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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE
PROCEDURES ACT

Introduced By: Representatives Serpa, Silva, and Fellela

Date Introduced: February 27, 2014

Referred To: House Small Business

(Administration)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35-3.4 of the General Laws in Chapter 42-35 entitled
2 "Administrative Procedures" is hereby amended to read as follows:

3 **42-35-3.4. Periodic review of rules.** -- (a) ~~Within two (2) years after December 31,~~
4 ~~2008, each~~ Each agency shall review all agency rules existing at the time of enactment to
5 determine whether such rules should be continued without change, or should be amended or
6 rescinded, by examining whether the rules are consistent with the stated objectives of applicable
7 statutes and are authorized by, and conform with, those statutes. The review must include, but
8 need not be limited to, minimizing the economic impact of the rules on small businesses in a
9 manner consistent with the objectives of applicable statutes and ensuring consistency with and
10 conformance with those statutes. ~~If the head of the agency determines that completion of the~~
11 ~~review of existing rules is not feasible by the established date, the agency shall publish a~~
12 ~~statement certifying that determination and shall provide a copy of that statement and~~
13 ~~determination to the speaker of the house, the senate president, the house fiscal advisor, and the~~
14 ~~senate fiscal advisor. The statement shall include the number of rules that have thus far been~~
15 ~~reviewed by the agency in accordance with this section, and the number still to be reviewed. The~~
16 ~~agency may extend the completion date by one year at a time for a total of not more than five (5)~~
17 ~~years.~~

18 (b) In reviewing rules, the agency shall consider the following factors:

- 1 (1) The continued need for the rules;
- 2 (2) The nature of complaints or comments received concerning the rule from the public;
- 3 (3) The complexity of the rule;
- 4 (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal,
- 5 state, and local government rules;
- 6 (5) The length of time since the rule has been evaluated or the degree to which
- 7 technology, economic conditions, or other factors have changed in the area affected by the rule;
- 8 (6) Whether the rules are consistent with current agency practices and procedures; and
- 9 (7) Whether the rules are consistent with and authorized by applicable statutes.

10 (c) All rules reviewed in accordance with this section, shall be reviewed every five (5)

11 years ~~thereafter~~.

12 (d) In addition to the review required in this section, within four (4) years of enactment

13 of this act, each agency shall review all agency rules existing at the time of enactment to

14 determine whether such rules should be continued without change, or should be amended or

15 rescinded, to minimize economic impact of the rules on small businesses in a manner consistent

16 with the state objective of applicable statutes pursuant to this section. Beginning on July 1, 2012,

17 each agency shall review twenty-five percent (25%) of its regulations each year for four (4) years

18 until all existing regulations have been evaluated for any adverse impacts on small businesses and

19 economic impact statements have been prepared, with the exception of emergency regulations

20 adopted in accordance with ~~subsection §42-35-3(b)~~.

21 The office of regulatory reform shall assist and coordinate with all agencies during the

22 periodic review of rules.

23 (e) Beginning January 1, 2017, this periodic review timeline will align with the required

24 refiling of rules and regulations process with the Rhode Island secretary of state's office pursuant

25 to § 42-35-4.1.

26 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 -- ADMINISTRATIVE
PROCEDURES ACT

- 1 This act would align the review of administrative rules with the refiling of rules and
- 2 regulations process.
- 3 This act would take effect upon passage.

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