

Executive Order 10

Topics

- ▶ Moratorium
- ▶ Review entire volume
- ▶ Retrospective Analysis
- ▶ Rule Report
- ▶ Regulatory Analysis (fiscal/jobs impact)
- ▶ Rescind & Replace - Notice of Intended Action

Moratorium

- ▶ Uniform application: February 1, 2023
- ▶ Lifts on a rolling basis: ends after EO10 review is complete for *that* chapter
- ▶ EXCEPTION TO MORATORIUM:
 - ▶ Reduce or remove a regulatory burden
 - ▶ Remove obsolete, outdated, redundant, or verbatim statutory language
 - ▶ Comply with a new law or court order
 - ▶ Prevent a threat to public health, peace, or safety
 - ▶ Reduce state spending

Review entire volume

- ▶ 567 --- 571 --- 561 --- 575
- ▶ Must review every chapter in a volume and evaluate: KEEP or DELETE
- ▶ Delete? → antiquated, unfunded, no longer a policy priority, legal authority gone/changed/questionable, statute is self-enacting
- ▶ Keep?
 - ▶ What edits can be made?
 - ▶ Identify specific statutory authority for each rule

Retrospective Analysis

- ▶ Cost-benefit analysis of current rule → *are the benefits of the rule actually being achieved AND do the benefits justify the cost?*
 - ▶ Are there cheaper, less burdensome alternatives to get the same result?
- ▶ Meet with stakeholders

Retrospective analysis, cont.

What is the intended benefit of the rule?

Is the benefit being achieved? Please provide evidence.

What are the costs incurred by the public to comply with the rule?

What are the costs to the agency or any other agency to implement/enforce the rule?

Do the costs justify the benefits achieved? Please explain.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

Retrospective analysis, cont.

METRICS

Total number of rules repealed:	
Proposed word count reduction after repeal and/or re-promulgation	
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	

Rule Report

- ▶ All Retrospective Analysis documents ~ defacto KEEP / DELETE LIST
- ▶ Due NLT Sept 1 of assigned year

CALENDAR

- ▶ 2023 -
 - ▶ 567 (EPC): 1, 3, 9-35, and 65
 - ▶ 571 (NRC): 1,10, 12-35, 61, 91, 94, and 106
- ▶ 2024 -
 - ▶ 567: 38-93
 - ▶ 571: 36-74
 - ▶ 561 (Director): all
- ▶ 2025 -
 - ▶ 567: 2, 4-8 and 13, 100-213
 - ▶ 571: 2-8 and 11, 76-116
- ▶ 2026 -
 - ▶ 575 (SPAB): all

Regulatory Analysis

- ▶ Regulatory Analysis forms - publish via Administrative Bulletin
- ▶ Public comment period and public hearing (Sept. 6-26; hearing on or after 26th)
- ▶ Stakeholder support / neutrality on proposed new rules
- ▶ Submit for IGOV approval
- ▶ Draft NOIAs before Commissions in December
- ▶ Proceed with normal rulemaking ~ RESCIND AND REPLACE
 - ▶ ONE DIFFERENCE: two public hearings

RECOMMENDATIONS

- ▶ Be aggressive with KEEP / DELETE review
- ▶ Consolidation
- ▶ Identify repetitive statutory language
- ▶ Look at other states

Questions?

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