

2013 -- H 6286

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND
REGULATORY REFORM ACT

Introduced By: Representatives O'Brien, and Marshall

Date Introduced: June 26, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-64.13-7 of the General Laws in Chapter 42-64.13 entitled
2 "Rhode Island Regulatory Reform Act" is hereby amended to read as follows:

3 **42-64.13-7. Powers of the office of regulatory reform. --** The office of regulatory
4 reform shall have the following powers:

5 (1) The director of the office of regulatory reform is authorized to intervene or otherwise
6 participate in any regulatory or permitting matter pending before any executive branch agency or
7 department or before any municipal board, commission, agency or subdivision thereof at which a
8 regulatory or permitting matter is pending for the expressed net benefit of a business. The director
9 of the office of regulatory reform may so intervene or otherwise participate in such pending
10 regulatory and permitting matters by providing written notice to the director of any department or
11 state agency in the executive branch, or the chairman or presiding officer over any municipal
12 department or subdivision thereof at which a regulatory or permitting matter is pending, that the
13 director of the office of regulatory reform is so intervening or otherwise participating in such
14 regulatory or permitting matter pending before such department, agency, board or commission.
15 The director of the office of regulatory reform shall be considered a party to the action and shall
16 be provided reasonable notice of any and all administrative hearings or meetings involving the
17 parties in such matter and shall be the opportunity to participate in such meetings, hearings or
18 other administrative procedures of such entity, of which such opportunity may be waived only by

1 writing from the director of the office of regulatory reform, for the purpose of assuring the
2 efficient and consistent implementation of rules and regulations in order to foster the creation and
3 retention of jobs in Rhode Island or otherwise foster economic development in Rhode Island
4 consistent with the purposes of this act. Any intervention or participation by the director of the
5 office of regulatory reform, other than in contested cases, shall not be deemed to violate the
6 provisions of the Rhode Island administrative procedures act at Title 42, Chapter 35 of the
7 general laws. Provided, however, all contested cases shall be conducted in accordance with the
8 provisions for hearings of contested cases in the administrative procedures act, Title 42, Chapter
9 35, of the general laws. As used in this section, the term "contested case" means a proceeding in
10 which conflicting rights between adverse parties are required by law to be determined in an
11 adversary proceeding that is judicial or quasi-judicial in nature, and not purely administrative in
12 character, before and/or by an agency.

13 (2) Promptly upon such intervention as set forth in subdivision (1) above, the director of
14 the office of regulatory reform shall publish its rationale for its intervention in such pending
15 regulatory or permitting matter. The director of the office of regulatory reform may so intervene
16 upon findings that:

17 (i) That the pending, regulatory or permitting action, in and of itself or as part of a
18 regulatory process, has significant economic development impact upon the state or any
19 municipality herein; and

20 (ii) The pending regulatory or permitting matter, in and of itself or as part of a regulatory
21 process, has significant impact on any industry, trade, profession or business that provides
22 significant jobs or other significant economic development impact, including municipal and state
23 taxes or other revenues, to the state or its citizens.

24 (iii) The office of regulatory reform shall upon the conclusion of each fiscal quarter
25 promptly provide to the office of the governor and the general assembly through the offices of the
26 president of the senate and the speaker of the house of representatives a written report identifying:

27 (A) All matters in which the director of the office of regulatory reform intervened;

28 (B) The rationale for his or her intervention;

29 (C) The status of the pending regulatory or permitting matter; ~~and~~

30 (D) Any observations or recommendations from the director of the office of regulatory
31 reform with respect to such regulatory or permitting policies or procedures relating to the subject
32 matter of such pending regulatory or permitting matters in which the director so intervened; ~~and~~

33 (E) The status of the agency rule review required pursuant to subsection 42-35-3.4(d)
34 including the number of rules reviewed within the previous quarter, the number of rules amended

1 [or rescinded and the estimated aggregate impact of such amendments or rescissions on businesses](#)
2 [in Rhode Island.](#)

3 (3) The office of regulatory reform is authorized to appear as an amicus curiae in any
4 legal proceeding relating to any matter.

5 (4) The office of regulatory reform is authorized to coordinate with and support the
6 building commissioner and fire marshal in the development and implementation of a standard
7 statewide process for electronic plan review, permit management and inspection.

8 (5) The office of regulatory reform is authorized to coordinate, provide technical
9 assistance, and oversee state agency regulatory review and accompanying economic impact
10 statements on small businesses.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND
REGULATORY REFORM ACT

1 This act would require the office of regulatory reform to include, in its written report to
2 the governor and the general assembly, as estimated aggregate impact of regulatory rule
3 amendments or rescissions on businesses in Rhode Island.

4 This act would take effect upon passage.

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