

2016 -- S 2602

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LC004561
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE
PROCEDURES

Introduced By: Senators DiPalma, and Felag

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35-18 of the General Laws in Chapter 42-35 entitled
2 "Administrative Procedures" is hereby amended to read as follows:

3 **42-35-18. Effective date of chapter -- Scope of application and exemptions.** -- (a) This
4 chapter shall take effect upon January 1, 1964, and thereupon all acts and parts of acts
5 inconsistent herewith shall stand repealed; provided, however, that except as to proceedings
6 pending on June 30, 1963, this chapter shall apply to all agencies and agency proceedings not
7 expressly exempted.

8 (b) None of the provisions of this chapter shall apply to the following sections and
9 chapters:

- 10 (1) Section 16-32-10 (University of Rhode Island);
11 (2) Chapter 41 of title 16 (New England Higher Education Compact);
12 (3) Section 16-33-6 (Rhode Island College);
13 (4) Chapter 16 of title 23 (Health Facilities Construction Act);
14 (5) Chapter 8 of title 20 (Atlantic States Marine Fisheries Compact);
15 (6) Chapter 38 of title 28 (Dr. John E. Donley Rehabilitation Center);
16 (7) Chapter 7 of title 17 (State Board of Elections);
17 (8) Chapter 16 of title 8 (Judicial Tenure and Discipline);
18 (9) Chapter 61 of title 42 (State Lottery);

1 (10) Chapter 24.4 of title 45 (Special Development Districts);
2 (11) Chapter 12 of title 35 (The University of Rhode Island Research Corporation).
3 (c) The provisions of §§ 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall not

4 apply to:

5 (1) Any and all acts, decisions, findings, or determinations by the board of review of the
6 department of labor and training or the director of the department of labor and training or his, her,
7 its or their duly authorized agents and to any and all procedures or hearings before and by the
8 director or board of review of the department of labor and training or his or her agents under the
9 provisions of chapters 39 -- 44 of title 28.

10 (2) Section 28-5-17 (Conciliation of charges of unlawful practices).

11 (3) Chapter 8 of title 13 (Parole).

12 (4) Any and all acts, decisions, findings or determinations by the administrator of the
13 division of motor vehicles or his or her duly authorized agent and to any and all procedures or
14 hearings before and by said administrator or his or her said agent under the provisions of chapters
15 10, 11, 31 to 33, inclusive, of title 31.

16 (5) Procedures of the board of examiners of hoisting engineers under chapter 26 of title
17 28.

18 (6) Any and all acts, decisions, findings, or determinations made under authority from
19 the provisions of chapters 29 -- 38 of title 28, concerning workers' compensation administration,
20 procedure and benefits.

21 (7) Any and all acts, decisions, findings, or determinations made by the Rhode Island
22 Turnpike and Bridge Authority and to any and all procedures or hearings before said agency
23 under the provisions of §24-12-37 concerning review of the assessment of tolls and
24 administrative fees.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow the turnpike authority to hold hearings without reasonable notice
2 containing the particulars of the hearing, would allow the authority to allow evidence in
3 contravention of the rules of evidence, would negate of holding the decision to give an aggrieved
4 party the opportunity to file exceptions to the decision and would negate the necessity of issuing
5 final orders in writing.

6 This act would take effect upon passage.

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