

2010 -- H 8104

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LC02569  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND PART 7:  
STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURES

Introduced By: Representatives Shallcross Smith, A Rice, Vaudreuil, DaSilva, and Marcello

Date Introduced: May 06, 2010

Referred To: House Small Business

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative Findings:

2 The State of Rhode Island recognizes that all businesses need to be able to react quickly  
3 to take advantage of opportunities as they emerge, yet the sequential nature of state and municipal  
4 regulatory and permitting review processes can significantly impede the ability of a business to  
5 react quickly.

6 Oftentimes, a company will be forced to wait for the completion of one approval process  
7 before moving on to the next, despite an apparent lack of relationship among the sequential steps  
8 in the process.

9 Several regulatory and permitting processes can be completed simultaneously, speeding  
10 up the approval process for businesses, without harm to the health, public safety, environment or  
11 economic concerns.

12 Allowing for simultaneous review and approval across state agencies and departments  
13 can help assist small businesses move more rapidly through the state and municipal regulatory  
14 process; enabling businesses to start and grow faster.

15 SECTION 2. Chapter 42-35 of the General Laws entitled "Administrative Procedures" is  
16 hereby amended by adding thereto the following section:

17 **42-35-3.5. Simultaneous regulatory, licensing, and permitting processes.** – (a) Any  
18 state agency with regulatory or permitting authority over a business shall establish a process

1 whereby, at the option of the business, the agency will conduct a simultaneous review and  
2 approval process with one or more other state or municipal agencies, and will not require prior  
3 approval of one or more state or municipal agency before beginning the review and approval  
4 process; provided that regulations and/or permits relating to significant health, public safety, or  
5 environmental protection interests, shall not be subject to this simultaneous review process.

6 (b) Nothing in this section shall entitle a business to recoup or recover any costs or fees  
7 associated with the simultaneous regulatory or permitting process. If one or more state or  
8 municipal agencies fail to approve a permit, license, or regulatory application, thereby  
9 influencing the granting of a contingent approval from another municipal or state entity, the  
10 business may not recover any associated costs from the agencies involved in the simultaneous  
11 review process; provided, that this section shall not effect the ability of a business to recoup or  
12 recover costs associated with the licensing, permitting, or application processes allowed under  
13 any other chapter.

14 (c) Any state agency offering an optional simultaneous review process shall inform the  
15 business of the possibility that one or more other state agencies may fail to approve a contingent  
16 permit, license, or regulatory application, and that the business may not recoup or recover costs  
17 associated with one application due to the denial or disapproval of another.

18 SECTION 3. This act shall take effect on January 1, 2011.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO MAKING IT EASIER TO DO BUSINESS IN RHODE ISLAND PART 7:  
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1           This act would allow the state to make the regulatory, licensing and permitting process be  
2 simultaneous.

3           This act would take effect on January 1, 2011.

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