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CHARLES D. BAKER
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LIEUTENANT GOVERNOR

SECRETARY OF STATE
REGULATIONS DIVISION
2015 MAR 31 PM 12:31

By His Excellency

CHARLES D. BAKER
GOVERNOR

EXECUTIVE ORDER NO. 562

TO REDUCE UNNECESSARY REGULATORY BURDEN

Revoking and Superseding Executive Order No. 485

WHEREAS, government regulations are intended to protect public health, safety, environmental and welfare functions and to improve the operation of government for the citizens of the Commonwealth;

WHEREAS, many of the regulations adopted by state government agencies and offices have imposed unnecessary cost, burden and complexity;

WHEREAS, confusing, unnecessary, inconsistent and redundant government regulations inconvenience individuals, encumber cities and towns, stress resources of non-profit organizations, including our health care and educational institutions, inhibit business growth and the creation of jobs, and place Massachusetts for profit enterprises at a competitive disadvantage relative to their out-of-state and foreign competitors;

WHEREAS, state agencies and offices across the Commonwealth must coordinate and collaborate with one another to ensure that the government speaks in one voice, creating an efficient, coherent and consistent regulatory framework.

WHEREAS, the citizens and customers of the Commonwealth will be better served by reducing the number, length, and complexity of regulations, leaving only those that are essential to the public good; and

WHEREAS, a finite statewide regulatory review process is needed immediately to relieve the Commonwealth from the burden of unnecessary regulation.

NOW, THEREFORE, I, CHARLES D. BAKER, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby revoke Executive Order No. 485 and order as follows:

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Section 1. I direct each secretariat, agency, department, board, commission, authority or other body within the Executive Department (hereinafter "Agency"), and invite and encourage any such governmental body not under my supervision, to promptly undertake a review of each and every regulation currently published in the Code of Massachusetts Regulations under its jurisdiction.

Section 2. Except as provided below, each Agency shall sunset all its regulations on or before March 31, 2016 by taking such steps as required by law, including pursuant to G.L. c. 30A, to rescind, revise or simplify such regulations, after conducting the review prescribed in this Order.

Section 3. In conducting such review, which shall be coordinated across all Agencies and participating governmental bodies, only those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents shall be retained or modified. In order to find that a regulation meets this standard, the Agency must demonstrate, in its review, that:

(a) there is a clearly identified need for governmental intervention that is best addressed by the Agency and not another Agency or governmental body;

(b) the costs of the regulation do not exceed the benefits that would result from the regulation;

(c) the regulation does not exceed federal requirements or duplicate local requirements;

(d) less restrictive and intrusive alternatives have been considered and found less desirable based on a sound evaluation of the alternatives;

(e) the regulation does not unduly and adversely affect Massachusetts citizens and customers of the Commonwealth, or the competitive environment in Massachusetts;

(f) the Agency has established a process and a schedule for measuring the effectiveness of the regulation; and

(g) the regulation is time-limited or provides for regular review.

In addition, regulations not meeting the standard set forth in G.L. c. 30A, §5 shall be rescinded in accordance with law.

Section 4. In its review, each Agency shall ensure that every regulation is clear, concise and written in plain and readily understandable language.

Section 5. Beginning immediately, no Agency shall promulgate a new regulation which has not been reviewed pursuant to this Order and does not meet the standards set out in this Order.

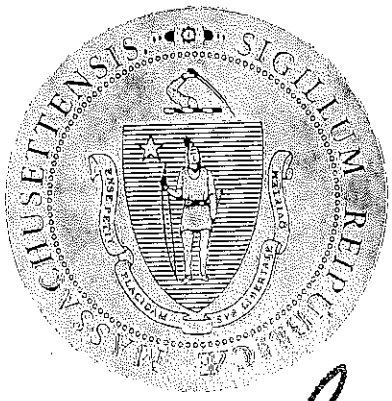
Section 6. Each Agency shall prepare in connection with any proposed, new regulation a business/competitiveness impact statement that will include a competitiveness review and assess disruptive economic impacts on small businesses, as required by G.L. c. 30A, § 5, and all other potentially impacted entities, including cities and towns, non-profit organizations and medium and large for profit enterprises, as prescribed and for such period of time as desired by the Secretary of Administration and Finance, notwithstanding the effective date of this Order. Such business/competitiveness impact statements will be made available on the Commonwealth's website.

Section 7. Before proposing to adopt a new regulation, each Agency shall submit the regulation, together with the business/competitiveness impact statement required by Section 6 above, to the Cabinet secretary overseeing that Agency. If approved, the Cabinet secretary overseeing that Agency, or her designee, shall submit the regulation, together with the required business/competitiveness impact statement, for review and approval by the Secretary of Administration and Finance, in the manner prescribed by her.

Section 8. The Secretary of Administration and Finance shall, consistent with the requirements of law, establish such processes for encouraging public input, standards and schedules as she deems appropriate to accomplish the review of regulations required by this Order. The Secretary may also provide for such waivers or exceptions to this Executive Order as are essential for the public health, safety, environment or welfare.

Section 9. The pause on the filing of new regulations established by letter dated January 15, 2015 and executed by the Secretary of Administration and Finance shall remain in effect until further notice.

Section 10. This Executive Order shall remain in effect until March 31, 2016.



Given at the Executive Chamber in Boston this 31st day of March in the year of our Lord two thousand and fifteen and of the Independence of the United States of America two hundred thirty-nine.

CHARLES D. BAKER
GOVERNOR

William Francis Galvin
Secretary of State

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS