

2025 -- H 5522

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE
PROCEDURES

Introduced By: Representatives Corvese, Solomon, Azzinaro, Serpa, and DeSimone

Date Introduced: February 13, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-35-2.7 and 42-35-4 of the General Laws in Chapter 42-35 entitled
2 "Administrative Procedures" are hereby amended to read as follows:

3 **42-35-2.7. Notice of proposed rulemaking.**

4 (a) At least thirty (30) days before the filing of a final rule with the secretary of state, an
5 agency shall publish the notice of the proposed rulemaking on the agency's website. The agency
6 shall file notice of the proposed rulemaking with the secretary of state, in accordance with
7 procedures established by the secretary of state, for publication in the state register and for
8 electronic notification to interested parties pursuant to subsection (c). The notice shall be mailed
9 by the agency to all persons who have made timely request of the agency for notice of its
10 rulemaking proceedings, and published in a newspaper or newspapers having aggregate general
11 circulation throughout the state; provided, however, that if the action is limited in its applicability
12 to a particular area, then the publication may be in a newspaper having general circulation in the
13 area. In lieu of newspaper publication, advance notice of proposed rulemaking by all agencies may
14 be posted via electronic media on a website maintained by the office of secretary of state. Copies
15 of proposed rules shall be available at the agency at the time of the notice required by this
16 subsection, and by mail to any member of the public upon request.

17 (b) The notice shall include:

18 (1) A short explanation of the purpose of the proposed rule;

1 (2) A citation or reference to the specific, legal authority authorizing the proposed rule;

2 (3) The text of the proposed rule;

3 (4) How a copy of the full text of any regulatory analysis of the proposed rule may be
4 obtained;

5 (5) Where, when, and how a person may comment on the proposed rule and request a
6 hearing, including the beginning and end dates of the public-comment period;

7 (6) The date of the filing of the notice of the proposed rulemaking with the secretary of
8 state;

9 (7) A citation to each scientific or statistical study, report, or analysis that served as a basis
10 for the proposed rule, together with an indication of how the full text of the study, report, or analysis
11 may be obtained;

12 (8) Any proposed additions, deletions, or other amendments to the rules and regulations.
13 New proposed language must be clearly marked using underline formatting for proposed insertions,
14 and strikethrough formatting for proposed deletions. If an agency proposes a new rule which will
15 supersede an existing rule, the agency shall make available a summary of all non-technical
16 differences between the existing and proposed rules. An agency's lawful promulgation of
17 amendments to an existing rule shall be deemed to supersede and repeal the previous enactments
18 of that rule, provided that the public notice required under subdivision (a)(1) indicated such an
19 intent; and

20 (9) Any regulatory analysis prepared under § 42-35-2.9.

21 (c) The secretary of state shall establish a process to provide timely notification via
22 electronic mail to any person that requests information concerning agency notices of proposed
23 rulemaking. Requests under this section may be submitted to the secretary of state's office through
24 its website.

25 (d) At least thirty (30) days before the filing of a final rule with the secretary of state, an
26 agency shall provide the notice of the proposed rulemaking, including the text of the proposed rule
27 as prescribed in subsection (b) of this section, via electronic mail to all members of the general
28 assembly.

29 **42-35-4. Filing and taking effect of rules.**

30 (a) An agency shall file each final rule with the secretary of state. An agency may not file
31 a final rule until the public comment period has ended. In filing a final rule, an agency shall use a
32 standardized form and process for submission determined by the secretary of state. The secretary
33 of state shall affix to each final rule a certification of the time and date of filing. The secretary of
34 state may reject the final rule if an agency fails to use the standardized format or fails to adhere to

1 the codification requirements or any other publication requirements or rules promulgated by the
2 secretary of state's office pursuant to § 42-35-5. The secretary of state shall reject the improper
3 final rule by returning it to the director of the agency which submitted the improper form within
4 fifteen (15) days of receipt.

5 (b) The secretary of state, with notification to the agency, may make minor non-substantive
6 corrections in spelling, grammar, and format in a proposed or final rule. The secretary of state shall
7 make a record of the corrections.

8 (c) The agency shall file the rule not later than one hundred eighty (180) days after close
9 of the public-comment period. If that rule is not filed within one hundred eighty (180) days, the
10 agency must restart the rulemaking process pursuant to this chapter.

11 (d) A final rule filed by an agency with the secretary of state under this section must contain
12 the text of the rule and be accompanied by a record that contains:

13 (1) The date the final rule was signed by the relevant agency head;

14 (2) A reference to the specific statutory or other authority authorizing the rule;

15 (3) Any finding required by law as a prerequisite to the proposed rule or effectiveness of
16 the rule;

17 (4) The effective date of the rule; and

18 (5) A concise explanatory statement as defined by § 42-35-2.6.

19 (e) Each rule hereafter shall be effective twenty (20) days after filing with the secretary of
20 state, except:

21 (1) If a later date is required by statute or specified in the rule, the later date is the effective
22 date;

23 (2) An emergency rule under § 42-35-2.10 becomes effective upon signature by the agency
24 head and the governor, or the governor's designee;

25 (3) A direct final rule under § 42-35-2.11, to which no objection is made, becomes effective
26 thirty (30) days after publication, unless the agency specifies a later effective date;

27 (4) A final rule shall not be effective or enforceable until properly submitted and accepted
28 by the secretary of state.

29 (f) The secretary of state shall maintain a permanent register of all filed rules and concise
30 explanatory statements for the rules. The secretary of state shall provide a copy of each certified
31 final rule to an agency upon request. The secretary of state shall publish the notice of each final
32 rule in the state register.

33 (g) Within twenty (20) days of filing a final rule with the secretary of state, the agency shall
34 provide a copy of each certified final rule via electronic mail to all members of the general

1 [assembly.](#)

2 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 require that, thirty (30) days prior to filing a final administrative rule with
2 the secretary of state, the agency proposing the new rule, send the text of the rule to all members
3 of the general assembly. It would also require the rule adopting agency to send a copy of the
4 certified rule to all members of the general assembly, within twenty (20) days of filing a final rule.

5 This act would take effect upon passage.

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