

2024 -- S 2884

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LC005795
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ADMINISTRATIVE
PROCEDURES

Introduced By: Senator Matthew L. LaMountain

Date Introduced: March 22, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35-2.8 of the General Laws in Chapter 42-35 entitled
2 "Administrative Procedures" is hereby amended to read as follows:

3 **42-35-2.8. Public participation.**

4 (a) ~~An agency~~ All state, municipal and quasi-state agencies proposing a rule shall specify
5 a public-comment period of at least thirty (30) days after publication of notice of the proposed
6 rulemaking on the agency's website, during which a person may submit information and comment
7 on the proposed rule. The notice shall specifically spell out the commencement and closing dates
8 to submit comments. The information or comment may be submitted in an electronic or written
9 format. The agencies shall post their email addresses for public comment. The agency shall
10 consider all information and comments on a proposed rule which is submitted pursuant to this
11 subsection within the comment period. Any related workshops shall be posted on the website.

12 (b) An agency may consider any other information it receives concerning a proposed rule
13 during the public-comment period. Any information considered by the agency must be incorporated
14 into the record under § 42-35-2.3. The information need not be submitted in an electronic or written
15 format. Nothing in this section prohibits an agency from discussing with any person at any time the
16 subject of a proposed rule.

17 (c) Unless a hearing is required by law of this state other than this chapter, an agency is not
18 required to hold a hearing on a proposed rule but may do so. Opportunity for a hearing must be

1 granted if a request is received by twenty-five (25) persons, or by a governmental agency, or by an
2 association having not less than twenty-five (25) members, within ten (10) days of a notice posted
3 in accordance with subsection (a). A hearing must be open to the public, recorded, and held at least
4 five (5) days before the end of the public-comment period.

5 (d) A hearing on a proposed rule may not be held earlier than ten (10) days after notice of
6 its location, date, and time is published on the secretary of state's website.

7 (e) An agency representative shall preside over a hearing on a proposed rule. If the
8 representative is not the agency head, the representative shall prepare a memorandum summarizing
9 the contents of the presentations made at the hearing for consideration by the agency head.

10 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
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1 This act would require all state, municipal and quasi-state agencies proposing a rule to
2 specify their public comments periods after publication of notice of the proposed rulemaking. The
3 notice would include posting on the agency website with the corresponding email address in order
4 for public comments and notice of related public workshops.

5 This act would take effect upon passage.

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