

2014 -- S 2480 SUBSTITUTE A

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LC004240/SUB A
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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 -- REGULATORY FAIRNESS IN
ADMINISTRATIVE PROCEDURES

Introduced By: Senators Lynch, Felag, Bates, Conley, and Miller

Date Introduced: February 27, 2014

Referred To: Senate Finance

(Administration)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35.1-3 of the General Laws in Chapter 42-35.1 entitled "Small
2 Business Regulatory Fairness in Administrative Procedures" is hereby amended to read as
3 follows:

4 **42-35.1-3. Economic Impact statements.** -- (a) Prior to the adoption of any proposed
5 regulation that may have an adverse impact on small businesses, with the exception of emergency
6 regulations adopted in accordance with subsection 42-35-3(b) and excluding those businesses
7 defined in subsection (c) of this section, each agency shall prepare and submit, in conjunction
8 with assistance and oversight from the office of regulatory reform the proposed regulations to
9 both the governor's office and the office of regulatory reform at least fifteen (15) days in advance
10 of the commencement of the formal rulemaking process, and in congruence with the analysis
11 required in subsection (b) of this section, an economic impact statement that includes the
12 following:

13 (1) An identification and estimate of the number of the small businesses subject to the
14 proposed regulation;

15 (2) The projected reporting, recordkeeping, and other administrative costs required for
16 compliance with the proposed regulation, including the type of professional skills necessary for
17 preparation of the report or record;

18 (3) A statement of the effect or probable effect on impacted small businesses;

1 (4) A description of any less intrusive or less costly alternative methods of achieving the
2 purpose of the proposed regulation.

3 (b) The economic impact statement required herein shall be published in guide form as
4 well as posted on the department of administration and the office of management and budget
5 websites. The guide should be published and/or posted on or around the same date as the
6 regulation change and shall include a description of actions ~~need~~ needed by the small business to
7 meet the requirement of the regulation. The office of regulatory reform shall develop criteria for
8 the economic impact statement.

9 ~~(c) The following professional and business activities shall not be considered a small~~
10 ~~business for purposes of this section:~~

11 ~~(1) Financial institutions including banks, trusts, savings and loan associations, thrift~~
12 ~~institutions, consumer and industrial finance companies, credit unions, mortgage and investment~~
13 ~~bankers and stock and bond brokers;~~

14 ~~(2) Insurance companies, both stock and mutual;~~

15 ~~(3) Mineral, oil and gas brokers;~~

16 ~~(4) Subdividers and developers;~~

17 ~~(5) Landscape architects, architects and building designers;~~

18 ~~(6) Entities organized as nonprofit institutions;~~

19 ~~(7) Entertainment activities and productions including motion pictures, stage~~
20 ~~performances, television and radio stations and production companies;~~

21 ~~(8) All utilities, water companies and power transmission companies, except electrical~~
22 ~~power generating transmission companies providing less than four and one half (4.5) kilowatts;~~
23 ~~and~~

24 ~~(9) All petroleum and natural gas producers, refiners and pipelines.~~

25 The following professional and business activities, extensively regulated pursuant to state and
26 federal law and subject to significant capital requirements and other regulatory standards, shall be
27 excluded from this section:

28 (1) All public utilities as defined in § 39-1-2(20), whose rates are subject to approval by
29 the public utilities commission; and

30 (2) All regulated institutions as defined in § 19-1-1(10); broker dealers as defined in § 7-
31 11-101(1); and insurance companies chartered or licensed pursuant to chapters 1 and 2 of title 27.

32 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 amend the process for submission of economic impact statements, and
- 2 eliminate a number of exclusions which are set forth in the existing statute.
- 3 This act would take effect upon passage.

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