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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

15-07

February 17, 2015

IMPROVING RHODE ISLAND'S REGULATORY CLIMATE
TO CREATE OPPORTUNITY

WHEREAS, rulemaking is one of the most significant public policy actions government can take, directly affecting businesses and citizens alike; and

WHEREAS, improved rulemaking provides more effective protections for public health, safety, welfare, and the environment; and

WHEREAS, outdated, superfluous, or vague rules often impose unnecessary costs and burdens on municipalities, small businesses, and other regulated entities; and

WHEREAS, Rhode Island citizens deserve better access to regulatory information and faster responses from government; and

WHEREAS, the development and review of rules should be informed with rigorous analysis as necessitated by Rhode Island General Laws § 42-35-3(a)(3); and

WHEREAS, in promulgating rules, agencies should seek to achieve statutory goals as effectively and efficiently as possible; and

WHEREAS, public input is encouraged for all rules, including both new and existing rules; and

WHEREAS, the Office of Regulatory Reform (ORR)--which is in the Office of Management and Budget (OMB), which is itself in the Department of Administration (DOA)--exists to pursue these principles; and

WHEREAS, ORR works collaboratively with the Executive Office of Commerce (EOC) to ensure that it is taking all reasonable and practicable steps in carrying out its duties regarding review and improvement of new and existing rules to make Rhode Island a place where entrepreneurs want to invest, and where existing businesses want to grow; and

WHEREAS, ORR's Accelerated Regulatory Review Final Report of December 2014 included recommendations to improve the regulatory environment in Rhode Island.

NOW, THEREFORE, I, Gina M. Raimondo, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

Section 1. Scope of Executive Order

This Executive Order applies to all Executive departments, boards and commissions with rule-making authority. The Governor urges all other state entities with rule-making authority to participate in this Order.

Section 2. Statement of Regulatory Principles

The following principles shall guide the drafting, adoption, modification, and review of any rules and regulations:

1. Rules shall only be adopted when required by federal or state law or when deemed necessary by the agency to serve the public interest.
2. Rules shall not impose an undue burden upon those persons or entities who must comply with the rules.
3. Rules shall be clearly written, relevant, and up-to-date.
4. Rules shall be based on sound, reasonably available scientific, technical, economic, and other relevant information. Agencies shall cite this information in support of regulatory proposals.
5. Rules shall avoid duplication of regulatory control from other state agencies or local governments.
6. Rules shall be designed to achieve their regulatory objective in a cost-effective and timely manner.

7. Rules shall be subject to periodic evaluation and review in accordance with the procedures described in this Executive Order.

8. Rules shall avoid negative business, employment, and overall economic impact. If demonstrated through evidence as necessary despite a negative business, employment, and overall economic impact, the rules shall be designed to minimize such impact.

Section 3. Review of New Rules

1. Agencies shall submit and receive approval from OMB of proposed rules before rules may be posted for notice of intended action as required by Rhode Island General Laws § 42-35-3(a)(1).

2. When submitting proposed rules to OMB for consideration, agencies shall submit to OMB and the EOC an associated economic impact statement demonstrating compliance with Rhode Island General Laws § 42-35-3(a)(3) and the principles in Section 2 of this Executive Order. The EOC shall provide any input to OMB that it deems necessary regarding any potential adverse impact that EOC believes proposed rules may have on Rhode Island's ability to attract new businesses to invest here, and to encourage existing businesses to expand and grow, and OMB shall consider such input.

3. If after thirty (30) days, OMB has taken no action on the proposed rule, the agency may start the adoption process and post the notice of intended action as required by Rhode Island General Laws § 42-35-3(a)(1).

4. Agencies shall encourage public comment and involvement on all proposed rules by posting proposed rules with their associated economic impact statements online. Proposed rules and economic impact statements shall be updated to reflect new information provided by public comment.

5. If any public comments are received, agencies shall submit and receive approval from OMB of proposed rules and associated economic impact statements with any updates before the rules may be adopted. If after thirty (30) days, OMB has taken no action on the proposed rule, the agency may adopt the rule in accordance with Rhode Island General Laws § 42-35-3.

6. Approved rule actions shall be completed in a timely manner to ensure proper protection of the public and clear implementation of law.

7. Agencies shall coordinate rule actions with other agencies where rules, policies, and programs overlap.

8. When submitting an economic impact statement pursuant to Section 3(2) of this Executive Order, agencies shall quantify the costs and benefits to all parties of a rule to the greatest extent possible. OMB and the EOC shall work collaboratively on a standard format/approach for such impact statements. The level of analysis shall be proportional to the significance of the rule.

9. In the economic impact statements, agencies shall identify and assess available alternatives to proposed rules, including the use of economic incentives, information disclosure requirements, and performance standards.

10. OMB shall ensure agencies adhere to the principles outlined in Section 2 of this Executive Order.

11. OMB shall create standards and provide training to agencies on drafting economic impact statements and completing cost-benefit analyses.

12. Each agency head will be held accountable for ensuring that the policies and objectives in this Executive Order are put into effect and that information requested in connection with the requirements of this Executive Order is provided on a timely basis.

Section 4. Improve Existing Rules

ORR shall facilitate the review and amendment of existing rules and regulatory processes in compliance with the principles in Section 2 of this Executive Order.

So Ordered: *



Gina M. Raimondo

Governor

Dated:

2/17/15