

# **ACR** – Administrative Codes and Registers Section

National Association of Secretaries of State

Robert J. Colborn, Jr. Innovation Award

## **2018 NOMINATION FORM**

### **NOMINATED PROGRAM INFORMATION**

Title of Nomination:	Rhode Island Code of Regulations
Date:	May 18, 2018
Project Program Manager:	Kaitlynn Ward, Director of State Archives, Library and Public Information
Name of ACR member on staff:	Kristen Cordeiro, Administrative Rules Editor

### **NOMINATOR'S INFORMATION**

Kaitlynn Ward  
Director of State Archives, Library and Public Information  
Rhode Island Secretary of State  
337 Westminster Street  
Providence, RI 02903  
(401) 222-2353  
[kward@sos.ri.gov](mailto:kward@sos.ri.gov)

## Statement of Justification

### A. Project Description

In June 2016, the Rhode Island General Assembly made significant amendments to the state's Administrative Procedures Act (APA). These amendments included a mandate that the Department of State (Department) make all rulemaking documents available online in a standardized format. The Department recognized the potential to leverage this legislative mandate to support our mission of making government more accessible and transparent. This mission became the foundation for the core design principles of the RICR, which focused on the end-user's experience first and foremost. During the planning stage for this project, we learned from extensive stakeholder outreach that public understanding of the process by which rules are promulgated, amended, or repealed is critical to having an effective regulatory climate. That vision became a driving force behind the design and implementation of the RICR.

The system is designed to be dynamic, easy-to-navigate, and highly intuitive. Rules are accessible via multiple search options, and we have built an extensive educational component to identify key terms, outline the rulemaking process, and allow the public to comment on proposed rules directly through the application. Before the APA was reformed, the Department made reference copies of regulations available on our website; however, we had no authority over the form or substance of those regulations. Format varied widely across agencies, making it very difficult for the public to understand regulatory requirements, especially for businesses who are impacted by regulations from multiple agencies. The amendments to the APA prompted a two-pronged regulatory reform effort with a compressed timeline of just over two years. In conjunction with the Department's development of the RICR, the Office of Regulatory Reform (ORR), housed under the Department of Administration's Office of Management & Budget, was tasked with reducing regulatory volume across state government to support business development.

We have since worked collaboratively with the Office of Regulatory Reform and with state agencies, boards, and commissions to identify and remove outdated regulations and to organize and revise the remaining regulations into an intuitive, user-friendly Code structure. The concept of two separate offices working in tandem toward the goal of improving government processes to the benefit of its citizens is a rare one and the Rhode Island Code of Regulations stands as a model for what collaboration across state agencies can accomplish to make government more accessible and transparent in addition to enhancing commerce.

The amended APA set a statutory deadline of December 31, 2018 for the launch of the RICR. We have been able to design, build, and test the two coordinating applications and train users well inside that deadline, and are proud to announce that the RICR will launch in August 2018.

The Department recognized that the RICR represented an opportunity to shift the culture of the way government does business by embracing design principles that put the user first. The RICR is not simply a website that displays regulations online. It is a portal through which the government and its citizens can communicate about the issues that affect them to make government transparent, accessible, and efficient. That philosophy is evident in both the filing application, which guides filing agencies step-by-step through the rulemaking process, as well as the public-facing application, which aims to give users the information they are looking for while enhancing civic education and pride.

## B. Project Scope

The Rhode Island Code of Regulations represents a sea change in the way regulations are presented to the public in Rhode Island. The significant effort to format each regulation in the Code exactly alike creates an environment where the formatting of any particular rule is, appropriately, only a backdrop for the content of that rule. Each rule is fully accessible and searchable in the new Code, meaning there is no technological roadblock for any member of the public to find what they need and understand what they have found.

While the concept of an online code of regulations is not novel, the Rhode Island Department of State benefited from the advice and experience of states who had already undertaken similar projects, and from advancements in technology able to support our vision for the RICR. The Code consists of two separate applications and databases which communicate with each other: a filing application for agencies' use as well as an interactive, public-facing application. These databases, both of which were built and will be maintained in-house, are cloud-based and will effectuate the move from digital reference copies to born-digital, official copies of regulations and related documentation. Regulations filed through the RICR filing system will be digitally signed by each agency and by Department of State staff using a nationally respected vendor; those documents will then be stored permanently in a trusted digital repository which runs continuous fixity checks and preemptively identifies file format obsolescence.

The structure of the Code itself encourages users to browse by topic which, in turn, helps educate the public as to the functions and regulatory range of each state agency. The Department of State designed a system which allows a user to choose how they wish to interact with a regulation by either drilling down to only the language that interests them or accessing the entire regulation all at once. Importantly, the RICR is a living, breathing Code which is adaptable to legislative changes and contains live regulatory data updated daily. The applications, as well as the very structure of the Code, were designed with future growth and amendments in mind, so although there is a statutory deadline for regulations to be published into the Code, the Code will not be obsolete on the day it launches. Along that same vein, the decision to build and maintain the RICR in-house

provides the additional benefit of complete customization and adaptability which will translate to practical and fiscal gains now and in the future.

The Department's driving vision when building the RICR was to make government more transparent and accessible to the public. With a robust civic education module, customizable notifications, on-screen alerts for proposed changes to a rule, and the ability to submit comments directly through the application, the RICR has achieved that vision.

In developing the new Code, we researched best practices from states across the country that have already gone through this process. This allowed us to incorporate, and often improve upon, various elements of their design and functionality. We also solicited feedback from stakeholders in the public and commercial sectors to ensure the application was designed to meet the needs of its intended audience. Finally, we reached out to state agencies with varying degrees of familiarity with the APA and the regulatory filing process to create a filing system that is intuitive and user-friendly for all agency filers.

When the amendments to the APA were passed, Rhode Island state agencies, boards and commissions collectively had 1500 enforceable regulations totaling some 27,000 pages. These regulations were all promulgated according to the appropriate steps outlined in the APA; however, there was no standard format or regulatory review process in place. The amended APA changed that. The Department of State added one new full-time employee position, an Administrative Rules Editor, and employed two IT developers and a data architect. These new employees expanded the team working on regulations from one to five, with three dedicated to designing and building the RICR applications and two dedicated to guiding that build and reviewing all 27,000 pages of regulations to ensure formatting compliance.

With the push toward a uniform code of regulations, we also saw the rulemaking process change dramatically. Significantly, the Governor issued an executive order requiring that Executive Branch agencies submit all regulations through the Office of Regulatory Reform for review and consideration. Likewise, because the APA now mandates that the Department of State is responsible for ensuring each agency's regulations are formatted identically, we developed a Microsoft Word template which agencies are required to use when drafting rules. After an agency receives approval from the Office of Regulatory Reform to proceed with their rulemaking action, one of two staff members at the Department of State reviews that regulation for formatting compliance. Not only have we taken on a position of greater authority when it comes to regulations published in the Code, we have also used this project as an opportunity to take a proactive approach to training and guiding filing agencies. We developed a Filing and Formatting Manual, which serves as a model for plain language writing and uniform formatting, and have provided in-person training to 76 agencies on more than 40 occasions. Likewise, the launch of the RICR will be accompanied by on-demand webinars, extending our support to all hours of the day.

## C. Project Benefits

The benefits of the RICR to the average Rhode Islander are many. For one, regulations will be in a uniform format across all state agencies as opposed to the many formats in place today. Those regulations are also clearly organized and listed by agency with sub-categories for specific topics/business units within each agency. Today, a user would have to visit separate areas of our website to find a proposed or final rule. The RICR combines those two databases to ensure anyone looking at a regulation in the Code will always be made aware if changes to that regulation have been proposed.

We believe in making government processes transparent to the public, and that belief informed the build of the Code. To that end, we reserved an area of the application for educational materials aimed at informing the public about the rulemaking process, the unique terms associated with that process, and answers to frequently asked questions. Lastly, with the assistance of Google Translate, the text of each regulation is fully translatable into more than 100 languages, removing any language barrier issues entirely from the equation.

The project also expands opportunities for the public to participate in the rulemaking process. This is achieved by better leveraging technology in the regulatory system – for example, providing live, web-based rulemaking agendas as well as placing public comments and supporting documentation online. Additionally, the new RICR can accept public comments directly through the application, which will make it easier for members of the public to weigh in on proposed rules. Just as importantly, the RICR will collect and display all documents associated with a rulemaking action, including any public comments received. This dramatically improves the level of transparency and accountability in the rulemaking process.

One of the struggles business owners in Rhode Island experience is reconciling state law, state regulation, and municipal ordinances. While the APA reform project has not addressed the entire scope of this problem, in the course of reorganizing all state regulations into a uniform Code we developed a structure, format and template which we believe will work as a model for municipalities to revise and refresh their own ordinances. In addition, having a clear, concise Code will make it easier for businesses to understand and comply with the rules of their industry. This will enable our state's employers to focus more on growing their business rather than trying to understand complex regulatory requirements.

The launch of the Rhode Island Code of Regulations will have the most far-reaching impact on the public; however, we put careful consideration into building a filing application to streamline the rulemaking process for filing agencies. By taking careful note of the most common mistakes agencies make when filing in our current database, we used technology to create a filing application that is responsive, intuitive, and informative in order to lead filers in the right direction and, in some instances, eliminate the potential for making those errors going forward. For example, the application includes auto-calculating public

comment period dates and public hearing dates to ensure agency filers cannot accidentally circumvent the requirements of the APA. We also invested considerable effort into developing a notification system and workflow display list for each rule that alerts agencies when additional steps are required to complete a filing. This serves as a road map for agencies, making the filing process more efficient and predictable for both filers and the public. Finally, the development team created an API for agencies' use. This feature allows agencies to use the code written by the Department to automatically update their own websites with the most current versions of their regulations, meaning those agencies – and the public – can be absolutely sure that there is a single point of truth when it comes to which version of a regulation is currently in effect. By providing that measure of certainty, we can eliminate one of the most frustrating aspects of the current regulatory environment in our state.

The Rhode Island Code of Regulations exemplifies the Department's mission to engage and empower all Rhode Islanders by making government more accessible and transparent. It is an excellent model of a project that, with careful consideration and attention to core design principles, was transformed from a statutory mandate into a truly useful tool for enhancing civic education and participation.