS SECTION, EXCEPT AS PROVIDED UNDER SUBDIVISION TEN OF THIS SECTION.

3. (A) FOR ANY PROPOSED COLLECTION OF INFORMATION NOT CONTAINED IN A PROPOSED RULE, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL NOTIFY THE AGENCY INVOLVED OF THE DECISION TO APPROVE OR DISAPPROVE THE PROPOSED COLLECTION OF INFORMATION.

(B) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PROVIDE THE NOTIFICATION UNDER PARAGRAPH (A) OF THIS SUBDIVISION, WITHIN SIXTY DAYS AFTER RECEIPT OR PUBLICATION OF THE NOTICE UNDER SUBPARAGRAPH (IV) OF PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION, WHICHEVER IS LATER.

(C) IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM DOES NOT NOTIFY THE AGENCY OF A DENIAL OR APPROVAL WITHIN THE SIXTY-DAY PERIOD DESCRIBED UNDER PARAGRAPH (B) OF THIS SUBDIVISION:

(I) THE APPROVAL MAY BE INFERRED;

(II) A CONTROL NUMBER SHALL BE ASSIGNED WITHOUT FURTHER DELAY; AND

(III) THE AGENCY MAY COLLECT THE INFORMATION FOR NOT MORE THAN ONE YEAR.

4. (A) FOR ANY PROPOSED COLLECTION OF INFORMATION CONTAINED IN A PROPOSED RULE:

(I) AS SOON AS PRACTICABLE, BUT NO LATER THAN THE DATE OF PUBLICATION OF A NOTICE OF PROPOSED RULEMAKING IN THE STATE REGISTER, EACH AGENCY SHALL FORWARD TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM A COPY OF ANY PROPOSED RULE WHICH CONTAINS A COLLECTION OF INFORMATION AND ANY INFORMATION REQUESTED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM NECESSARY TO MAKE THE DETERMINATION REQUIRED UNDER THIS SUBSECTION; AND

(II) WITHIN SIXTY DAYS AFTER THE NOTICE OF PROPOSED RULEMAKING IS PUBLISHED IN THE STATE REGISTER, THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY FILE PUBLIC COMMENTS PURSUANT TO THE STANDARDS SET FORTH IN SECTION NINE HUNDRED THIRTY OF THIS ARTICLE ON THE COLLECTION OF INFORMATION CONTAINED IN THE PROPOSED RULE;

(B) WHEN A FINAL RULE IS PUBLISHED IN THE STATE REGISTER, THE AGENCY SHALL EXPLAIN:

(I) HOW ANY COLLECTION OF INFORMATION CONTAINED IN THE FINAL RULE RESPONDS TO THE COMMENTS, IF ANY, FILED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM OR THE PUBLIC; OR

(II) THE REASONS SUCH COMMENTS WERE REJECTED.

(C) IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM HAS RECEIVED NOTICE AND FAILED TO COMMENT ON AN AGENCY RULE WITHIN SIXTY DAYS AFTER THE NOTICE OF PROPOSED RULEMAKING, THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY NOT DISAPPROVE ANY COLLECTION OF INFORMATION SPECIFICALLY CONTAINED IN AN AGENCY RULE.

(D) NO PROVISION IN THIS SECTION SHALL BE CONSTRUED TO PREVENT THE GOVERNOR'S OFFICE OF REGULATORY REFORM:

(I) FROM DISAPPROVING ANY COLLECTION OF INFORMATION WHICH WAS NOT SPECIFICALLY REQUIRED BY AN AGENCY RULE;

(II) FROM DISAPPROVING ANY COLLECTION OF INFORMATION CONTAINED IN AN AGENCY RULE, IF THE AGENCY FAILED TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION;

(III) FROM DISAPPROVING ANY COLLECTION OF INFORMATION CONTAINED IN A FINAL AGENCY RULE, IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM FINDS WITHIN SIXTY DAYS AFTER THE PUBLICATION OF THE FINAL RULE THAT THE AGENCY'S RESPONSE TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM'S COMMENTS FILED UNDER PARAGRAPH (B) OF THIS SUBDIVISION WAS UNREASONABLE; OR

(IV) FROM DISAPPROVING ANY COLLECTION OF INFORMATION CONTAINED IN A FINAL RULE, IF:

(A) THE GOVERNOR'S OFFICE OF REGULATORY REFORM DETERMINES THAT THE AGENCY HAS SUBSTANTIALLY MODIFIED IN THE FINAL RULE THE COLLECTION OF INFORMATION CONTAINED IN THE PROPOSED RULE; AND

(B) THE AGENCY HAS NOT GIVEN THE GOVERNOR'S OFFICE OF REGULATORY REFORM THE INFORMATION REQUIRED UNDER PARAGRAPH (A) OF THIS SUBDIVISION WITH RESPECT TO THE MODIFIED COLLECTION OF INFORMATION, AT LEAST SIXTY DAYS BEFORE THE ISSUANCE OF THE FINAL RULE.

(E) THIS SUBDIVISION SHALL APPLY ONLY WHEN AN AGENCY PUBLISHES A NOTICE OF PROPOSED RULEMAKING AND REQUESTS PUBLIC COMMENTS.

(F) THE DECISION BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM TO APPROVE OR NOT ACT UPON A COLLECTION OF INFORMATION CONTAINED IN AN AGENCY RULE SHALL NOT BE SUBJECT TO JUDICIAL REVIEW.

5. (A) ANY DECISION BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM UNDER SUBDIVISION THREE, FOUR, EIGHT OR TEN OF THIS SECTION TO DISAPPROVE A COLLECTION OF INFORMATION, OR TO INSTRUCT THE AGENCY TO MAKE SUBSTANTIVE OR MATERIAL CHANGE TO A COLLECTION OF INFORMATION, SHALL BE PUBLICLY AVAILABLE AND INCLUDE AN EXPLANATION OF THE REASONS FOR SUCH DECISION.

(B) THIS SUBDIVISION SHALL NOT REQUIRE THE DISCLOSURE OF ANY COMMUNICATION RELATING TO A COLLECTION OF INFORMATION WHICH IS NOT APPROVED UNDER THIS ARTICLE, THE DISCLOSURE OF WHICH COULD LEAD TO RETALIATION OR DISCRIMINATION AGAINST THE COMMUNICATOR.

6. (A) AN INDEPENDENT REGULATORY AGENCY WHICH IS ADMINISTERED BY TWO OR MORE MEMBERS OF A COMMISSION, BOARD, OR SIMILAR BODY, MAY BY MAJORITY VOTE VOID:

(I) ANY DISAPPROVAL BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM, IN WHOLE OR IN PART, OF A PROPOSED COLLECTION OF INFORMATION OF THAT AGENCY; OR

(II) AN EXERCISE OF AUTHORITY UNDER SUBDIVISION FIVE OF THIS SECTION CONCERNING THAT AGENCY.

(B) THE AGENCY SHALL CERTIFY EACH VOTE TO VOID SUCH DISAPPROVAL OR EXERCISE TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM, AND EXPLAIN THE REASONS FOR SUCH VOTE. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL WITHOUT FURTHER DELAY ASSIGN A CONTROL NUMBER TO SUCH COLLECTION OF INFORMATION, AND SUCH VOTE TO VOID THE DISAPPROVAL OR EXERCISE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

7. THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY NOT APPROVE A COLLECTION OF INFORMATION FOR A PERIOD IN EXCESS OF THREE YEARS.

8. (A) IF AN AGENCY DECIDES TO SEEK EXTENSION OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM'S APPROVAL GRANTED FOR A CURRENTLY APPROVED COLLECTION OF INFORMATION, THE AGENCY SHALL:

(I) CONDUCT THE REVIEW ESTABLISHED UNDER SUBDIVISION THREE OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE, INCLUDING THE SEEKING OF COMMENT FROM THE PUBLIC ON THE CONTINUED NEED FOR, AND BURDEN IMPOSED BY THE COLLECTION OF INFORMATION; AND

(II) AFTER HAVING MADE A REASONABLE EFFORT TO SEEK PUBLIC COMMENT, BUT NO LATER THAN SIXTY DAYS BEFORE THE EXPIRATION DATE OF THE CONTROL NUMBER ASSIGNED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM FOR THE CURRENTLY APPROVED COLLECTION OF INFORMATION, SUBMIT THE COLLECTION OF INFORMATION FOR REVIEW AND APPROVAL UNDER THIS SECTION, WHICH SHALL INCLUDE AN EXPLANATION OF HOW THE AGENCY HAS USED THE INFORMATION THAT IT HAS COLLECTED.

(B) IF UNDER THE PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM DISAPPROVES A COLLECTION OF INFORMATION CONTAINED IN AN EXISTING RULE, OR RECOMMENDS OR INSTRUCTS THE AGENCY TO MAKE A SUBSTANTIVE OR MATERIAL CHANGE TO A COLLECTION OF INFORMATION CONTAINED IN AN EXISTING RULE, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(I) PUBLISH AN EXPLANATION THEREOF IN THE STATE REGISTER; AND

(II) INSTRUCT THE AGENCY TO UNDERTAKE A RULEMAKING WITHIN A REASONABLE TIME LIMITED TO CONSIDERATION OF CHANGES TO THE COLLECTION OF INFORMATION CONTAINED IN THE RULE AND THEREAFTER TO SUBMIT THE COLLECTION OF INFORMATION FOR APPROVAL OR DISAPPROVAL UNDER THIS ARTICLE.

(C) AN AGENCY MAY NOT MAKE A SUBSTANTIVE OR MATERIAL MODIFICATION TO A COLLECTION OF INFORMATION AFTER SUCH COLLECTION HAS BEEN APPROVED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM, UNLESS THE MODIFICATION HAS BEEN SUBMITTED TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM FOR REVIEW AND APPROVAL UNDER THIS ARTICLE.

9. (A) IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM FINDS THAT A SENIOR OFFICIAL OF AN AGENCY DESIGNATED UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED TWENTY-EIGHT OF THIS ARTICLE IS SUFFICIENTLY INDEPENDENT OF PROGRAM RESPONSIBILITY TO EVALUATE FAIRLY WHETHER PROPOSED COLLECTIONS OF INFORMATION SHOULD BE APPROVED AND HAS SUFFICIENT RESOURCES TO CARRY OUT THIS RESPONSIBILITY EFFECTIVELY, THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY DELEGATE TO SUCH OFFICIAL THE AUTHORITY TO APPROVE PROPOSED

COLLECTIONS OF INFORMATION IN SPECIFIC PROGRAM AREAS, FOR SPECIFIC PURPOSES, OR FOR ALL AGENCY PURPOSES.

(B) A DELEGATION BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM UNDER THIS SECTION SHALL NOT PRECLUDE THE GOVERNOR'S OFFICE OF REGULATORY REFORM FROM REVIEWING INDIVIDUAL COLLECTIONS OF INFORMATION IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM DETERMINES THAT CIRCUMSTANCES WARRANT SUCH A REVIEW. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL RETAIN AUTHORITY TO REVOKE SUCH DELEGATIONS, BOTH IN GENERAL AND WITH REGARD TO ANY SPECIFIC MATTER. IN ACTING FOR THE GOVERNOR'S OFFICE OF REGULATORY REFORM, ANY OFFICIAL TO WHOM APPROVAL AUTHORITY HAS BEEN DELEGATED UNDER THIS SECTION SHALL COMPLY FULLY WITH THE RULES AND REGULATIONS PROMULGATED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM.

10. (A) THE AGENCY HEAD MAY REQUEST THE GOVERNOR'S OFFICE OF REGULATORY REFORM TO AUTHORIZE A COLLECTION OF INFORMATION, IF AN AGENCY HEAD DETERMINES THAT:

(I) A COLLECTION OF INFORMATION:

(A) IS NEEDED PRIOR TO THE EXPIRATION OF TIME PERIODS ESTABLISHED UNDER THIS ARTICLE; AND

(B) IS ESSENTIAL TO THE MISSION OF THE AGENCY; AND

(II) THE AGENCY CANNOT REASONABLY COMPLY WITH THE PROVISIONS OF THIS ARTICLE BECAUSE:

(A) PUBLIC HARM IS REASONABLY LIKELY TO RESULT IF NORMAL CLEARANCE PROCEDURES ARE FOLLOWED;

(B) AN UNANTICIPATED EVENT HAS OCCURRED; OR

(C) THE USE OF NORMAL CLEARANCE PROCEDURES IS REASONABLY LIKELY TO PREVENT OR DISRUPT THE COLLECTION OF INFORMATION OR IS REASONABLY LIKELY TO CAUSE A STATUTORY OR COURT ORDERED DEADLINE TO BE MISSED.

(B) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL APPROVE OR DISAPPROVE ANY SUCH AUTHORIZATION REQUEST WITHIN THE TIME REQUESTED BY THE AGENCY HEAD AND, IF APPROVED, SHALL ASSIGN THE COLLECTION OF INFORMATION A CONTROL NUMBER. ANY COLLECTION OF INFORMATION CONDUCTED UNDER THIS SUBDIVISION MAY BE CONDUCTED WITHOUT COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE FOR A MAXIMUM OF ONE HUNDRED EIGHTY DAYS AFTER THE DATE ON WHICH THE GOVERNOR'S OFFICE OF REGULATORY REFORM RECEIVED THE REQUEST TO AUTHORIZE SUCH COLLECTION.

S 930. DETERMINATION OF NECESSITY FOR INFORMATION; HEARING. BEFORE APPROVING A PROPOSED COLLECTION OF INFORMATION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL DETERMINE WHETHER THE COLLECTION OF INFORMATION BY THE AGENCY IS NECESSARY FOR THE PROPER PERFORMANCE OF THE FUNCTIONS OF THE AGENCY, INCLUDING WHETHER THE INFORMATION SHALL HAVE PRACTICAL UTILITY. BEFORE MAKING A DETERMINATION THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY GIVE THE AGENCY AND OTHER INTERESTED PERSONS AN OPPORTUNITY TO BE HEARD OR TO SUBMIT STATEMENTS IN WRITING. TO THE EXTENT, IF ANY, THAT THE GOVERNOR'S OFFICE OF REGULATORY REFORM DETERMINES THAT THE COLLECTION OF INFORMATION BY AN AGENCY IS UNNECESSARY FOR ANY REASON, THE AGENCY MAY NOT ENGAGE IN THE COLLECTION OF INFORMATION.

S 931. DESIGNATION OF CENTRAL COLLECTION AGENCY. THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY DESIGNATE A CENTRAL COLLECTION AGENCY TO OBTAIN INFORMATION FOR TWO OR MORE AGENCIES IF THE GOVERNOR'S OFFICE OF REGULATORY REFORM DETERMINES THAT THE NEEDS OF SUCH AGENCIES FOR INFORMATION WILL BE ADEQUATELY SERVED BY A SINGLE COLLECTION AGENCY, AND SUCH SHARING OF DATA IS NOT INCONSISTENT WITH APPLICABLE LAW. IN SUCH CASES THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PRESCRIBE (WITH REFERENCE TO THE COLLECTION OF INFORMATION) THE DUTIES AND FUNCTIONS OF THE COLLECTION AGENCY SO DESIGNATED AND OF THE AGENCIES FOR WHICH IT IS TO ACT AS AGENT (INCLUDING REIMBURSEMENT FOR COSTS).

S 932. COOPERATION OF AGENCIES IN MAKING INFORMATION AVAILABLE. 1. THE GOVERNOR'S OFFICE OF REGULATORY REFORM MAY DIRECT AN AGENCY TO MAKE AVAILABLE TO ANOTHER AGENCY, OR AN AGENCY MAY MAKE AVAILABLE TO ANOTHER AGENCY, INFORMATION OBTAINED BY A COLLECTION OF INFORMATION IF THE DISCLOSURE IS NOT INCONSISTENT WITH APPLICABLE LAW.

2. (A) IF INFORMATION OBTAINED BY AN AGENCY IS RELEASED BY THAT AGENCY TO ANOTHER AGENCY, ALL THE PROVISIONS OF LAW, INCLUDING PENALTIES, THAT RELATE TO THE UNLAWFUL DISCLOSURE OF INFORMATION APPLY TO THE OFFICERS AND EMPLOYEES OF THE AGENCY TO WHICH INFORMATION IS RELEASED TO THE SAME EXTENT AND IN THE SAME MANNER AS THE PROVISIONS APPLY TO THE OFFICERS AND EMPLOYEES OF THE AGENCY WHICH ORIGINALLY OBTAINED THE INFORMATION.

(B) THE OFFICERS AND EMPLOYEES OF THE AGENCY TO WHICH THE INFORMATION IS RELEASED, IN ADDITION, SHALL BE SUBJECT TO THE SAME PROVISIONS OF LAW, INCLUDING PENALTIES, RELATING TO THE UNLAWFUL DISCLOSURE OF INFORMATION AS IF THE INFORMATION HAD BEEN COLLECTED DIRECTLY BY THAT AGENCY.

S 933. PUBLIC PROTECTION. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON SHALL BE SUBJECT TO ANY PENALTY FOR FAILING TO COMPLY WITH A COLLECTION OF INFORMATION THAT IS SUBJECT TO THIS ARTICLE IF:

(A) THE COLLECTION OF INFORMATION DOES NOT DISPLAY A VALID CONTROL NUMBER ASSIGNED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM IN ACCORDANCE WITH THIS ARTICLE; OR

(B) THE AGENCY FAILS TO INFORM THE PERSON WHO IS TO RESPOND TO THE COLLECTION OF INFORMATION THAT SUCH PERSON IS NOT REQUIRED TO RESPOND TO THE COLLECTION OF INFORMATION UNLESS IT DISPLAYS A VALID CONTROL NUMBER.

2. THE PROTECTION PROVIDED BY THIS SECTION MAY BE RAISED IN THE FORM OF A COMPLETE DEFENSE, BAR, OR OTHERWISE AT ANY TIME DURING THE AGENCY ADMINISTRATIVE PROCESS OR JUDICIAL ACTION APPLICABLE THERETO.

S 934. DIRECTOR REVIEW OF AGENCY ACTIVITIES; REPORTING; AGENCY RESPONSE. 1. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PERIODICALLY REVIEW SELECTED AGENCY INFORMATION RESOURCES MANAGEMENT ACTIVITIES TO ASCERTAIN THE EFFICIENCY AND EFFECTIVENESS OF SUCH ACTIVITIES TO IMPROVE AGENCY PERFORMANCE AND THE ACCOMPLISHMENT OF AGENCY MISSIONS.

2. EACH AGENCY HAVING AN ACTIVITY REVIEWED UNDER SUBDIVISION ONE OF THIS SECTION SHALL, WITHIN SIXTY DAYS AFTER RECEIPT OF A REPORT ON THE REVIEW, PROVIDE A WRITTEN PLAN TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM DESCRIBING STEPS, INCLUDING MILESTONES, TO:

(A) BE TAKEN TO ADDRESS INFORMATION RESOURCES MANAGEMENT PROBLEMS IDENTIFIED IN THE REPORT; AND

(B) IMPROVE AGENCY PERFORMANCE AND THE ACCOMPLISHMENT OF AGENCY MISSIONS.

S 935. RESPONSIVENESS TO THE LEGISLATURE. 1. (A) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL:

(I) KEEP THE LEGISLATURE FULLY AND CURRENTLY INFORMED OF THE MAJOR ACTIVITIES UNDER THIS ARTICLE; AND

(II) SUBMIT A REPORT ON SUCH ACTIVITIES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY ANNUALLY AND AT SUCH OTHER TIMES AS THE GOVERNOR'S OFFICE OF REGULATORY REFORM DETERMINES NECESSARY.

(B) THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL INCLUDE IN ANY SUCH REPORT A DESCRIPTION OF THE EXTENT TO WHICH AGENCIES HAVE:

(I) REDUCED INFORMATION COLLECTION BURDENS ON THE PUBLIC, INCLUDING:

(A) A SUMMARY OF ACCOMPLISHMENTS AND PLANNED INITIATIVES TO REDUCE COLLECTION OF INFORMATION BURDENS;

(B) A LIST OF ALL VIOLATIONS OF THIS ARTICLE AND OF ANY RULES, GUIDELINES, POLICIES, AND PROCEDURES ISSUED PURSUANT TO THIS ARTICLE;

(C) A LIST OF ANY INCREASE IN THE COLLECTION OF INFORMATION BURDEN, INCLUDING THE AUTHORITY FOR EACH SUCH COLLECTION; AND

(D) A LIST OF AGENCIES THAT IN THE PRECEDING YEAR DID NOT REDUCE INFORMATION COLLECTION BURDENS IN ACCORDANCE WITH PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION NINE HUNDRED TWENTY-SEVEN OF THIS ARTICLE, A LIST OF THE PROGRAMS AND STATUTORY RESPONSIBILITIES OF THOSE AGENCIES THAT PRECLUDED THAT REDUCTION, AND RECOMMENDATIONS TO ASSIST THOSE AGENCIES TO REDUCE INFORMATION COLLECTION BURDENS IN ACCORDANCE WITH THAT SECTION;

(II) IMPROVED THE QUALITY AND UTILITY OF STATISTICAL INFORMATION;

(III) IMPROVED PUBLIC ACCESS TO GOVERNMENT INFORMATION; AND

(IV) IMPROVED PROGRAM PERFORMANCE AND THE ACCOMPLISHMENT OF AGENCY MISSIONS THROUGH INFORMATION RESOURCES MANAGEMENT.

2. THE PREPARATION OF ANY REPORT REQUIRED BY THIS SECTION SHALL BE BASED ON PERFORMANCE RESULTS REPORTED BY THE AGENCIES AND SHALL NOT INCREASE THE COLLECTION OF INFORMATION BURDEN ON PERSONS OUTSIDE THE STATE GOVERNMENT.

S 936. ADMINISTRATIVE POWERS. UPON THE REQUEST OF THE GOVERNOR'S OFFICE OF REGULATORY REFORM, EACH AGENCY (OTHER THAN AN INDEPENDENT REGULATORY AGENCY) SHALL, TO THE EXTENT PRACTICABLE, MAKE ITS SERVICES, PERSONNEL, AND FACILITIES AVAILABLE TO THE GOVERNOR'S OFFICE OF REGULATORY REFORM FOR THE PERFORMANCE OF FUNCTIONS UNDER THIS ARTICLE.

S 937. RULES AND REGULATIONS. THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PROMULGATE RULES, REGULATIONS, OR PROCEDURES NECESSARY TO EXERCISE THE AUTHORITY PROVIDED BY THIS ARTICLE.

S 938. CONSULTATION WITH OTHER AGENCIES AND THE PUBLIC. 1. IN DEVELOPING INFORMATION RESOURCES MANAGEMENT POLICIES, PLANS, RULES, REGULATIONS, PROCEDURES, AND GUIDELINES AND IN REVIEWING COLLECTIONS OF INFORMATION, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL PROVIDE INTERESTED AGENCIES AND PERSONS EARLY AND MEANINGFUL OPPORTUNITY TO COMMENT.

2. ANY PERSON MAY REQUEST THE GOVERNOR'S OFFICE OF REGULATORY REFORM TO REVIEW ANY COLLECTION OF INFORMATION CONDUCTED BY OR FOR AN AGENCY TO DETERMINE, IF, UNDER THIS ARTICLE, A PERSON SHALL MAINTAIN, PROVIDE, OR DISCLOSE THE INFORMATION TO OR FOR THE AGENCY. UNLESS THE REQUEST IS FRIVOLOUS, THE GOVERNOR'S OFFICE OF REGULATORY REFORM SHALL, IN COORDINATION WITH THE AGENCY RESPONSIBLE FOR THE COLLECTION OF INFORMATION:

(A) RESPOND TO THE REQUEST WITHIN SIXTY DAYS AFTER RECEIVING THE REQUEST, UNLESS SUCH PERIOD IS EXTENDED BY THE GOVERNOR'S OFFICE OF REGULATORY REFORM TO A SPECIFIED DATE AND THE PERSON MAKING THE REQUEST IS GIVEN NOTICE OF SUCH EXTENSION; AND

(B) TAKE APPROPRIATE REMEDIAL ACTION, IF NECESSARY.

S 2. This act shall take effect immediately.