

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER THIRTY-SIX

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: REVIEW AND REFORM OF STATE AGENCY REGULATIONS

WHEREAS, as Governor, I am committed to growing Delaware's economy, expanding economic opportunity for all Delawareans, and making State government more efficient and effective; and

WHEREAS, although State agency regulations are often necessary for the effective functioning of State government and the protection of public health, safety and the environment, we must strive to ensure that such regulations do not impose unnecessary burdens upon our residents, businesses and other organizations; and

WHEREAS, establishing a mechanism for the periodic review of existing regulations will help ensure that our State regulations continue to serve the original purpose for which they were adopted, and will provide a process by which improvements can be made to our regulatory framework; and

WHEREAS, citizens are often in the best position to identify outdated, duplicative or overly burdensome regulations and any review of Delaware's existing regulatory regime must include a meaningful opportunity for public input from residents, business owners, employees, and other concerned citizens; and

WHEREAS, in order to be efficient with taxpayer dollars, the process for periodic review should be focused on and targeted at those regulations that have not been subject to review for at least three years for which substantive concerns exist; and

WHEREAS, it is appropriate for such a review to focus on older, well-established regulations because (1) such regulations are more likely to be outdated or otherwise no longer justified by present realities; and (2) a focus on such regulations will allow state agencies to consider the real-world effects of regulations in light of economic, technological and other changes; and

WHEREAS, to reduce impediments to economic growth and improve the efficiency of state government, it is appropriate for State agencies to conduct a periodic, focused and targeted review of areas in which existing regulations may be reduced or streamlined – while reaffirming their commitment to enacting new regulations that are reasonable and that comply with all applicable laws, including the Regulatory Flexibility Act.

NOW, THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby DECLARE and ORDER, on this, the 14th day of June, 2012, that:

1. Each Department and Agency within the Executive Branch that is subject to the Administrative Procedures Act, 29 *Del. C.* § 10111 *et seq.* (“APA”) (each, an “Agency”) shall conduct, in accordance with the procedures set forth below, a periodic review of regulations promulgated by such Agency to determine whether any such regulations should be modified or eliminated.

2. In accordance with the schedule set forth in Exhibit A (the “Public Input Period”), all Agencies shall solicit input from the business community, non-profit community and the general public to identify regulations promulgated by such Agency three years ago or more for possible modification or elimination. In connection with the Public Input Period, each Agency shall conduct at least one public hearing in each county, notice of which shall be provided by such Agency in accordance with the APA. In addition, notwithstanding the date of any public hearing hereunder, each Agency shall accept written submissions through the final day of the Public Input Period.

3. If an Agency receives a comment or submission during the Public Input Period that would be more appropriately directed to another Agency, board or commission, the Agency receiving such comment or submission shall ensure that it is delivered to the appropriate party in a timely manner.

4. At the conclusion of the applicable Public Input Period, each Agency shall evaluate the comments, proposals and recommendations received and submit revisions (*i.e.*, regulations to be eliminated or modified) to the Register of Regulations. All proposed revisions, including proposals to eliminate regulations, shall be conducted in accordance with the APA.

5. No later than one (1) year from the date of this Executive Order, the Governor’s Office shall submit a report to General Assembly detailing the regulations eliminated or modified pursuant to this process established herein.

6. The regulatory review process described herein shall re-commence on a recurring basis no later than three (3) years from the submission to the General Assembly of the report described in paragraph (5) herein.



APPROVED this 14th day of June, 2012

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Governor

ATTEST:

[Signature]

Secretary of State

EXHIBIT A

PUBLIC INPUT PERIODS – SCHEDULE FOR EXECUTIVE BRANCH AGENCIES

In accordance with the schedule below, each Executive Branch Agency shall solicit input from the business community, non-profit community and the general public to identify regulations adopted three years ago or more to be reviewed by the Agency for possible modification or elimination (the “Public Input Period”). As set forth in paragraph (2) of this Executive Order, each Agency shall conduct at least one public hearing in each county in accordance with the APA, and shall also accept written submissions.

If an Agency determines that the number or complexity of its regulations requires a longer review period, such Agency may commence its Public Input Period prior to its corresponding starting date below. However, such Agency shall in all events comply with the notice provisions of the APA, and in no event may the Public Input Period be extended beyond the Agency’s corresponding final date below.

AGENCY	PUBLIC INPUT PERIOD
Agriculture	July 1, 2012 – October 1, 2012
Children, Youth & Their Families (DSCYF)	July 1, 2012 – October 1, 2012
Economic Development (DEDO)	July 1, 2012 – October 1, 2012
Education	July 1, 2012 – October 1, 2012
Finance	July 1, 2012 – October 1, 2012
Health & Social Services (DHSS)	September 1, 2012 – December 1, 2012
Housing (DSHA)	September 1, 2012 – December 1, 2012
Labor	September 1, 2012 – December 1, 2012
Management & Budget (OMB)	September 1, 2012 – December 1, 2012
Natural Resources & Environmental Control (DNREC)	December 1, 2012 – March 1, 2013
Safety and Homeland Security (DSHS)	December 1, 2012 – March 1, 2013
State	December 1, 2012 – March 1, 2013
Technology & Information (DTI)	December 1, 2012 – March 1, 2013
Transportation (DelDOT)	December 1, 2012 – March 1, 2013