

# 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:

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

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

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

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

15 (i) Reducing regulation and regulatory cost reduction;

16 (ii) Regulatory planning and review;

17 (iii) Regulatory retrospective review; and

18 (iv) Termination, consistent with applicable law, of programs and  
19 activities that derive from or implement executive orders, guidance  
20 documents, policy memoranda, rule interpretations, and similar documents  
21 or relative portions thereof, that have been rescinded.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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1     3. Each agency RRO shall conduct monthly meetings with the agency  
2 commissioner or director and with agency leadership, meeting no less  
3 than twelve times per year.

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

6         (a) the agency RRO;

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

8         (c) three additional senior agency officers as determined by the agen-  
9 cy's commissioner.

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

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

16    7. Each regulatory reform task force shall evaluate existing regu-  
17 lations and make recommendations to the agency commissioner regarding  
18 their repeal, replacement, or modification, consistent with applicable  
19 law. Each regulatory reform task force shall attempt to identify regu-  
20 lations that:

21         (a) eliminate jobs;

22         (b) are outdated, unnecessary, or ineffective;

23         (c) impose costs that exceed benefits; and

24         (d) create a serious inconsistency or otherwise interfere with regula-  
25 tory reform initiatives and policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 § 3. This act shall take effect immediately.