

In an ideal world, the rule-makers of Rhode Island's regulatory regime — both legislators and bureaucrats — would have to meet a high bar to show that they are implementing licensing requirements in the least restrictive way possible to achieve stated policy goals. After rules have been imposed on the public, residents would have maximal opportunity to challenge them in court, where rule-makers would have to prove the necessity of their restrictions. Even without challenge, regulations that proved insufficiently important to justify periodic re-authorization would simply expire.

More broadly, an ideal regulatory regime would be characterized by this attitude of minimal restriction across the board, not only with licensing, but with workers' rights in general, as well as regulation of business operations and innovative products.

In some cases, simple tweaks to existing laws could change the course of our economy. For more-in-depth ideas, model legislation can easily be adapted to fit Rhode Island's specific circumstances. The RI Center for Freedom & Prosperity has done much of the background work to translate these ideas into legislation.

Occupational Licensing Reforms

- Institute for Justice model legislation designed to provide a guide for legislators and regulators to achieve objectives in the marketplace by the **least restrictive means possible**
- Goldwater Institute model legislation that would **empower the people of the state to file complaints** against burdensome regulations, allowing the judicial system to determine whether the government has been minimally restrictive
- **An annual regulatory budget** that estimates the costs of regulations to Rhode Islanders, so voters could easily understand the burden under which they live and follow the change from year to year
- An ability for citizens and organizations to **petition the Office of Regulatory Reform to review regulations** already in effect, not just proposed
- Expand the authority of ORR to include at least an **advisory role in legislation, the rules of quasi-public entities, and municipal regulations**
- **Elimination of specific licensing requirements** identified on the Institute for Justice's list of low-to-moderate-income jobs requiring licenses, espe-

cially in areas in which Rhode Island is one of few states licensing a job and/or imposes notably large burdens to acquire and maintain licenses

- Participation in an **interstate compact** that allows workers to carry their licenses across state borders, at least on a short-term basis when they move or take out-of-state work only periodically

Related Reforms

- Tackle other government policies that limit people's ability to work and organize their activities in a way that is dictated by their professional needs, not government hoops, such as:
 - ♦ **Criminal justice reform**, applying common sense to overzealous prosecution of people who might not know they are committing crimes (as through *mens rea* reform) and ensure that the effects of a criminal record do not unduly punish people well after they've served their time
 - ♦ **Civil asset forfeiture reform**, protecting people from confiscation of their property even if they are never charged with crimes
 - ♦ **Elimination of the corporate minimum tax**, which imposes one more burden on workers if they organize their work in any other way than as employees, contractors, or sole proprietors — even if they lose money
 - ♦ Goldwater model legislation to **empower people to challenge permits**, such as for building or sales
- Open up opportunities for innovative ways of working, as in the so-called "gig economy":
 - ♦ **Eliminate sales and hotel taxes on people who offer short-term rentals**, independently or through online services like AirBnB
 - ♦ **Eliminate roadblocks to independent services**, such as the airport's prevention of ride-sharing drivers (working through Uber, Lyft, or similar apps) from picking up their customers without first entering the paid-parking lot
- **Eliminate bias against new products** that are in some ways similar to existing products, but without their baggage. For example, new nicotine delivery systems, like vaping, do not have the same personal or public health concerns as smoking and should not face the same prohibitionist vigor.