

APA Frequently Asked Questions

What is the Rhode Island Code of Regulations (RICR) initiative?

Rhode Island is reorganizing all Executive Branch regulations into a uniform state code. This code will be available online and supported by an updated web portal. This project is being led by the Office of the Secretary of State and the Office of Regulatory Reform (ORR).

Who must comply?

Each Executive Branch agency, authority, board, bureau, commission, department, district, division, institution, office, officer, quasi-public agency, other than the legislature or the judiciary that is authorized by law to make rules or determine contested cases.

What is the timeline?

Executive Branch agencies must codify all existing rules into the new code of state regulations by December 31, 2018. *Any regulation that is not published in the new code by the end of 2018 will not be enforceable until it is published.* To promote efficient code development, the Office of Regulatory Reform (ORR) has established a phased submission schedule for regulatory agencies. Please contact ORR should you have questions on your submission schedule.

How much time will the codification process take for my agency?

Codification timelines will vary by agency. Sixty minutes (60) to review, rewrite, and codify a single page of regulation is a good rule of thumb. This estimate does not include time spent promulgating under the Administrative Procedures Act and Executive Order 15-07.

Where can I find guidance on _____?

The Office of Regulatory Reform's website, <http://www.omb.ri.gov/reform/>, provides a number of guidance documents and memoranda, including guidance on:

- Administrative Procedures Act Requirements
- Benefit-Cost Analysis
- Codifying Regulations into the New Code
- Formatting Regulations
- Plain Language Writing
- Regulation Submission Processes

When does a rule require a full benefit-cost analysis?

The following regulatory actions generally do not require a full benefit-cost analysis:

- Emergency regulations;
- Regulatory changes that are technical – not changing the “status-quo;”
- Regulations implementing state or federal mandates, where the agency has little if any discretion;
- Regulations primarily effecting internal agency workings; or
- Regulations where benefits or costs are less than \$1,000,000 annually or in any one year.

Please contact ORR to determine analysis requirements.

Will all agency regulations need to be rewritten at a specific reading level?

No. Regulations have the force of law – they require legal language that outlines specific rights and duties enforceable by the courts. Given the technical aspects of legal writing, each regulation should be as simple and easily understandable by its intended audience as possible. Moreover, agencies have the opportunity to communicate with the regulatory audience in non-technical, simple language through guidance documents and other non-legal, supporting documentation.

Where can I get additional information?

Questions can be directed to:

Amanda Clarke
Senior Economic & Policy Analyst
Office of Regulatory Reform
401-574-8436
amanda.clarke@omb.ri.gov

Kate Telford
Admin Records & Technical Services
Specialist
Department of State
401-222-2353
ktelford@sos.ri.gov