



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION

OFFICE of REGULATORY REFORM

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TO: Governor Gina M. Raimondo
House Speaker Nicholas A. Mattiello
Senate President Dominick J. Ruggerio
FROM: Erik Godwin, Director of the Office of Regulatory Reform
SUBJECT: Office of Regulatory Reform Quarterly Report: FY 2016 Q2

FY 2016 Quarter 2 Report: October 1, 2015 – December 31, 2015

Quarterly Summary Data

Total Submissions by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 46
- Regular Rulemaking, Post-Comment Review: 33
- Emergency Rulemaking: 5

Unique Regulations by Type of Action

- Adoption: 13
- Amendment: 35
- Repeal: 3
- Technical Revisions: 0

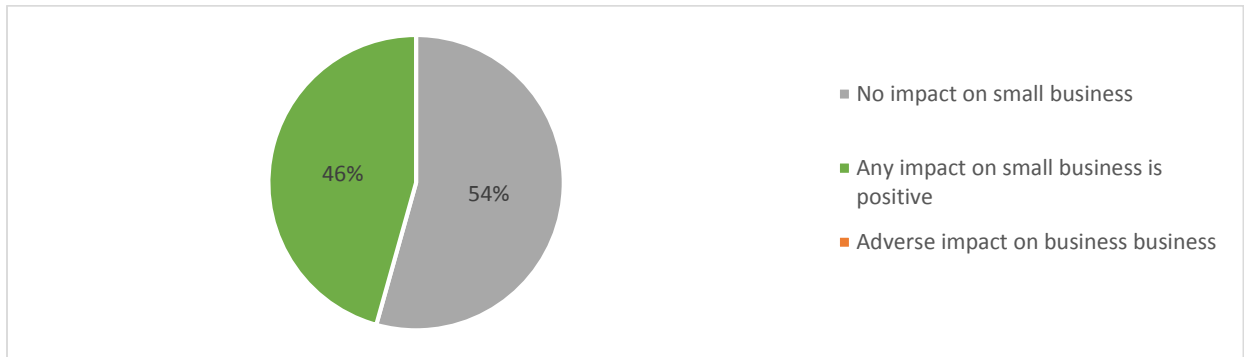
ORR Review Time by Type of Rulemaking

- Regular Rulemaking, Pre-Comment Review: 16.7 days
- Regular Rulemaking, Post-Comment Review: 3.8 days
- Emergency Rulemaking: 3.2 days

ORR Interventions

- Submissions where analysis was changed: 36.9%
- Submissions where regulatory language was changed: 6.0%

Small Business Impact Analysis



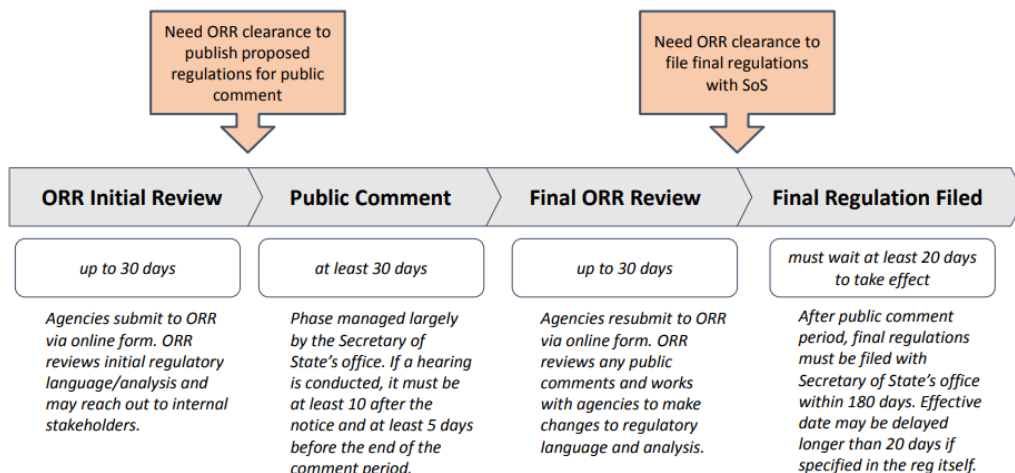
Regulatory Oversight

As part of the Office of Management and Budget, the Office of Regulatory Reform’s (ORR) mission is to review new and amended regulations with a focus on minimizing adverse impacts on Rhode Island businesses, large and small. Since February 2015, ORR has been operating under [Executive Order 15-07](#), which requires all Executive Branch regulations to be reviewed by ORR using a model similar to the federal regulatory model. EO 15-07 outlines a process to ensure regulations are not imposing unnecessary burdens on businesses and citizens.

Prior to EO 15-07 the Director of Regulatory Reform had the authority to intervene on any individual regulatory or permitting issue. With the new process dictated by Executive Order agencies must submit all of their proposed regulatory actions to ORR providing a systematic way to address regulatory issues. ORR reviews an agency’s regulatory package, and if approved, those proposed rules and impact statements go through a public comment process. Any input from that process goes directly back to ORR for final consideration. Below is an outline of the ORR’s role in the regulatory review process. The second round of review is primarily to ensure the agencies take into consideration public comments and amend the regulation as necessary.

Regular Rulemaking and ORR Review

While this is the official process outlined in Executive Order 15-07, ORR frequently works with agencies early by reviewing draft regulations and assisting with the development of regulatory analysis.





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Regulatory Submissions Reviewed By ORR

The following regulatory submissions were cleared by ORR during the fiscal year quarter covered by this report. Regulations cleared by ORR are not immediately effective, regulations must go through the formal rulemaking process administered by the Secretary of State’s Office (SOS). In some cases regulations cleared by ORR are not filed with SOS.

The information in this table (except Days Under Review and Clearance Date) is self-reported by regulatory agencies with their submissions, although ORR can suggest changes to agency’s submissions. Please note that for any post-comment entries with empty cells, the agency was not required to resubmit this information because the regulation received no public comment and no changes were made to the proposed regulation. Emergency regulations might also have missing data because these submissions are exempt from some reporting requirements.

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Post-Comment Draft	Environmental Management	State Pilotage Commission Rules and Regulations	Amendment	0			2015-10-01
Preliminary Draft	Revenue	Rule 2015 – Methodology for determining the presumptive value of motor vehicles subject to the excise tax as of December 31, 2015	Adoption	11	Annual update to years listed in regulation, as required by statute.	NO, this regulation DOES NOT IMPACT small business	2015-10-02
Post-Comment Draft	Taxation	Rules and Regulations for the Anchor Institution Tax Credit	Adoption	1			2015-10-06
Post-Comment Draft	Taxation	Rules and Regulations for the Rhode Island Qualified Jobs Incentive Act of 2015	Adoption	1	The rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation and the Rhode Island Division of Taxation in implementing and administering	NO, this regulation DOES NOT IMPACT small business	2015-10-06

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					the Rhode Island Qualified Jobs Act of 2015.		
Post-Comment Draft	Taxation	Rules and Regulations for the Rebuild Rhode Island Tax Credit Program	Adoption	1	The rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation and the Rhode Island Division of Taxation in implementing and administering the Rebuild Rhode Island Tax Credit Act.	NO, this regulation DOES NOT IMPACT small business	2015-10-06
Preliminary Draft	Environmental Management	Rules & Regulations Governing the Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects	Amendment	6	Annual update of the Clean Water State Revolving Fund Project Priority List (PPL) for FY 2016.	NO, this regulation DOES NOT IMPACT small business	2015-10-07
Post-Comment Draft	Children, Youth and Families	Early Intervention Referral Process for Children Involved with DCYF	Amendment	9	1. Legal basis for mandate for early intervention referrals was moved from the standard opening policy section and imported into the procedure. 2. Changes were made to accurately describe the names of current collaborative programs. 3. Language changes were made to reflect differences between "early intervention" the system and "Early Intervention" the program related to referral processes. 4. Specific procedures outlining the referral and consent process when a child remains at home versus when a child is removed from the home added. 5. Descriptive language regarding the DCYF consent forms #003 and #175 added. 6. Language	NO, this regulation DOES NOT IMPACT small business	2015-10-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					regarding the PANDA Clinic and the PCP's role in Early Intervention referral was removed. 7. Language regarding children in substitute care and references to the NHPRI application was removed. 8. Content related to specifics of the Early Intervention assessment process and timeline post referral was removed.		
Post-Comment Draft	Human Services	Supplemental Nutrition Assistance Program	Amendment	0			2015-10-13
Preliminary Draft	Education - Council of Elem and Sec Ed	Regulations Governing the School Calendar and Length of the School Day	Amendment	26	To amend the current regulations for clarity and simplicity.	NO, this regulation DOES NOT IMPACT small business	2015-10-19
Post-Comment Draft	Housing and Mortgage Finance Corp (RI Housing)	State of Rhode Island 2016 Qualified Allocation Plan	Adoption	6	The State of Rhode Island 2016 Qualified Allocation Plan ("2016 QAP") broadens and further explains agency policies and procedures relative to identifying the housing needs of the state, HUD Qualified Census Tracts/Difficult to Develop Areas, fair housing, review criteria, and compliance monitoring.	NO, any small business impact is POSITIVE	2015-10-20
Preliminary Draft	Administration	Rules and Regulations for the Efficient Buildings Fund Project Priority List	Adoption	5	In accordance with RIGL 46-12.2-4.2 the RI OER shall promulgate rules and regulations establishing a project priority list for the Rhode Island Infrastructure Bank Efficient Buildings Fund and the process through which local governmental units and, to the extent eligible, state agencies may submit an application for inclusion of a project on the project priority list. Upon issuance of the project priority list by the Office of Energy Resources, the project priority list shall be used	NO, any small business impact is POSITIVE	2015-10-21

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					by the Rhode Island Infrastructure Bank to determine the order in which financial assistance shall be awarded.		
Preliminary Draft	Clean Water Finance Agency	Procurement Regulations	Amendment	3	Update the Bank's Procurement Policies to be in accordance with current State Purchasing laws and regulations.	NO, any small business impact is POSITIVE	2015-10-22
Post-Comment Draft	Environmental Management	RIMFR Part III Marine Fisheries Council	Repeal	0			2015-10-23
Post-Comment Draft	Environmental Management	2015 Crustacean Sector Mgmt. Plan	Repeal	0			2015-10-23
Post-Comment Draft	Environmental Management	2015 Shellfish Sector Mgmt. Plan	Repeal	0			2015-10-23
Post-Comment Draft	Environmental Management	2015 Finfish Sector Mgmt. Plan	Repeal	0			2015-10-23
Post-Comment Draft	Environmental Management	Rules and Regulations Governing the Administration of Federal Groundfish Disaster Funds—Phase Two Program for Rhode Island	Adoption	1	The purpose of these rules and regulations is to implement the Rhode Island component of Phase Two of the Consensus Plan for the Distribution of Federal Northeast Multispecies [Groundfish] Fishery Disaster Funds. The three-phase Consensus Plan provides economic relief to mitigate losses resulting from the Northeast Multispecies Fishery Disaster declared by the U.S. Secretary of Commerce in September 2012. For this Phase Two Program, the Rhode Island Department of Environmental Management will disburse \$519,656 in federal aid to assist those engaged in the Rhode Island groundfish community who were	NO, any small business impact is POSITIVE	2015-10-24

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					significantly adversely affected by the groundfish disaster. The framework for disbursement, which these rules and regulations codify, is set forth in the grant application titled Rhode Island Proposal for Groundfish Relief for 2012 Groundfish Disaster Declaration: Bin 2 – State Disaster Assistance Plan that was approved by NOAA Fisheries on April 29, 2015 (Grant #NA15NMF4540009).		
Post-Comment Draft	Environmental Management	RIMFR Aquaculture of Marine Species in Rhode Island Waters	Amendment	3	Proposed definitions; clarifying and updating permitting and submission requirements; clarifying the submission requirements for the shipment and importation of shellfish seed; reducing the time period requirement for the harvest of shellfish transferred from other than approved waters as seed and updating tagging requirements; and general editing to improved readability (entire regulation).	NO, any small business impact is POSITIVE	2015-10-26
Post-Comment Draft	Environmental Management	Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	3	Annual review and amendment: Exit/entry ratios for quahaug and soft-shell clam endorsement; procedures for adopting Sector Management Plans; issuance of new licenses upon sale of vessel and gear; date for submittal of Student Shellfish licenses.	NO, any small business impact is POSITIVE	2015-10-26
Preliminary Draft	Environmental Management	Rules and Regulations Governing Importation and Possession of Wild Animals	Adoption	27	Currently there are two different sets of regulations within the Department of Environmental Management that address wild animal importation. These regulations are administered by the Division of Agriculture for exotic	NO, any small business impact is POSITIVE	2015-10-26

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					wild animals and by the Division of Fish and Wildlife related to native wild animals. The existence of two sets of regulations means that there is inherent incongruity that can result in agency overlap and ultimately confusion by both the regulatory agencies and the regulated public. This proposal is meant to combine both sets of regulations into a single, streamlined, and clear document that will benefit the public.		
Preliminary Draft	Environmental Management	Rules & Regulations Governing the Prevention, Control and Suppression of Rabies within the State of Rhode Island	Amendment	27	RIDEM is proposing minor amendments to the regulations. The proposed changes come at the request of RI licensed veterinarians in an effort to make the regulations less burdensome their clients (pet owners). The proposed amendment will redefine the term “currently vaccinated” to allow that animals that have an established history of being properly vaccinated, but that are overdue for a booster vaccination, will be allowed to receive a booster vaccination that will cause that animal to be compliant with the statutory requirement for vaccination for a period of three years instead of one year as the regulations currently exist. This will mean that fewer vaccinations will be required to be given to dogs, cats, and ferrets as long as they present for vaccination booster within six months of the expiration	NO, this regulation DOES NOT IMPACT small business	2015-10-26

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					date on a previously issued three year rabies vaccination certificate.		
Preliminary Draft	Public Transit Authority (RIPTA)	Reduced Fare Bus Pass Program	Adoption	3	Based on eight years of administering its existing Reduced Fare Bus Program, RIPTA has determined that changes should be made to simplify and streamline the Program.	NO, this regulation DOES NOT IMPACT small business	2015-10-26
Preliminary Draft	Clean Water Finance Agency	Efficient Buildings Fund Policies and Procedures	Adoption	7	In accordance with RIGL 46-12.2-4.2 and the establishment of the Efficient Buildings Fund (EBF), RIIB shall promulgate rules and regulations which may include, without limitation, forms for financial assistance applications, loan agreements, and other instruments. RI OER will promulgate rules and regulations for the EBF project priority list. Upon issuance of the EBF project priority list by RI OER, the project priority list shall be used by RIIB to determine the order in which financial assistance shall be awarded.	NO, any small business impact is POSITIVE	2015-10-27
Preliminary Draft	Labor and Training	General Rules and Regulations of the Rhode Island State Labor Relations Board	Amendment	4	The Rhode Island State Labor Relations Board proposes to amend its general rules and regulations in order to add Section 6.00, which implements the Board's new electronic document management system, which allows for electronic filing. In addition, there are various amendments throughout the regulation that relate to and accommodate the new electronic document management system provisions.	NO, this regulation DOES NOT IMPACT small business	2015-10-27

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Emergency	Public Utilities Commission	Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service	Amendment	0	Request from low income advocates to reduce downpayments and extend payment terms to restore electric and/or gas utility service. Justification for emergency is that: (1) while the RI economy has been recovering, RI still lags behind other New England states; (2) while rates are projected to be lower this winter than last, customers accrued larger than usual balances last year; and (3) access to utility service, particularly heat, allows customers to remain in their homes.	NO, this regulation DOES NOT IMPACT small business	2015-10-30
Post-Comment Draft	Business Regulation	Rules and Regulations for Professional Land Surveying in the State of Rhode Island	Adoption	15	This regulation would codify the current practices and standards of the Board regarding By-Laws, Applications, Examinations and Re-Examinations, Practice, and Complaints, Investigative Procedures and Hearings. This regulation would also adopt Professional Standards and Conduct which are modeled after the Model Rules of the National Council of Examiners for Engineering and Surveying. This regulation would also adopt Procedural and Technical Standards which specify the standards to which surveys must be performed by professional land surveyors in order to protect the public interest. This regulation would also incorporate the repealed continuing education regulations, with two changes: limiting the number of professional development hours that can be obtained by correspondence to 50%	YES, there is ADVERSE IMPACT on small business (continue on to complete the requirements of RIGL § 42-35.1-3 and 1-4).	2015-10-30

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					of the biennium credits and increasing the number of credits that can be carried over a biennium from 5 to 10.		
Emergency	Human Services	Rhode Island Works Program	Amendment	6	The Department has received approval to combine the work hours of both parents in a two parent household to provide a more accurate view of the work participation rate for these families.		2015-11-02
Post-Comment Draft	Coastal Resources Management Council	RI Coastal Resources Management Program - Management Procedures	Adoption	0			2015-11-03
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section 1360, Transportation Services	Amendment	6	The purpose of the regulatory action is to update the rules to reflect current standards of practice. The rules have not been amended in almost two years.	NO, this regulation DOES NOT IMPACT small business	2015-11-03
Preliminary Draft	Human Services	Rhode Island Works Program	Amendment	7	1. Recipients of cash assistance are able to make a total of two (2) free cash withdrawals per month from ATM's. This is a change from the previously contracted four (4) free cash withdrawals per month from ATM's. Each additional ATM withdrawal within that month incurs a fee. This fee has decreased from of eighty-five (85¢) cents to forty-five (45¢) cents. 2. A change to the Rhode Island Works Program work participation requirements is being proposed to replace the six (6) month time limit on adult education with an "unlimited" time limit on adult education as a stand-alone and full-time activity in the context of an intensive work readiness program. 3. DHS received	NO, this regulation DOES NOT IMPACT small business	2015-11-03

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					approval to combine the work hours of both parents in a two parent household to provide a more accurate view of the work participation rate for these families. This change has been filed as "emergency".		
Preliminary Draft	Turnpike and Bridge Authority	Bylaws	Amendment	6	The bylaws of RITBA are being amended and restated to reflect significant changes in Rhode Island law applicable to quasi-public corporations, including without limitation: (i) the provisions of the "Open Meetings Act," the Rhode Island Code of Ethics," and the "Quasi-Public Corporations Accountability and Transparency Act."	NO, any small business impact is POSITIVE	2015-11-03
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the Tax Stabilization Incentive Program	Adoption	7	These rules and regulations are promulgated to set forth the principles, policies and practices of the Rhode Island Commerce Corporation in implementing and administering Chapter 64.22 of Title 42 of the Rhode Island General Laws, the Tax Stabilization Incentive act.	NO, this regulation DOES NOT IMPACT small business	2015-11-04
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the Industry Cluster Grants Program	Adoption	7	These rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation in implementing and administering Chapter 64.29 of Title 42 of the Rhode Island General Laws, the Industry Cluster Grants act (the "Act").	NO, this regulation DOES NOT IMPACT small business	2015-11-04
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the Innovation	Adoption	7	These rules and regulations are promulgated to set forth the principles, policies, and practices of	NO, this regulation DOES NOT IMPACT small business	2015-11-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
		Network Matching Grant Program			the Rhode Island Commerce Corporation in implementing and administering the innovation network matching grant program created under Chapter 64.28 of Title 42 of the Rhode Island General Laws, the Innovation Initiative Act.		
Post-Comment Draft	Commerce Corporation	Rules and Regulations for the Innovation Voucher Program	Adoption	7	These rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation in implementing and administering the innovation voucher program created under Chapter 64.28 of Title 42 of the Rhode Island General Laws, the Innovation Initiative act.	NO, this regulation DOES NOT IMPACT small business	2015-11-04
Preliminary Draft	Turnpike and Bridge Authority	Procurement Policy	Amendment	8	The current procurement policy is being: (i) updated to ensure that RITBA, as a body corporate and politic of the State of Rhode Island, adheres to the general principles, policies, and practices of the State Purchases Act, R. I. Gen. Laws §§ 37-2-1 et seq., and the rules and regulations promulgated pursuant to the State Purchases Act, as in effect from time to time; and (ii) simplified to be readily understood by, and accessible to, all potential qualified vendors within the parameters of applicable law.	NO, any small business impact is POSITIVE	2015-11-04
Preliminary Draft	Administration	Rules and Standards of the State Planning Council. Specifically, Rule Four: Comprehensive Plan Reviews	Amendment	13	The regulation is needed to ensure that all municipalities have sufficient information to properly create and adopt Community Comprehensive Plans as required by RIGL 45-22.2, the Comprehensive Planning Act (Act). The adoption	NO, this regulation DOES NOT IMPACT small business	2015-11-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					and publication of standards is also intended to assure that State reviews of municipal plans are conducted in a consistent and fair manner. The regulation is being adopted at this time to provide appropriate direction in advance of June 1, 2016, the date by which all municipalities are required to bring their plans into conformance with the Act as it was amended in 2011.		
Emergency	Human Services	Regulations Under Review	Amendment	10	Removal of the sunset date regarding the Back to Work RI Pilot, now called Child Care for Training. The removal of the sunset date is per the Governor's budget issuance. The pilot is being renamed to reconcile the erroneous use of the Back to Work name originally assigned. Also, this action is to update Provider Rates along with retitling to CCAP Maximum Weekly Reimbursement Rates. Reimbursement rates are determined by RI State Statute, and the increase in the rates is a result of the Governor's budget article.		2015-11-09
Preliminary Draft	Motor Vehicles	Rules and Regulations Governing the Certification and Use of Ignition Interlock Systems	Amendment	28	This regulation is amended to update the certification of the ignition interlock device to meet current federal standards and to set forth criteria for violations of use based on legislation that was enacted January 1, 2015.	NO, this regulation DOES NOT IMPACT small business	2015-11-10
Preliminary Draft	Commerce Corporation	Rules and Regulations for the I-195 Redevelopment Project Fund	Adoption	7	These rules and regulations (the "Rules") are promulgated to set forth the principles, policies, and practices of the I-195 Redevelopment District Commission	NO, this regulation DOES NOT IMPACT small business	2015-11-12

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					in providing financing pursuant to Chapter 64.24 of Title 42 of the Rhode Island General Laws, the I-195 Redevelopment Project Fund Act (the "Act").		
Preliminary Draft	Taxation	Corporate Income Tax: Combined Reporting	Adoption	14	Legislation approved by the General Assembly and signed into law by then-Governor Lincoln D. Chafee on June 19, 2014, amended Rhode Island General Laws Chapter 44-11 ("Business Corporation Tax") to make unitary combined reporting mandatory for tax years beginning on or after January 1, 2015. The legislation also required that entities treated as C corporations for federal income tax purposes must use single sales factor apportionment – and the market-based sourcing method for apportionment purposes. The regulation would implement the statutory changes in time for the filing season beginning January 2015, when a number of C corporations will be involved in filing their first combined reporting return or Rhode Island corporate income tax purposes. (The Division of Taxation is filing separate regulations regarding the issues of apportionment and nexus.)	NO, this regulation DOES NOT IMPACT small business	2015-11-13
Preliminary Draft	Taxation	Business Corporation Tax- Apportionment of Net Income	Amendment	21	This regulation implements and interprets comprehensive statutory changes to RI's corporate income taxation system, the most significant reform of RI's corporate tax code in 68 years. It operates together with two other	NO, this regulation DOES NOT IMPACT small business	2015-11-13

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					regulations: 1) Corporate Income Tax: Combined Reporting; and 2) Corporate Income Tax: Corporate Nexus. The comprehensive changes reflected in these regulations include a reduction of RI's corporate income tax rate and a contemporaneous broadening of the underlying corporate income tax base. The new "combined reporting" system is intended to draw in RI-apportioned income that evaded RI taxation under the prior legal regime. The reforms also require apportionment of corporate income to be based on a single factor – RI sales. When such sales are comprised of services and intangibles, the law requires sourcing of sales according to where the "market" for a sale is. This regulation's amendment is necessary for implementing apportionment-related aspects of the combined reporting system.		
Preliminary Draft	Taxation	Business Corporation Tax-Corporate Nexus	Amendment	21	These regulation helps implement comprehensive statutory changes to RI's system of corporate income taxation. The changes represent the most significant reform of RI's corporate tax code in 68 years. This regulation operates in conjunction with two others: 1) Corporate Income Tax: Combined Reporting; and 2) Corporate Income Tax: Apportionment of Net Income. The comprehensive changes that are reflected in these regulations include a reduction of RI's corporate	NO, this regulation DOES NOT IMPACT small business	2015-11-13

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					income tax rate along with a contemporaneous broadening of the underlying corporate income tax base. The broader tax base results from a new “combined reporting” system, intended to draw in RI-apportioned income that had evaded RI taxation under the prior legal regime. It is critical for implementation of RI’s new corporate income tax system that clear guidance is provided regarding what actions create corporate income tax nexus with the State. This regulation is intended to provide such guidance, in line with contemporary jurisprudence.		
Preliminary Draft	Housing and Mortgage Finance Corp (RI Housing)	Rules and Regulations of the Corporation Applicable to the HOME Investment Partnership Program	Repeal	9	The purpose of this activity is to repeal a potentially duplicative rule. The rule describes the HOME Investment Partnership Program, a federal affordable housing production program that is governed by regulations promulgated by the U.S. Department of Housing and Urban Development. The federal rules are comprehensive, and leave Rhode Island Housing discretion only as to manner in which projects will be selected for funding, which may change from year to year. Rhode Island Housing intends to issue program bulletins to announce future funding opportunities as they arise along with the applicable selection criteria.	NO, any small business impact is POSITIVE	2015-11-19

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Human Services	Rules, Regulations and Standards Governing the Home and community Care Services to the Elderly Program	Amendment	20	In state Fiscal Year 2013, Rhode Island's Medicaid program incurred expenses of \$1,785 million. Adults over age 65 accounted for \$484 million of this cost, and two thirds of Medicaid expenditures for adults over age 65 were for nursing home care. The older adult population in Rhode Island is growing, and the current Medicaid system is costly and unsustainable. It is widely recognized that home and community-based services (HCBS) are a less costly alternative to nursing home care for older adults. The main purpose of the Amendments is to expand the eligible population for the Division of Elderly Affairs HCBS program, known as the Co-Pay Program, by increasing the income limit for program participants from 200% of the Federal Poverty Limit to 250% of the Federal Poverty Limit.	NO, any small business impact is POSITIVE	2015-11-19
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Regulations - Shellfish	Amendment	23	Removal of definitions. In conjunction with proposed adoption of RIMFR Definitions, which will include all RIMFR definitions in a single location.	NO, any small business impact is POSITIVE	2015-11-20
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Regulations - Commercial and Recreational Saltwater Fishing Licensing Regulations	Amendment	23	Removal of Definitions. In conjunction with proposed adoption of RIMFR Part I - Definitions.	NO, any small business impact is POSITIVE	2015-11-20
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Regulations - Lobsters, Crabs, and Other Crustaceans	Amendment	23	Removal of Definitions. In conjunction with proposed adoption of RIMFR Part I - Definitions.	NO, any small business impact is POSITIVE	2015-11-20

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Statutes and Regulations - Aquaculture of Marine Species in Rhode Island Waters	Amendment	23	To remove definitions. In conjunction with proposed adoption of RIMFR Part I - Definitions.	NO, any small business impact is POSITIVE	2015-11-20
Preliminary Draft	Environmental Management	RIMFR - Part I: Legislative Findings	Repeal	25	Repeal of non-regulatory statutory language. Transfer definitions contained in this regulation to proposed adoption of "RIMFR - Definitions" simultaneously. As part of this effort, will also be filing amendments to other RIMFR's (i.e., Finfish, Shellfish, Licensing, and Aquaculture) so as to remove all definitions so as to eliminate duplication and sometimes inconsistent definitions.	NO, any small business impact is POSITIVE	2015-11-20
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Statutes and Regulations - Part I: Definitions	Adoption	25	Proposed adoption of clarified regulation in conjunction with proposed repeal of "RIMFR - Definitions". Proposed regulation will house all RIMFR definitions. Also will involve proposed amendments of RIMFR Finfish, Shellfish, Aquaculture and Crustacean, and Licensing regulations to remove definitions, so that all definitions housed in a single location.	NO, any small business impact is POSITIVE	2015-11-20
Preliminary Draft	Environmental Management	Rhode Island Marine Fisheries Statutes and Regulations - Part XVII: Maps	Repeal	25	Repeal of obsolete and/or inaccurate maps that are not regulation or are inaccurate with descriptions of areas that are contained in regulations (e.g., shellfish management areas)	NO, any small business impact is POSITIVE	2015-11-20
Post-Comment Draft	Business Regulation	Rules and Regulations for the Board of Accountancy	Adoption	14	This new regulation merges 7 separate BOA regulations into one, with the following changes: a. The	NO, any small business impact is POSITIVE	2015-11-24

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					existing requirement that a score of 90 or above must be achieved in the Professional Ethics, the AICPA's Comprehensive Course is codified in the regulation; b. The existing requirement that a candidate must attain a passing grade for each test section of 75 is codified in the regulation; c. Types of programs that will qualify for continuing professional education (CPE) are expanded to include: "interactive webcasts which shall be credited the same as live attendance; d. Clarify that the Board may make exceptions for the required CPE completion time.		
Preliminary Draft	Resource Recovery Corporation	Municipal Solid Waste Disposal Fee Pricing Structure and Procedure	Adoption	28	Establish a pricing mechanism to determine, biennially, the solid waste disposal fee paid by municipalities, based on the Corporation's audited, actual cost of landfilling.	NO, this regulation DOES NOT IMPACT small business	2015-11-25
Preliminary Draft	Business Regulation	Insurance Regulation 108 – Auto Body Labor Rate Survey	Amendment	30	Amendment to statute	NO, this regulation DOES NOT IMPACT small business	2015-11-25
Post-Comment Draft	Labor and Training	RI State Labor Relations General Rules and Regulations	Amendment	0			2015-12-01
Post-Comment Draft	Administration	Rules and Regulations for the Efficient Buildings Fund Project Priority List	Adoption	0			2015-12-01
Post-Comment Draft	Business Regulation	Insurance Regulation 94 - Annuity Mortality Table For Use In Determining Reserve Liabilities For Annuities	Amendment	22	To update the annuity mortality table to include the 2012 table adopted by the National Association of Insurance Commissioners ("NAIC") to allow for sale of annuity products in Rhode Island. There has been an extensive vetting process	NO, this regulation DOES NOT IMPACT small business	2015-12-01

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					at the NAIC including comments from industry and consumer representatives as well as actuaries employed by various insurance departments throughout the country.		
Preliminary Draft	Clean Water Finance Agency	RI Clean Water State Revolving Fund - Affordability Criteria	Adoption	13	In accordance with Section 603(i)(2) of the Clean Water Act each state must develop affordability criteria to assist in identifying government units that would have difficulty in financing water pollution abatement projects without additional subsidization.	NO, this regulation DOES NOT IMPACT small business	2015-12-01
Preliminary Draft	Motor Vehicles	Amended Rules and Regulations Relative to Compulsory Insurance or Financial Responsibility	Amendment	28	The reason for the Regulatory Action is that the Division of Motor Vehicles had made the determination that electronic insurance cards should be a viable means of proving insurance/financial responsibility. There is a trend amongst the states allowing for motorists to prove their insured status via an electronic format. The Division has noted this trend and has determined that it would be in the best interest of both the Division and the general populace to allow for insurance information to be proven in an electronic format in addition to the paper format currently permitted.	NO, this regulation DOES NOT IMPACT small business	2015-12-01
Preliminary Draft	Human Services	Supplemental Nutrition Assistance Program	Amendment	16	Proposed revisions to update/align rules with current federal regulations, eliminate inconsistencies, remove redundancies and obsolete rules. More substantive changes include aligning the determination of	NO, this regulation DOES NOT IMPACT small business	2015-12-02

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					voluntary quit rules with federal regulations regarding a thirty (30) or more hours per week employment requirement as opposed to twenty (20) or more hours per week; adding more detail regarding the eligibility and certification procedure for disaster SNAP benefits; clarifying and detailing the SNAP benefit replacement rules; adding rules relating to the EBT adjustment process; re-defining "discovery date" as it relates to the collection of a claim; and adding language to state that claims include only those months of overissuance that have occurred within at least twelve (12) months of prior to the date the agency becomes aware of the overissuance.		
Post-Comment Draft	Clean Water Finance Agency	Rhode Island Infrastructure Bank Efficient Buildings Fund Policies and Procedures	Adoption	0			2015-12-04
Post-Comment Draft	Clean Water Finance Agency	Procurement Regulation	Amendment	0			2015-12-04
Preliminary Draft	Business Regulation	Commercial Licensing Regulation 16 – Motor Vehicle Body Repair Technician Certification	Amendment	15	Some amendments are based on major statutory changes mandating changes to C.L. Reg. 4. Requirement of Corrosion Protection training is on recommendation of Auto Collision Repair Licensing Advisory Board for consumer safety purposes.	NO, any small business impact is POSITIVE	2015-12-04
Preliminary Draft	Business Regulation	Commercial Licensing Regulation 4 - Motor Vehicle Body Repair	Amendment	17	Some amendments are based on major statutory changes mandating changes to C.L. Reg. 4.	NO, any small business impact is POSITIVE	2015-12-04

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Requirement of Corrosion Protection training is on recommendation of Auto Collision Repair Licensing Advisory Board for consumer safety purposes.		
Preliminary Draft	Commerce Corporation	Rules and Regulations for the First Wave Closing Fund	Adoption	24	The rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation in implementing and administering the First Wave Closing Fund.	NO, this regulation DOES NOT IMPACT small business	2015-12-08
Preliminary Draft	Environmental Management	Rules and Regulations for the Agriculture, Recreation, Acquisition and Development, Roger Williams Park, and Roger Williams Zoo Grant Programs	Adoption	24	This proposed rulemaking is offered consistent with the Governor's Lean initiative. Specifically, pursuant to this proposed rulemaking, qualified municipalities, private organizations and public agencies will be afforded notice of the standards applicable for the award acquisition and utilization grants from those funds that are currently available or may be allocated in the future funding for similar agricultural and recreational acquisition and development projects. This rulemaking is intended to establish greater continuity of review standards and afford potential applicants assistance in pursuing planning opportunities.	NO, any small business impact is POSITIVE	2015-12-08
Preliminary Draft	Coastal Resources Management Council	RI Coastal Resources Management Program – Red Book (Section 145)	Amendment	25	The intended purpose of the proposed amendment to Section 145 of the CRMC Coastal Resources Management Plan is to update sea level rise (SLR) projections for short-, mid- and long-term timelines of 2035, 2050 and 2100, respectively, as calculated using current National	NO, this regulation DOES NOT IMPACT small business	2015-12-08

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Oceanic Atmospheric Administration (NOAA) methodology and based on the Newport, RI NOAA tide gauge. The CRMC's existing policy in Section 145 is to periodically review new scientific information regarding SLR. The proposed amendment would provide the state and municipalities with appropriate sea level rise projections for consideration in the planning and design of future public and private investments and natural resource restoration projects.		
Preliminary Draft	Environmental Management	Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems	Amendment	21	The primary purpose of these amendments is to incorporate revisions made to the R.I. Cesspool Act of 2007 (R.I. Gen. Laws § 23-19.15) by the R.I. General Assembly in the 2015 session. The Cesspool Act is incorporated into the OWTS Rules in the administrative findings, definitions, and in Rule 53. Under the proposed Rule 53, cesspools must be removed from service when the property served by the cesspool is sold or transferred. These amendments also make several clarifications and minor technical changes.	NO, this regulation DOES NOT IMPACT small business	2015-12-09
Preliminary Draft	Environmental Management	Solid Waste Regulation No. 8 Rhode Island Organics Waste Recycling Facilities	Amendment	23	DEM had two goals in revising Solid Waste Regulation No. 8. Our first goal was to encourage and simplify composting requirements for small-scale composting operations and medium-scale composting facilities. Our second goal was to create Anaerobic Digestion Rules so as to encourage the development of	NO, any small business impact is POSITIVE	2015-12-09

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					these types of facilities in the State of Rhode Island since the Refuse Disposal Act was revised to include a ban on disposing food residuals for large generators (greater than 104 tons per year). The Food Waste Ban (R.I.G.L. Section 23-18.9-17) goes into effect on January 1, 2016.		
Preliminary Draft	Environmental Management	Rules and Regulations for Solid Waste Management Facilities and Organic Waste Recycling Facilities	Amendment	26	Solid Waste Regulation Number 1 contains the general requirements that Solid Waste Management Facilities and Organic Waste Recycling Facilities shall follow and it contains the entire list of definitions for all of the subsequent Solid Waste Regulations. Each of the Solid Waste Regulations 2-8, are tailored to a specific type of solid waste or organic waste recycling facility (i.e. Solid Waste Regulation No. 2, Landfills). The changes that were made to Solid Waste Regulation Number 1 were done in order to support the revisions to Solid Waste Regulation Number 8.	NO, any small business impact is POSITIVE	2015-12-09
Post-Comment Draft	Education - Council of Elem and Sec Ed	Regulations Governing the School Calendar and the Length of the School Day	Amendment	1	To amend the current regulations for clarity and simplicity.	NO, this regulation DOES NOT IMPACT small business	2015-12-11
Preliminary Draft	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section 1500, "Medicaid Long-Term Services and Supports	Amendment	7	EOHHS is proposing to amend pertinent sections of the Medicaid Code of Administrative Rules, section 0399, currently entitled, "Global Consumer Choice Waiver", renumber it to section #1500, and re-title it: "Medicaid Long-Term Services and Supports: Interim Rule."	NO, this regulation DOES NOT IMPACT small business	2015-12-11

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
Preliminary Draft	Commerce Corporation	Rules and Regulations for the Wavemaker Fellowship Program	Adoption	8	The rules and regulations are promulgated to set forth the principles, policies, and practices of the Rhode Island Commerce Corporation in implementing and administering the Wavemaker Fellowship Program	NO, this regulation DOES NOT IMPACT small business	2015-12-15
Post-Comment Draft	Public Transit Authority (RIPTA)	Reduced Fare Bus Pass Program	Adoption	4	Based on eight years of administering its existing Reduced Fare Bus Pass Program, RIPTA has determined that changes should be made to simplify and streamline the Program.	NO, this regulation DOES NOT IMPACT small business	2015-12-22
Preliminary Draft	Coastal Resources Management Council	RI Coastal Resources Management Program - Management Procedures	Amendment	4	The purpose of the proposed regulation change to Section 5.9 Presentation of Expert and Lay Testimony of the CRMC Management Procedures is to deter applicants from introducing new evidence, reports, or data at a subcommittee or Council hearing. The rule change is further intended to put applicants on notice that if they choose to submit new evidence, reports, or data at the hearing, then it may result in an unnecessary delay as a direct result of the applicant's action.	NO, any small business impact is POSITIVE	2015-12-22
Preliminary Draft	Human Services	Office of Rehabilitation Services Policy Manual	Amendment	11	The purpose for the amendment is to revise the following sections effective February, 2016: Post-Secondary Education and Vocational Training – Section 115.28 This amended rule reflects revised definitions used regarding training based on Workforce Investment Opportunity Act of 2014 and removal of procedures from manual. Order of	NO, this regulation DOES NOT IMPACT small business	2015-12-22

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					Selection/Waitlist – Section 115.22 This amended rule reflects revised Workforce Investment Opportunity Act of 2014 legal authority, additional information used to determine what each category of Order of Selection is, as well as removal of procedures from manual.		
Post-Comment Draft	Motor Vehicles	Rules and Regulations Governing the Certification and Use of Ignition Interlock Systems	Amendment	1	This regulation is amended to update the certification of the ignition interlock device to meet current federal standards and to set forth criteria for violations of use based on legislation that was enacted January 1, 2015.	NO, this regulation DOES NOT IMPACT small business	2015-12-23
Post-Comment Draft	Taxation	Business Corporation Tax-Corporate Nexus	Amendment	2			2015-12-23
Post-Comment Draft	Taxation	Business Corporation Tax- Apportionment of Net Income	Amendment	2	To more fairly distribute legal costs associated with apportionment disputes between the parties, as described in Rule 12 of the regulation.	NO, this regulation DOES NOT IMPACT small business	2015-12-23
Post-Comment Draft	Parole Board	2015 Sex Offender Community Notification Guidelines	Adoption	6	Updated to reflect new gubernatorial appointees to Sex Offender Board of Review, legislative addition of 11-9-1.5 as enumerated offense requiring community notification, minor typographical changes.	NO, this regulation DOES NOT IMPACT small business	2015-12-23
Post-Comment Draft	Parole Board	2015 Rhode Island Parole Board Guidelines	Adoption	6	Statutory requirement to adopt standards at least once annually.	NO, this regulation DOES NOT IMPACT small business	2015-12-23
Emergency	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0372	Amendment	0	Section 0372.05 (A)(2)(c) has been amended to clarify that for persons enrolled in Medicare Part B on or before December 31, 2015, the premium will remain at		2015-12-31

Review Stage	Agency	Regulation Title	Rulemaking Action	Days Under Review	Reason for Regulatory Action	Small Business Impact Determination	Clearance Date
					\$104.90/month. For persons enrolling in Part B for the first time on and after January 1, 2016, the premium will be \$121.80/month.		
Emergency	Executive Office of Health and Human Services	Medicaid Code of Administrative Rules, Section #0370	Amendment	0	Section 0370.15.45 has been amended to reflect that there will be no cost of living adjustment (COLA) for beneficiaries in 2016.		2015-12-31