# STATE OF NEW YORK

6389

2017-2018 Regular Sessions

# IN SENATE

May 12, 2017

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the state administration procedure act, in relation to establishing the agency regulatory reform officer and regulatory reform task force

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. The state administrative procedure act is amended by adding a new section 208 to read as follows:

**§ 208. Agency regulatory reform officer and regulatory reform task force. 1. It is policy of the legislature to alleviate unnecessary regulatory burdens placed on the people and businesses of New York state. Therefore, an agency regulatory reform officer and regulatory reform task force shall be implemented immediately.**

**2. Regulatory reform officer (RRO). (a) Within ninety days of the effective date of this section, the commissioner of each agency shall designate an agency official as its regulatory reform officer. Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law.**

**(b) These policies shall include, but not be limited to:**

**(i) Reducing regulation and regulatory cost reduction;**

**(ii) Regulatory planning and review;**

**(iii) Regulatory retrospective review; and**

**(iv) Termination, consistent with applicable law, of programs and activities that derive from or implement executive orders, guidance documents, policy memoranda, rule interpretations, and similar documents or relative portions thereof, that have been rescinded.**

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

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3. Each agency RRO shall conduct monthly meetings with the agency commissioner or director and with agency leadership, meeting no less than twelve times per year.

4. Each agency shall establish a regulatory reform task force composed of:

(a) the agency RRO;

(b) a representative from the agency's counsel's office; and

(c) three additional senior agency officers as determined by the agency's commissioner.

5. Unless otherwise designated by the agency commissioner, the agency RRO shall chair the agency's regulatory reform task force.

6. State public authorities, state commissions and state offices that must comply with section one hundred one-a of the executive law must also comply with this section unless a waiver is granted according to subdivision twelve of this section.

7. Each regulatory reform task force shall evaluate existing regulations and make recommendations to the agency commissioner regarding their repeal, replacement, or modification, consistent with applicable law. Each regulatory reform task force shall attempt to identify regulations that:

(a) eliminate jobs;

(b) are outdated, unnecessary, or ineffective;

(c) impose costs that exceed benefits; and

(d) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies.

8. In performing the evaluation described in subdivision seven of this section, each regulatory reform task force shall seek input and other assistance, as permitted by law, from entities significantly affected by state regulations, including local and tribal governments, small businesses, consumers, non-governmental and trade associations.

9. Each agency commissioner should prioritize, to the extent permitted by law, such regulations that the agency's regulatory reform task force has identified as being outdated, unnecessary, or ineffective pursuant to paragraph (b) of subdivision seven of this section.

10. Within one hundred eighty days of the effective date of this section, and on a schedule determined by the agency commissioner thereafter, each regulatory reform task force shall provide a report to the agency commissioner detailing the agency's progress toward the following goals:

(a) improving implementation of regulatory reform initiatives and policies pursuant to subdivision two of this section; and

(b) identifying regulations for repeal, replacement, or modification.

11. (a) Consistent with the policy set forth in subdivision one of this section, each agency shall measure its progress in performing the tasks outlined in subdivisions four and seven of this section.

(b) Agency commissioners shall prepare and submit progress reports, based on their agency's regulatory reform task force reports; to the governor, temporary president of the senate, speaker of the assembly, minority leaders of the senate and assembly, co-chairs of the administrative regulations review commission, and the department of economic development, on an annual basis coinciding with the state budget year ending on March thirty-first.

12. (a) Upon the request of an agency commissioner, public authority director, commission director, or office director; the temporary president of the senate, the speaker of the assembly and the co-chairs of the administrative regulations review commission, acting in concert, may

waive compliance with this section if they determine that the agency, public authority, commission or office generally issues very few or no regulations.

(b) The temporary president of the senate, the speaker of the assembly and the co-chairs of the administrative regulations review commission, acting in concert, may revoke a waiver at any time.

§ 2. Section 102 of the state administrative procedure act is amended by adding two new subdivisions 15 and 16 to read as follows:

15. "Regulatory reform officer" shall mean a person designated by the agency commissioner that will lead regulatory reform efforts within the agency. Each RRO shall oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. The RRO will be responsible for regulatory cost reduction, regulatory planning and review, regulatory retrospective review, and termination of regulations consistent with applicable law.

16. "Regulatory reform task force" shall mean a group of people composed of the agency regulatory reform officer, a representative from the agency's counsel's office, and three additional senior agency officials as determined by the agency's commissioner, that will review the agency's rules and regulations for regulatory cost reduction, regulatory planning and review, regulatory retrospective review, and termination of regulations consistent with applicable law.

§ 3. This act shall take effect immediately.