

2019 -- H 5698

LC001970

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE PROCEDURES

Introduced By: Representatives Shekarchi, Ackerman, Solomon, Cassar, and Marszalkowski

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-35-18 of the General Laws in Chapter 42-35 entitled  
2 "Administrative Procedures" is hereby amended to read as follows:

3 **42-35-18. Effective date of chapter -- Scope of application and exemptions.**

4 (a) This chapter shall take effect upon January 1, 1964, and thereupon all acts and parts of  
5 acts inconsistent herewith shall stand repealed; provided, however, that except as to proceedings  
6 pending on June 30, 1963, this chapter shall apply to all agencies and agency proceedings not  
7 expressly exempted.

8 (b) ~~None of the~~ The provisions of this chapter shall not apply to the following sections  
9 and chapters:

- 10 (1) Section 16-32-10 (University of Rhode Island);  
11 (2) Chapter 41 of title 16 (New England Higher Education Compact);  
12 (3) Section 16-33-6 (Rhode Island College);  
13 (4) Chapter 16 of title 23 (Health Facilities Construction Act);  
14 (5) Chapter 8 of title 20 (Atlantic States Marine Fisheries Compact);  
15 (6) Chapter 38 of title 28 (Chief Judge Robert F. Arrigan Rehabilitation Center);  
16 (7) ~~Chapter 7 of title 17 (State Board of Elections);~~  
17 (8) Chapter 16 of title 8 (Judicial Tenure and Discipline);  
18 (9) Chapter 61 of title 42 (State Lottery);

1 (10) Chapter 24.4 of title 45 (Special Development Districts);

2 (11) Chapter 12 of title 35 (The University of Rhode Island Research Corporation).

3 (c) The provisions of §§ 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall not  
4 apply to:

5 (1) Any and all acts, decisions, findings, or determinations by the board of review of the  
6 department of labor and training or the director of the department of labor and training or his, her,  
7 its or their duly authorized agents and to any and all procedures or hearings before and by the  
8 director or board of review of the department of labor and training or his or her agents under the  
9 provisions of chapters 39 -- 44 of title 28.

10 (2) Section 28-5-17 (Conciliation of charges of unlawful practices).

11 (3) Chapter 8 of title 13 (Parole).

12 (4) Any and all acts, decisions, findings or determinations by the administrator of the  
13 division of motor vehicles or his or her duly authorized agent and to any and all procedures or  
14 hearings before and by said administrator or his or her said agent under the provisions of chapters  
15 10, 11, 31 to 33, inclusive, of title 31.

16 (5) Procedures of the board of examiners of hoisting engineers under chapter 26 of title  
17 28.

18 (6) Any and all acts, decisions, findings, or determinations made under authority from the  
19 provisions of chapters 29 -- 38 of title 28, concerning workers' compensation administration,  
20 procedure and benefits.

21 (d) This chapter shall not apply to the state board of elections, except with respect to the  
22 rule-making procedures set forth in the provisions of §§ 42-35-2, 42-35-2.1, 42-35-2.2, 42-35-2.3,  
23 42-35-2.4, 42-35-2.5, 42-35-3, 42-35-3.2, 42-35-4, 42-35-4.1, 42-35-4.2, 42-35-5, 42-35-5.1, and  
24 42-35-6.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - ADMINISTRATIVE  
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- 1           This act would provide that the state board of elections would be exempt from the  
2 "administrative procedures act" except for certain rule-making provisions of the "administrative  
3 procedures act".  
4           This act would take effect upon passage.

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