

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

ARTICLE 3

RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. Section 23-1-5.5 of the General Laws in Chapter 23-1 entitled “Department of Health” is hereby amended to read as follows:

23-1-5.5. Annual report.

The department of health shall prepare and issue an annual report on the status of private well water contamination in the state. The report shall be submitted to the governor and the general assembly by ~~January 15th~~ July 1 of each year and shall be made available to the public.

SECTION 2 Section 23-1-9 of the General Laws in Chapter 23-1 entitled “Department of Health” is hereby repealed:

~~**§ 23-1-9. Annual report to general assembly.**~~

~~The director of health shall make an annual report to the general assembly of his or her proceedings during the year ending on the thirty first (31st) day of December next preceding, with any suggestions in relation to the sanitary laws and interests of the state that he or she shall deem important.~~

SECTION 3. Section 23-1.1-3 of the General Laws in Chapter 23-1.1 entitled “Division of Occupational Health” is hereby repealed.

~~**23-1.1-3. Annual report.**~~

~~The director of health shall annually furnish information regarding the activities of the division of occupational health to the director of labor and training for inclusion in the director of labor and training’s annual report to the governor and to the general assembly. The director of health shall also provide information to the director of labor and training for reports to be submitted to the United States Secretary of Labor in the form and from time to time that the secretary of labor and training may require.~~

SECTION 4. Section 23-6.4-8 of the General Laws in Chapter 23-6.4 entitled “Life-Saving Allergy Medication — Stock Supply of Epinephrine Auto-Injectors — Emergency Administration” is hereby amended to read as follows:

23-6.4-8. Reporting.

An authorized entity that possesses and makes available epinephrine auto-injectors shall submit to the department of health, on a form developed by the department of health, a report of each incident on the authorized entity’s premises that involves the administration of an epinephrine auto-injector. ~~The department of health shall annually publish a report that summarizes and analyzes all reports submitted to it under this section.~~

SECTION 5. Section 23-12.7-3 of the General Laws in Chapter 23-12.7 entitled “The

1 Breast Cancer Act” is hereby amended to read as follows:

2 **23-12.7-3. Program established.**

3 (a) Through funding from the Rhode Island Cancer Council, the Rhode Island
4 department of health is required to establish a program of free mammography screening according
5 to American Cancer Society standards, and, where required, follow-up, diagnostic testing, and case
6 management for women in the state who are uninsured or underinsured.

7 (b) The screening program shall:

8 (1) Secure radiology facilities to participate in the screening program;

9 (2) Pay for screening mammograms;

10 (3) Ensure that screening results are sent by mail, electronically, or otherwise, to the patient
11 in a timely manner;

12 (4) Provide diagnostic tests as required to diagnose breast cancer;

13 (5) Provide case management facilitating appropriate contact to breast surgeons, medical
14 oncologists, and radiation oncologists; and

15 (6) Provide follow-up support to women who are found to have breast cancer as a result of
16 this screening program.

17 (c) The director of the Rhode Island department of health is required to provide ~~a quarterly~~
18 an annual report due to the general assembly on May 15 on the program of free mammography
19 screening, follow-up diagnostic testing and case management, and public education. An advisory
20 committee concerned with advocacy, outreach, and public education shall meet on a quarterly basis
21 and report to the director.

22 SECTION 6. Section 23-13.7-2 of the General Laws in Chapter 23-12.7 entitled “The
23 Rhode Island Family Home-Visiting Act” is hereby amended to read as follows:

24 **23-13.7-2. Home-visiting system components.**

25 (a) The Rhode Island department of health shall coordinate the system of early childhood
26 home-visiting services in Rhode Island and shall work with the department of human services and
27 department of children, youth and families to identify effective, evidence-based, home-visiting
28 models that meet the needs of vulnerable families with young children.

29 (b) The Rhode Island department of health shall implement a statewide home-visiting
30 system that uses evidence-based models proven to improve child and family outcomes. Evidence-
31 based, home-visiting programs must follow with fidelity a program model with comprehensive
32 standards that ensure high-quality service delivery, use research-based curricula, and have
33 demonstrated significant positive outcomes in at least two (2) of the following areas:

34 (1) Improved prenatal, maternal, infant, or child health outcomes;

- 1 (2) Improved safety and reduced child maltreatment and injury;
- 2 (3) Improved family economic security and self-sufficiency;
- 3 (4) Enhanced early childhood development (social-emotional, language, cognitive,
- 4 physical) to improve children's readiness to succeed in school.

5 (c) The Rhode Island department of health shall implement a system to identify and refer

6 families prenatally, or as early after the birth of a child as possible, to voluntary, evidence-based,

7 home-visiting programs. The referral system shall prioritize families for services based on risk

8 factors known to impair child development, including:

- 9 (1) Adolescent parent(s);
- 10 (2) History of prenatal drug or alcohol abuse;
- 11 (3) History of child maltreatment, domestic abuse, or other types of violence;
- 12 (4) Incarcerated parent(s);
- 13 (5) Reduced parental cognitive functioning or significant disability;
- 14 (6) Insufficient financial resources to meet family needs;
- 15 (7) History of homelessness; or
- 16 (8) Other risk factors as determined by the department.

17 (d) ~~Beginning on or before October 1, 2016, and annually thereafter,~~ The Rhode Island

18 department of health shall issue a state home-visiting report due annually by March 1 of each year

19 that outlines the components of the state's family home-visiting system that shall be made publicly

20 available on the department's website. The report shall include:

- 21 (1) The number of families served by each evidence-based model; and
- 22 (2) Demographic data on families served; and
- 23 (3) Duration of participation of families; and
- 24 (4) Cross-departmental coordination; and
- 25 (5) Outcomes related to prenatal, maternal, infant and child health, child maltreatment,
- 26 family economic security, and child development and school readiness; and
- 27 (6) An annual estimate of the number of children born to Rhode Island families who face
- 28 significant risk factors known to impair child development, and a plan including the fiscal costs
- 29 and benefits to gradually expand access to the existing evidence-based, family home-visiting
- 30 programs in Rhode Island to all vulnerable families.

31 (e) State appropriations for this purpose shall be combined with federal dollars to fund the

32 expansion of evidence-based, home-visiting programs, with the goal of offering the program to all

33 the state's pregnant and parenting teens; families with a history of involvement with the child

34 welfare system; and other vulnerable families.

1 SECTION 7. Section 23-18.16-4 of the General Laws in Chapter 23-18.16 entitled
2 “Newspaper Recyclability” is hereby amended to read as follows:

3 **23-18.16-4. Reporting – Determination of compliance – Orders – Appeals.**

4 ~~(a) The department shall annually report to the governor and the general assembly, all~~
5 ~~findings regarding publications both in compliance and not in compliance with the requirements of~~
6 ~~this chapter.~~

7 ~~(b) The department must by July 1 of each year produce a written determination on any~~
8 ~~publication that does not comply with the provision of this chapter.~~

9 ~~(c)~~ (a) All publications will report on an annual basis their annual rate of purchase of post
10 consumer materials to the department of environmental management. A person adversely affected
11 or aggrieved by the issuance of an order under the provisions of this section may seek judicial
12 review of an order in the superior courts.

13 SECTION 8. Section 23-19.10-11 of the General Laws in Chapter 23-19.10 entitled
14 “Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1986”
15 is hereby repealed.

16 ~~**23-19.10-11. Report to the governor and the general assembly.**~~

17 ~~(a) The department shall annually report to the governor and the general assembly on the~~
18 ~~status, funding, and results of all demonstration and research projects awarded grants.~~

19 ~~(b) This report shall include recommendations for legislation and shall identify those state~~
20 ~~and federal economic and financial incentives which can best accelerate and maximize the research,~~
21 ~~development, and demonstration of hazardous waste reduction, recycling, and treatment~~
22 ~~technologies.~~

23 SECTION 9. Section 23-20.11-4 of the General Laws in Chapter 23-20.11 entitled
24 “Reduced Cigarette Ignition Propensity and Firefighter Protection” is hereby amended to read as
25 follows:

26 **23-20.11-4. Standards for cigarette fire safety.**

27 (a) No cigarettes may be sold or offered for sale in this state or offered for sale or sold to
28 persons located in this state unless such cigarettes have been tested in accordance with the test
29 method and meet the performance standard specified in this subsection; and a written certification
30 has been filed by the manufacturer with the director in accordance with § 23-20.11-5 of this act;
31 and the cigarettes have been marked in accordance with § 23-20.11-6 of this act.

32 (1) Testing of cigarettes shall be conducted in accordance with the American Society of
33 Testing and Materials (“ASTM”) standard E2187-04 “Standard Test Method for Measuring the
34 Ignition Strength of Cigarettes.”

1 (2) Testing shall be conducted on ten (10) layers of filter paper.

2 (3) No more than twenty-five percent (25%) of the cigarettes tested in a test trial in
3 accordance with this subsection shall exhibit full-length burns. Forty (40) replicate tests shall
4 comprise a complete test trial for each cigarette tested.

5 (4) The performance standard required by this subsection shall only be applied to a
6 complete test trial.

7 (5) Written certifications shall be based upon testing conducted by a laboratory that has
8 been accredited pursuant to Standard ISO/IEC 17025 of the International Organization for
9 Standardization (“ISO”), or other comparable accreditation standard required by the director.

10 (6) Laboratories conducting testing in accordance with this subsection shall implement a
11 quality control and quality assurance program that includes a procedure to determine the
12 repeatability of the testing results. The repeatability value shall be no greater than nineteen
13 hundredths (0.19).

14 (7) This section does not require additional testing if cigarettes are tested consistent with
15 this chapter for any other purpose.

16 (8) Testing performed or sponsored by the director to determine a cigarette’s compliance
17 with the performance standard required by this section shall be conducted in accordance with this
18 section.

19 (b) Each cigarette listed in a certification submitted pursuant to § 23-20.11-5 of this act that
20 uses lowered permeability bands in the cigarette paper to achieve compliance with the performance
21 standard set forth in this section shall have at least two (2) nominally identical bands on the paper
22 surrounding the tobacco column. At least one complete band shall be located at least fifteen (15)
23 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned
24 by design, there shall be at least two (2) bands fully located at least fifteen (15) millimeters from
25 the lighting end and ten (10) millimeters from the filter end of the tobacco column, or ten (10)
26 millimeters from the labeled end of the tobacco column for a nonfiltered cigarette.

27 (c) The manufacturer or manufacturers of a cigarette that the director determines cannot be
28 tested in accordance with the test method prescribed in subsection 23-20.11-4(a) shall propose a
29 test method and performance standard for such cigarette to the director. Upon approval of the
30 proposed test method and a determination by the director that the performance standard proposed
31 by the manufacturer or manufacturers is equivalent to the performance standard prescribed in
32 subsection 23-20.11-4(a), the manufacturer or manufacturers may employ such test method and
33 performance standard to certify such cigarette pursuant to § 23-20.11-5 of this act. If the director
34 determines that another state has enacted reduced cigarette ignition propensity standards that

1 include a test method and performance standard that are the same as those contained in this section,
2 and the director finds that the officials responsible for implementing those requirements have
3 approved the proposed alternative test method and performance standard for a particular cigarette
4 proposed by a manufacturer as meeting the reduced cigarette ignition propensity standards of that
5 state’s law or regulation under a legal provision comparable to this subsection, then the director
6 shall authorize that manufacturer to employ the alternative test method and performance standard
7 to certify that cigarette for sale in this state, unless the director demonstrates a reasonable basis why
8 the alternative test should not be accepted under this chapter. All other applicable requirements of
9 this section shall apply to such manufacturer or manufacturers.

10 (d) Each manufacturer shall maintain copies of the reports of all tests conducted on all
11 cigarettes offered for sale for a period of three (3) years, and shall make copies of these reports
12 available to the director and the attorney general upon written request. Any manufacturer who fails
13 to make copies of these reports available within sixty (60) days of receiving a written request shall
14 be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day after the
15 sixtieth (60th) day that the manufacturer does not make such copies available.

16 (e) The director may adopt a subsequent ASTM Standard Test Method for Measuring the
17 Ignition Strength of Cigarettes upon a finding that such subsequent method does not result in a
18 change in the percentage of full-length burns exhibited by any tested cigarette when compared to
19 the percentage of full-length burns the same cigarette would exhibit when tested in accordance with
20 ASTM Standard E2187-04 and the performance standard prescribed in subsection 23-20.11-4(a).

21 ~~(f) As of January 1, 2010, and at least every three (3) years thereafter, the director shall~~
22 ~~review of the effectiveness of this section and report to the legislature the director’s finding’s and,~~
23 ~~if appropriate, recommendations for legislation to improve the effectiveness of this section. The~~
24 ~~report and legislative recommendations shall be submitted no later than January 1 of each three (3)~~
25 ~~year period.~~

26 (g) This chapter shall be implemented in accordance with the implementation and
27 substance of the New York Fire Safety Standards for Cigarettes.

28 SECTION 10. Sections 23-24.12-2 and 23-24.12-3 of the General Laws in Chapter 23-
29 24.12 entitled “Proper Management of Unused Paint” are hereby amended to read as follows:

30 **23-24.12-2. Management of unused architectural paint — Definitions.**

31 (1) “Architectural paint” means interior and exterior architectural coatings sold in
32 containers of five (5) gallons or less. Architectural paint does not include industrial, original
33 equipment or specialty coatings.

34 (2) “Department” means the department of environmental management.

1 (3) “Director” means the director of the department of environmental management.

2 (4) “Distributor” means a company that has a contractual relationship with one or more
3 producers to market and sell architectural paint to retailers in this state.

4 (5) “Environmentally sound management practices” means procedures for the collection,
5 storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by
6 the ~~representative~~ implementing organization or such ~~representative~~ implementing organization’s
7 contracted partners to ensure compliance with all applicable federal, state and local laws,
8 regulations and ordinances and the protection of human health and the environment.
9 Environmentally sound management practices include, but are not limited to, record keeping, the
10 tracking and documenting of the use and disposition of post-consumer paint in and outside of this
11 state, and environmental liability coverage for professional services and for the operations of the
12 contractors working on behalf of the ~~representative~~ implementing organization.

13 (6) “Paint stewardship assessment” means the amount added to the purchase price of
14 architectural paint sold in this state that is necessary to cover the cost of collecting, transporting
15 and processing post-consumer paint by the ~~representative~~ implementing organization pursuant to
16 the paint stewardship program.

17 (7) “Post-consumer paint” means architectural paint that is not used and that is no longer
18 wanted by a purchaser of architectural paint.

19 (8) “Producer” means a manufacturer of architectural paint who sells, offers for sale,
20 distributes or contracts to distribute architectural paint in this state.

21 (9) “Recycling” means any process by which discarded products, components and by-
22 products are transformed into new, usable or marketable materials in a manner in which the original
23 products may lose their identity.

24 (10) “~~Representative~~ Implementing organization” means the ~~nonprofit~~ organization ~~created~~
25 ~~by producers~~ selected by the department to implement the paint stewardship program described in
26 § ~~23-24.11-3~~ 23-24.12-3.

27 (11) “Retailer” means any person who offers architectural paint for sale at retail in this
28 state.

29 (12) “Reuse” means the return of a product into the economic stream for use in the same
30 kind of application as the product was originally intended to be used, without a change in the
31 product’s identity.

32 (13) “Sell” or “sale” means any transfer of title for consideration including, but not limited
33 to, remote sales conducted through sales outlets, catalogues, the Internet or any other similar
34 electronic means.

1 23-24.12-3. Establishment of paint stewardship program.

2 (a) ~~On or before March 1, 2014, each producer shall join the representative organization~~
3 ~~and such representative organization shall submit a plan for the establishment of a paint stewardship~~
4 ~~program to the department for approval. The program shall minimize the public sector involvement~~
5 ~~in the management of post consumer paint by reducing the generation of post consumer paint,~~
6 ~~negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an~~
7 ~~appropriately licensed facility post consumer paint using environmentally sound management~~
8 ~~practices.~~ No later than June 30, 2025, and every five years thereafter, unless otherwise delegated
9 to the department by the chief purchasing officer, the division of purchases shall issue a solicitation
10 seeking an organization or entity to implement and administer the paint stewardship program as
11 described in this section. The solicitation shall be conducted in accordance with State Purchases
12 Act, R.I. Gen. Laws 37-2-1 et seq. The paint stewardship program in effect at the time that this
13 statute is enacted shall remain in effect until such time as an organization or entity is selected by
14 the department to administer the program.

15 (b) ~~The program shall also provide for convenient and available state wide collection of~~
16 ~~post consumer paint that, at a minimum, provides for collection rates and convenience greater than~~
17 ~~the collection programs available to consumers prior to such paint stewardship program; propose a~~
18 ~~paint stewardship assessment; include a funding mechanism that requires each producer who~~
19 ~~participates in the representative organization to remit to the representative organization payment~~
20 ~~of the paint stewardship assessment for each container of architectural paint sold within the state;~~
21 ~~include an education and outreach program to help ensure the success of the program; and, work~~
22 ~~with the department and Rhode Island commerce corporation to identify ways in which the state~~
23 ~~can motivate local infrastructure investment, business development and job creation related to the~~
24 ~~collection, transportation and processing of post consumer paint.~~ Each proposal submitted to the
25 department shall include, at a minimum, the following elements:

26 (1) Recommendations to minimize the public sector involvement in the management of
27 post-consumer paint by reducing the generation of post-consumer paint, negotiating agreements to
28 collect, transport, reuse, recycle, and/or burn for energy recovery at an appropriately licensed
29 facility post-consumer paint using environmentally sound management practices.

30 (2) A proposed program that will provide for convenient and available state-wide collection
31 of post-consumer paint that, at a minimum, provides for collection rates and convenience greater
32 than the collection programs available to consumers prior to such paint stewardship program;
33 propose a paint stewardship assessment; include a funding mechanism that requires each producer
34 to remit to the implementing organization payment of the paint stewardship assessment for each

1 container of architectural paint sold within the state; include an education and outreach program to
2 help ensure the success of the program; and, work with the department and Rhode Island commerce
3 corporation to identify ways in which the state can motivate local infrastructure investment,
4 business development and job creation related to the collection, transportation and processing of
5 post-consumer paint.

6 (c) ~~The plan submitted to the department pursuant to this section shall~~ Each proposal shall
7 also:

8 (1) Identify each producer ~~participating~~ that will participate in the paint stewardship
9 program ~~and the brands of architectural paint sold in this state covered by the program;~~

10 (2) Identify how the ~~representative~~ implementing organization will provide convenient,
11 statewide accessibility to the program;

12 (3) Set forth the process by which an independent auditor will be selected and identify the
13 criteria used by the ~~representative~~ implementing organization in selecting an independent auditor;

14 (4) Identify, in detail, the educational and outreach program that will be implemented to
15 inform consumers and retailers of the program and how to participate;

16 (5) Identify the methods and procedures under which the paint stewardship program will
17 be coordinated with the Rhode Island resource recovery corporation;

18 (6) Identify, in detail, the operational plans for interacting with retailers on the proper
19 handling and management of post-consumer paint;

20 (7) Include the proposed, audited paint assessment as identified in this section;

21 (8) Include the targeted annual collection rate;

22 (9) Include a description of the intended treatment, storage, transportation and disposal
23 options and methods for the collected post-consumer paint; and

24 ~~(10) Be accompanied by a fee in the amount of two thousand five hundred dollars (\$2,500)~~
25 ~~to be deposited into the environmental response fund to cover the review of said plan by the~~
26 ~~department.~~

27 ~~(d) Not later than sixty (60) days after submission of a plan pursuant to this section, the~~
28 ~~department shall make a determination whether to:~~

29 ~~(1) Approve the plan as submitted;~~

30 ~~(2) Approve the plan with conditions; or~~

31 ~~(3) Deny the plan.~~

32 ~~(e) Not later than three (3) months after the date the plan is approved, the representative~~
33 ~~organization shall implement the paint stewardship program.~~

34 ~~(fd) On or before March 1, 2014, the representative organization~~ Each proposal shall

1 propose a uniform paint stewardship assessment for all architectural paint sold in this state. The
2 proposed paint stewardship assessment shall be sufficient to cover the costs of administering the
3 program. The assessment may also be used to create a reserve fund, provided that such reserve fund
4 shall not exceed 50% of projected program costs in any given year. If the reserve fund is projected
5 to exceed 50% of projected program costs, the implementing organization shall immediately
6 propose to the department an amendment to the approved plan which will reduce the paint
7 stewardship assessment in the following calendar year by an amount sufficient to cause the reserve
8 fund to not exceed 50% of projected program costs. The department shall have the authority to cap
9 administrative expenses at a percentage of program costs as part of any contract awarded to
10 administer the paint stewardship program. ~~Such proposed paint stewardship assessment shall be~~
11 ~~reviewed by an independent auditor to assure that such assessment is consistent with the budget of~~
12 ~~the paint stewardship program described in this section and such independent auditor shall~~
13 ~~recommend an amount for such paint stewardship assessment to the department. The department~~
14 ~~shall be responsible for the approval of such paint stewardship assessment based upon the~~
15 ~~independent auditor's recommendation. If the paint stewardship assessment previously approved~~
16 ~~by the department pursuant to this section is proposed to be changed, the representative~~
17 ~~organization shall submit the new, adjusted uniform paint stewardship assessment to an~~
18 ~~independent auditor for review. After such review has been completed, the representative~~
19 ~~organization shall submit the results of said auditor's review and a proposal to amend the paint~~
20 ~~stewardship assessment to the department for review. The department shall review and approve, in~~
21 ~~writing, the adjusted paint stewardship assessment before the new assessment can be implemented.~~
22 ~~Any proposed changes to the paint stewardship assessment shall be submitted to the department no~~
23 ~~later than sixty (60) days prior to the date the representative organization anticipates the adjusted~~
24 ~~assessment to take effect.~~

25 (g) On and after the date of implementation of the paint stewardship program pursuant to
26 this section, the paint stewardship assessment shall be added to the cost of all architectural paint
27 sold to retailers and distributors in this state by each producer. On and after such implementation
28 date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship
29 assessment to the purchase price of all architectural paint sold in this state.

30 (h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant
31 to such paint stewardship program and in accordance with any applicable provision of law or
32 regulation.

33 (i) Each producer and the ~~representative~~ implementing organization shall be immune from
34 liability for any claim of a violation of antitrust law or unfair trade practice if such conduct is a

1 violation of antitrust law, to the extent such producer or ~~representative~~ implementing organization
2 is exercising authority pursuant to the provisions of this section.

3 (~~h~~) Not later than the implementation date of the paint stewardship program, the
4 department shall list ~~the names of participating producers the brands of architectural paint covered~~
5 ~~by such paint stewardship program and~~ the cost of the approved paint stewardship assessment on
6 its website.

7 (~~k~~)(1) On and after the implementation date of the paint stewardship program, no producer,
8 distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the
9 ~~producer of such architectural paint is not a member of~~ paint stewardship assessment is not
10 collected and remitted to the ~~representative~~ implementing organization.

11 (2) No retailer or distributor shall be found to be in violation of the provisions of this section
12 if, on the date the architectural paint was ordered from the producer or its agent, the producer or
13 the subject brand of architectural paint was listed on the department's website in accordance with
14 the provisions of this section.

15 (~~l~~) Producers or the ~~representative~~ implementing organization shall provide retailers with
16 educational materials regarding the paint stewardship assessment and paint stewardship program
17 to be distributed at the point of sale to the consumer. Such materials shall include, but not be limited
18 to, information regarding available end-of-life management options for architectural paint offered
19 through the paint stewardship program and information that notifies consumers that a charge for
20 the operation of such paint stewardship program is included in the purchase price of all architectural
21 paint sold in this state.

22 (~~m~~) On or before October 15, 2015, and annually thereafter, the ~~representative~~
23 implementing organization shall submit a report to the director of the department of environmental
24 management that details the paint stewardship program. Said report shall include a copy of the
25 independent audit detailed in subdivision (4) below. Such annual report shall include, but not be
26 limited to:

27 (1) A detailed description of the methods used to collect, transport and process post-
28 consumer paint in this state;

29 (2) The overall volume of post-consumer paint collected in this state;

30 (3) The volume and type of post-consumer paint collected in this state by method of
31 disposition, including reuse, recycling and other methods of processing or disposal;

32 (4) The total cost of implementing the program, as determined by an independent financial
33 audit, as performed by an independent auditor;

34 (5) An evaluation of the adequacy of the program's funding mechanism;

1 (6) Samples of all educational materials provided to consumers of architectural paint and
2 participating retailers; and

3 (7) A detailed list of efforts undertaken and an evaluation of the methods used to
4 disseminate such materials including recommendations, if any, for how the educational component
5 of the program can be improved.

6 (n) The ~~representative~~ implementing organization ~~shall~~ may update the plan, as needed,
7 when there are changes proposed to the current program. An ~~new plan or~~ amendment to the existing
8 plan will be required to be submitted to the department for approval when:

9 (1) There is a proposed change to the amount of the assessment; or

10 (2) There is an addition to the products covered under the program; or

11 (3) There is a revision of the product stewardship organization's goals. ~~or~~

12 ~~(4) Every four (4) years, if requested, in writing, by the department the representative~~
13 ~~organization shall notify the department annually, in writing, if there are no changes proposed to~~
14 ~~the program and the representative organization intends to continue implementation of the program~~
15 ~~as previously approved by the department.~~

16 (m) Upon selection of a new implementing organization to administer the paint stewardship
17 program, the program shall be audited by the independent auditor and, upon certification of the
18 audit by the department, any funds held by the previous implementing organization shall be
19 immediately transferred to the department. These funds shall then be transferred by the department
20 to the new implementing organization for use in administering the approved paint stewardship
21 program.

22 (n) If there are no respondents to the solicitation required by this section, or the department
23 determines that none of the responses are sufficient to meet the requirements of this section, the
24 Rhode Island resource recovery corporation established pursuant to § 23-19 et. seq. shall serve as
25 the implementing organization, as defined in this chapter, until such time as another solicitation is
26 required to occur by this section.

27 SECTION 11. Chapter 23-28.2 of the General Laws entitled "Office of the State Fire
28 Marshal" is hereby amended by adding thereto the following section:

29 **23-28.2-30. Deputy state fire marshals assigned to towns or fire districts.**

30 In the event any town or fire district does not have an assistant deputy state fire marshal
31 appointed by the state fire marshal pursuant to § 23-28.2-9 of this chapter to perform fire
32 prevention, protection, inspection, and other duties under chapters 28.1 – 28.39 of title 23, the
33 applicable town or fire district shall provide written notice to the state fire marshal within ten (10)
34 business days of such absence. The notice shall include, at a minimum, the reason for the absence.

1 the anticipated duration, and a stated plan for appointment of an assistant deputy state fire marshal
2 to perform such services within the applicable town or fire district. Failure to provide such notice
3 may result in the assessment of additional fees as deemed necessary and appropriate by the state
4 fire marshal. During the absence, the state fire marshal is authorized to assign and appoint one or
5 more deputy state fire marshals of the office of the state fire marshal to duty in the applicable town
6 or fire district. Each deputy state fire marshal assigned to duty as aforesaid shall during the period
7 of such duty continue to be a deputy state fire marshal of the office of the state fire marshal, but the
8 salary and expenses of each deputy state fire marshal so assigned, or such prorated amount as
9 determined by the state fire marshal, shall be reimbursed by the applicable town or fire district.
10 The state fire marshal shall have full power at all times to withdraw any deputy state fire marshal
11 assigned to duty in a town or fire district and assign another deputy state fire marshal to his or her
12 place or to discontinue such duty and to make no assignment to replace.

13 SECTION 12. Section 23-86-1 of the General Laws in Chapter 23-86 entitled “Women’s
14 cardiovascular screening and risk reduction pilot program” is hereby repealed.

15 ~~**23-86-1. Women’s cardiovascular screening and risk reduction pilot program.**~~

16 ~~(a) The department of health (hereinafter, “the department”) shall develop a cardiovascular~~
17 ~~disease screening and lifestyle intervention pilot program at one site in one of Rhode Island’s six~~
18 ~~(6) core cities for low income, underinsured and uninsured women between forty (40) and sixty-~~
19 ~~four (64) years of age, inclusive, at risk for heart disease, diabetes and stroke, namely Pawtucket,~~
20 ~~Providence, Woonsocket, Newport, West Warwick or Central Falls.~~

21 ~~(b) The department shall develop the program based on the federal WISEWOMEN~~
22 ~~program administered by the Centers for Disease Control and Prevention. The pilot program shall~~
23 ~~employ specified measures to gauge the impact and outcome of the program. These measures may~~
24 ~~include the number of women served, the number who receive lifestyle interventions, the number~~
25 ~~of follow up visits per woman, an evaluation of the use of progress markers to reduce risk factors,~~
26 ~~and a research and evaluation component.~~

27 ~~(c) The department shall prepare an annual report and submit it to the legislature by January~~
28 ~~31 of each year summarizing the scope and reach of the pilot program. The final report shall include~~
29 ~~a fiscal analysis and a recommendation outlining the benefits and costs of expanding the pilot~~
30 ~~program throughout the state after the program has been in existence for three (3) years. The pilot~~
31 ~~program shall expire July 1, 2014.~~

32 ~~(d) Implementation of the Women’s Cardiovascular screening and risk reduction pilot~~
33 ~~program shall be subject to appropriation.~~

34 SECTION 13. Sections 23-90-3, 23-90-5, 23-90-6, 23-90-8, 23-90-10 of the General Laws

1 in Chapter 23-90 entitled “Responsible Recycling, Reuse and Disposal of Mattresses” are hereby
2 amended to read as follows:

3 23-90-3. Definitions.

4 As used in this chapter, the following words shall, unless the context clearly requires
5 otherwise, have the following meanings:

6 (1) “Brand” means a name, symbol, word or mark that attributes a mattress to the producer
7 of such mattress.

8 (2) “Covered entity” means any political subdivision of the state, any mattress retailer, any
9 permitted transfer station, any waste to energy facility, any healthcare facility, any educational
10 facility, any correctional facility, any military base, or any commercial or non-profit lodging
11 establishment that possesses a discarded mattress that was discarded in this state. Covered entity
12 does not include any renovator, refurbisher or any person who transports a discarded mattress.

13 (3) “Consumer” means an individual who is also a resident of this state.

14 (4) “Corporation” means the Rhode Island Resource Recovery Corporation.

15 (5) “Corporation Director” means the executive director of the Rhode Island Resource
16 Recovery Corporation.

17 ~~(6) “Council” or “mattress recycling council” means the state wide, non-profit organization~~
18 ~~created by producers, or created by any trade association that represents producers, who account~~
19 ~~for a majority of mattress production in the United States to design, submit, and implement the~~
20 ~~mattress stewardship plan as described in this chapter.~~

21 ~~(7)~~ (6) “Discarded mattress” means any mattress that a consumer intends to discard, has
22 discarded, or that is abandoned.

23 ~~(8)~~ (7) “Energy recovery” means the process by which all or a portion of solid waste materials
24 are processed or combusted in order to utilize the heat content or other forms of energy derived
25 from such solid waste materials.

26 ~~(9)~~ (8) “Foundation” means any ticking-covered structure that is used to support a mattress
27 and that is composed of one or more of the following: A constructed frame, foam, or a box spring.
28 “Foundation” does not include any bed frame or base made of wood, metal, or other material that
29 rests upon the floor and that serves as a brace for a mattress.

30 (9) “Implementing organization” means the organization or entity selected by the resource
31 recovery corporation to administer the mattress stewardship program.

32 (10) “Mattress” means any resilient material, or combination of materials, that is enclosed
33 by ticking, used alone or in combination with other products, and that is intended for, or promoted
34 for, sleeping upon. “Mattress” includes any foundation, renovated foundation, or renovated

1 mattress.

2 “Mattress” does not include any of the following:

3 (i) An unattached mattress pad, an unattached mattress topper, including any item with
4 resilient filling, with or without ticking, that is intended to be used with, or on top of a mattress;

5 (ii) A sleeping bag, pillow;

6 (iii) A crib or bassinet mattress, car bed;

7 (iv) Juvenile products, including: a carriage, basket, dressing table, stroller, playpen, infant
8 carrier, lounge pad, crib bumper, and the pads for those juvenile products;

9 (v) A product that contains liquid- or gaseous-filled ticking, including any water bed or air
10 mattress that does not contain upholstery material between the ticking and the mattress core;

11 (vi) Any upholstered furniture that does not contain a detachable mattress; or

12 (vii) A fold-out sofa bed or futon.

13 (11) “Mattress core” means the main support system that is present in a mattress, including,
14 but not limited to: springs, foam, air bladder, water bladder, or resilient filling.

15 ~~(12) “Mattress recycling council” or “council” means the organization created by producers
16 to design, submit, and implement the mattress stewardship program described in § 23-90-5.~~

17 ~~(13)~~¹² “Mattress stewardship fee” means the amount added to the purchase price of a
18 mattress sold in this state that is necessary to cover the cost of collecting, transporting, and
19 processing discarded mattresses by the council pursuant to the mattress stewardship program.

20 ~~(14)~~¹³ “Mattress stewardship program” or “program” means the state wide, program
21 described in § 23-90-5 and implemented pursuant to the mattress stewardship plan as approved by
22 the corporation director.

23 ~~(15)~~¹⁴ “Mattress topper” means any item that contains resilient filling, with or without
24 ticking, that is intended to be used with or on top of a mattress.

25 ~~(16)~~¹⁵ “Performance goal” means a metric proposed by the council, to measure, on an
26 annual basis, the performance of the mattress stewardship program, taking into consideration
27 technical and economic feasibilities, in achieving continuous, meaningful improvement in
28 improving the rate of mattress recycling in the state and any other specified goal of the program.

29 ~~(17)~~¹⁶ “Producer” means any person who manufactures or renovates a mattress that is sold,
30 offered for sale, or distributed in the state under the manufacturer’s own name or brand. “Producer”
31 includes:

32 (i) The owner of a trademark or brand under which a mattress is sold, offered for sale, or
33 distributed in this state, whether or not such trademark or brand is registered in this state; and

34 (ii) Any person who imports a mattress into the United States that is sold or offered for sale

1 in this state and that is manufactured or renovated by a person who does not have a presence in the
2 United States;

3 (~~18~~17) “Recycling” means any process in which discarded mattresses, components, and
4 by-products may lose their original identity or form as they are transformed into new, usable, or
5 marketable materials. “Recycling” does not include as a primary process the use of incineration for
6 energy recovery or energy generation by means of combustion.

7 (~~19~~18) “Renovate” or “renovation” means altering a mattress for the purpose of resale and
8 includes any one, or a combination of, the following: Replacing the ticking or filling, adding
9 additional filling, rebuilding a mattress, or replacing components with new or recycled materials.
10 “Renovate” or “renovation” does not include the:

- 11 (i) Stripping of a mattress of its ticking or filling without adding new material;
- 12 (ii) Sanitization or sterilization of a mattress without otherwise altering the mattress; or
- 13 (iii) Altering of a mattress by a renovator when a person retains the altered mattress for
14 personal use, in accordance with regulations of the department of business regulation.

15 (~~20~~19) “Renovator” means a person who renovates discarded mattresses for the purpose of
16 reselling such mattresses in a retail store.

17 (~~21~~20) “Retailer” means any person who sells mattresses in this state or offers mattresses
18 in this state to a consumer through any means, including, but not limited to, remote offerings such
19 as sales outlets, catalogs, or the internet.

20 (~~22~~21) “Sanitization” means the direct application of chemicals to a mattress to kill human
21 disease-causing pathogens.

22 (~~23~~22) “-Sale” means the transfer of title of a mattress for consideration, including through
23 the use of a sales outlet, catalog, internet website, or similar electronic means.

24 (~~24~~23) “Sterilization” means the mitigation of any deleterious substances or organisms
25 including human disease-causing pathogens, fungi, and insects from a mattress or filling material
26 using a process approved by the department of business regulation.

27 (~~25~~24) “Ticking” means the outermost layer of fabric or material of a mattress. “Ticking”
28 does not include any layer of fabric or material quilted together with, or otherwise attached to, the
29 outermost layer of fabric or material of a mattress.

30 (~~26~~25) “Upholstery material” means all material, loose or attached, between the ticking
31 and the core of a mattress.

32 (~~27~~26) “Wholesaler” means any person who sells or distributes mattresses in the state, in a
33 nonretail setting, for the purpose of the resale of such mattresses.

34 [23-90-5. Mattress stewardship plan.](#)

1 (a) On or before ~~July 1, 2015~~ December 31, 2024, and every five years thereafter, the
2 ~~mattress stewardship council corporation~~ shall ~~submit a mattress stewardship plan for the~~
3 ~~establishment of a mattress stewardship program to the corporation director for approval~~ issue a
4 solicitation consistent with state procurement law to identify an implementing organization to
5 administer the mattress stewardship program.

6 (b) ~~The plan~~ Responses to the solicitation submitted pursuant to subsection (a) of this
7 section shall, to the extent it is technologically feasible and economically practical:

- 8 (1) Identify each producer's participation in the program;
- 9 (2) Describe the fee structure for the program and propose a uniform stewardship fee that
10 is sufficient to cover the costs of operating and administering the program;
- 11 (3) Establish performance goals for the ~~first two (2) years of the~~ program;
- 12 (4) Identify proposed recycling facilities to be used by the program, such facilities shall not
13 require a solid waste management facilities license;
- 14 (5) Detail how the program will promote the recycling of discarded mattresses;
- 15 (6) Include a description of the public education program;
- 16 (7) Describe fee-disclosure language that retailers will be required to prominently display
17 that will inform consumers of the amount and purpose of the fee; and
- 18 (8) Identify the methods and procedures to facilitate implementation of the mattress
19 stewardship program in coordination with the corporation director and municipalities.

20 ~~(c) Not later than ninety (90) days after submission of the plan pursuant to this section, the~~
21 ~~corporation shall make a determination whether to:~~

22 ~~(1) Approve the plan as submitted; or~~

23 ~~(2) Deny the plan.~~

24 ~~(d) The corporation director shall approve the plan for the establishment of the mattress~~
25 ~~stewardship program, provided such plan reasonably meets the requirements of this section. Prior~~
26 ~~to making such determination, the corporation director shall post the plan for at least thirty (30)~~
27 ~~days, in accordance with the "Administrative Procedures Act" as set forth in chapter 35 of title 42,~~
28 ~~on the corporation's website and solicit public comments on the plan to be posted on the website.~~

29 ~~(e)~~ In the event that the corporation does not select a respondent to administer the mattress
30 stewardship program, or the director of the corporation determines that the corporation can
31 administer a mattress stewardship program at lower cost to the consumer, then the corporation shall
32 administer a mattress stewardship program consistent with the requirements of this chapter. In such
33 cases, the corporation shall assume all duties and responsibilities of the implementing organization,
34 as defined in this chapter, and shall administer the mattress stewardship program until such time as

1 a new implementing organization is selected pursuant to the solicitation required by this section to
2 occur every five years. ~~director denies the plan, the corporation director shall provide a notice of~~
3 ~~determination to the council, within sixty (60) days, detailing the reasons for the disapproval. The~~
4 ~~council shall revise and resubmit the plan to the corporation director not later than forty five (45)~~
5 ~~days after receipt of notice of the corporation director's denial notice. Not later than forty five (45)~~
6 ~~days after receipt of the revised plan, the corporation director shall review and approve or deny the~~
7 ~~revised plan. The council may resubmit a revised plan to the corporation director for approval on~~
8 ~~not more than two (2) occasions. If the council fails to submit a plan that is acceptable to the~~
9 ~~corporation director, because it does not meet the criteria pursuant to subdivisions (b)(1-8), the~~
10 ~~corporation director shall have the ability to modify the submitted plan and approve it. Not later~~
11 ~~than one hundred twenty (120) days after the approval of a plan pursuant to this section, the council~~
12 ~~shall implement the mattress stewardship program.~~

13 (fd) It is the responsibility of the ~~council~~ implementing organization to:

14 (1) Notify the corporation director whenever there is a proposed substantial change to the
15 program. If the corporation director takes no action on a proposed substantial change within ninety
16 (90) days after notification of the proposed change, the proposed change shall be deemed approved.
17 For the purposes of this subdivision, "substantial change" shall include, but not be limited to:

18 (i) A change in the processing facilities to be used for discarded mattresses collected
19 pursuant to the program; or

20 (ii) A material change to the system for collecting mattresses.

21 ~~(2) Not later than October 1, 2017, the council shall submit to the corporation director for~~
22 ~~review, updated performance goals that are based on the experience of the program during the first~~
23 ~~two (2) years of the program.~~

24 (ge) The ~~council~~ implementing organization shall notify the corporation director of any
25 other changes to the program on an ongoing basis, whenever they occur, without resubmission of
26 the plan to the corporation director for approval. ~~Such changes shall include, but not be limited to,~~
27 ~~a change in the composition, officers, or contact information of the council.~~

28 ~~(h) On or before July 1, 2015, and every two (2) years thereafter, the council shall propose~~
29 ~~a uniform fee for all mattresses sold in this state. The council may propose a change to the uniform~~
30 ~~fee more frequently than once every two (2) years if the council determines such change is needed~~
31 ~~to avoid funding shortfalls or excesses. Any proposed fee shall be reviewed by an independent~~
32 ~~auditor to ensure that such assessment does not exceed the costs of the mattress stewardship~~
33 ~~program described in subsection (b) of this section and to maintain financial reserves sufficient to~~
34 ~~operate the program over a multi-year period in a fiscally prudent and responsible manner. Not~~

1 ~~later than sixty (60) days after the council proposes a mattress stewardship fee, the auditor shall~~
2 ~~render an opinion to the corporation director as to whether the proposed mattress stewardship fee~~
3 ~~is reasonable to achieve the goals set forth in this section. If the auditor concludes that the mattress~~
4 ~~stewardship fee is reasonable, then the proposed fee shall go into effect not less than ninety (90)~~
5 ~~days after the auditor notifies the corporation director that the fee is reasonable. If the auditor~~
6 ~~concludes that the mattress stewardship fee is not reasonable, the auditor shall provide the council~~
7 ~~with written notice explaining the auditor's opinion. Specific documents or information provided~~
8 ~~to the auditor by the council, along with any associated internal documents or information held by~~
9 ~~the council, shall be made available to the corporation for its review upon request but shall not be~~
10 ~~made public if the documents and information contain trade secrets or commercial or financial~~
11 ~~information of a privileged or confidential nature, pursuant to chapter 2 of title 38 ("access to public~~
12 ~~records"). Not later than fourteen (14) days after the council's receipt of the auditor's opinion, the~~
13 ~~council may either propose a new mattress stewardship fee, or provide written comments on the~~
14 ~~auditor's opinion. If the auditor concludes that the fee is not reasonable, the corporation director~~
15 ~~shall decide, based on the auditor's opinion and any comments provided by the council, whether to~~
16 ~~approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The~~
17 ~~cost of any work performed by such auditor pursuant to the provisions of this subsection and~~
18 ~~subsection (i) of this section shall be funded by the council.~~

19 (f)(1) On and after the implementation of the mattress stewardship program, each retailer
20 shall add the amount of the fee established pursuant to subsection (b) of this section ~~and described~~
21 ~~in subsection (h) of this section~~ to the purchase price of all mattresses sold in this state. The fee
22 shall be remitted by the retailer to the ~~council~~ implementing organization. The ~~council~~
23 implementing organization may, subject to the corporation director's approval, establish an
24 alternative, practicable means of collecting or remitting such fee.

25 (2) On and after the implementation date of the mattress stewardship program, no producer,
26 distributor, or retailer shall sell or offer for sale a mattress to any person in the state if the producer
27 is not a ~~member participant in~~ of the mattress stewardship program administered by the council
28 implementing organization.

29 (3) No retailer or distributor shall be found to be in violation of the provisions of this
30 section, if, on the date the mattress was ordered from the producer or its agent, the producer of said
31 mattress was listed on the corporation's website in accordance with the provisions of this chapter.

32 (jg) Not later than October 1, 2016, and annually thereafter, the ~~council~~ implementing
33 organization shall submit an annual report to the corporation director. The corporation director shall
34 post such annual report on the corporation's website. Such report shall include, but not be limited

1 to:

2 (1) The weight of mattresses collected pursuant to the program from:

3 (i) Municipal and/or transfer stations;

4 (ii) Retailers; and

5 (iii) All other covered entities;

6 (2) The weight of mattresses diverted for recycling;

7 (3) Identification of the mattress recycling facilities to which mattresses were delivered for
8 recycling;

9 (4) The weight of discarded mattresses recycled, as indicated by the weight of each of the
10 commodities sold to secondary markets;

11 (5) The weight of mattresses, or parts thereof, sent for disposal at each of the following:

12 (i) Rhode Island resource recovery corporation; and

13 (ii) Any other facilities;

14 (6) Samples of public education materials and methods used to support the program;

15 (7) A description of efforts undertaken and evaluation of the methods used to
16 disseminate such materials;

17 (8) Updated performance goals and an evaluation of the effectiveness of the methods and
18 processes used to achieve performance goals of the program; and

19 (9) Recommendations for any changes to the program.

20 ~~(h)~~ Two (2) years after the implementation of the program and upon the request of the
21 corporation director, but not more frequently than once a year, the ~~council~~ implementing
22 organization shall cause an audit of the program to be conducted by ~~the auditor described in~~
23 ~~subsection (h) of this section~~ an independent auditor selected by the implementing organization.

24 Such audit shall review the accuracy of the ~~council's~~ implementing organization's data concerning
25 the program and provide any other information requested by the corporation director. Such audit
26 shall be paid for by the ~~council~~ implementing organization. The ~~council~~ implementing organization
27 shall maintain all records relating to the program for not less than three (3) years.

28 ~~(i)~~ No covered entity that participates in the program shall charge for receipt of mattresses
29 generated in the state. Covered entities may charge a fee for providing the service of collecting
30 mattresses and may restrict the acceptance of mattresses by number, source, or physical condition.

31 ~~(m)~~ Covered entities that, upon the date of this act's passage, have an existing program for
32 recycling discarded mattresses may continue to operate such program without coordination of the
33 council, so long as the entities are able to demonstrate, in writing, to the corporation director that
34 the facilities to which discarded mattresses are delivered are engaged in the business of recycling

1 said mattresses and the corporation director approves the written affirmation that the facility
2 engages in mattress recycling of mattresses received by the covered entity. A copy of the written
3 affirmation and the corporation's approval shall be provided to the council by the corporation
4 director in a timely manner.

5 (k) The implementing organization may, subject to approval by the corporation, propose
6 the establishment and maintenance of a financial reserve sufficient to operate the program over a
7 multi-year period in a fiscally prudent and responsible manner. Such financial reserve shall not
8 exceed 50 percent of the projected program costs in any given year.

9 (l) The corporation is authorized to cap administrative expenses to administer the mattress
10 stewardship program at a set percentage of annual program expenses as determined by the
11 corporation.

12 **23-90-6. Responsibilities of the Rhode Island resource recovery corporation.**

13 (a) The corporation shall review for approval responses to the solicitation for an
14 implementing organization to administer the mattress stewardship ~~plan program.~~ ~~of the council~~

15 (b) The corporation shall maintain on its website information on collection opportunities
16 for mattresses, including collection site locations. The information must be made available in a
17 printable format for retailers and consumers.

18 (c) Not later than the implementation date of the mattress stewardship program, the
19 corporation shall list the names of participating producers covered by the program and the cost of
20 the approved mattress stewardship fee on its website.

21 (d) The corporation shall approve the mattress stewardship fee to be applied by the ~~council~~
22 implementing organization to mattresses pursuant to this chapter.

23 (e) The corporation shall assume responsibility for administering the mattress stewardship
24 program in the event that none of the submissions to the solicitation for an implementing
25 organization are deemed sufficient, or if the director of the corporation determines that the
26 corporation can administer the mattress stewardship program at a lower cost to the consumer than
27 any of the respondents to the solicitation.

28 (ef) Pursuant to § 23-90-11, the corporation shall report biennially to the general assembly
29 on the operation of the statewide system for collection, transportation and recycling of mattresses.

30 **23-90-8. Immunity.**

31 Each producer, retailer and the ~~council~~ implementing organization shall be immune from
32 liability for any claim of a violation of antitrust law, to the extent such producer or ~~council~~
33 implementing organization is exercising authority pursuant to the provisions of this chapter,
34 including but not limited to:

1 (1) The creation, implementation or management of a plan pursuant to § 23-90-5, and the
2 types or quantities of used mattresses recycled or otherwise managed pursuant to a plan;

3 (2) The cost and structure of a plan; and

4 (3) The establishment, administration, collection or disbursement of the mattress
5 stewardship fee associated with funding the implementation of the plan.

6 **23-90-10. Collaboration.**

7 In the event that another state implements a mattress recycling program, the ~~council~~
8 implementing organization may collaborate with such state to conserve efforts and resources used
9 in carrying out the mattress stewardship program, provided such collaboration is consistent with
10 the requirements of this chapter.

11 SECTION 14. Section 23-90-4 in Chapter 23-90 entitled “Responsible Recycling, Reuse
12 and Disposal of Mattresses” is hereby repealed.

13 **~~23-90-4. Mattress stewardship council established.~~**

14 ~~(a) On or before July 1, 2015, each producer shall join the council and such council shall~~
15 ~~submit a plan, for the corporation director’s approval, to establish a statewide mattress stewardship~~
16 ~~program, as described in this section. Any retailer may be a member of such council. Such mattress~~
17 ~~stewardship program shall, to the extent it is technologically feasible and economically practical:~~

18 ~~(1) Minimize public sector involvement in the management of discarded mattresses;~~

19 ~~(2) Provide for the convenient and accessible statewide collection of discarded mattresses~~
20 ~~from any person in the state with a discarded mattress that was discarded in the state, including~~
21 ~~from participating covered entities that accumulated and segregated a minimum of fifty (50)~~
22 ~~discarded mattresses for collection at one time, or a minimum of thirty (30) discarded mattresses~~
23 ~~for collection at one time in the case of participating municipal transfer stations;~~

24 ~~(3) Provide for council financed recycling and disposal of discarded mattresses;~~

25 ~~(4) Provide suitable storage containers at permitted municipal transfer stations, municipal~~
26 ~~government property or other solid waste management facilities for segregated, discarded~~
27 ~~mattresses, or make other mutually agreeable storage and transportation agreements at no cost to~~
28 ~~such municipality provided the municipal transfer station, municipal government property or other~~
29 ~~solid waste management facilities make space available for such purpose and imposes no fee for~~
30 ~~placement of such storage container on its premises;~~

31 ~~(5) Include a uniform mattress stewardship fee that is sufficient to cover the costs of~~
32 ~~operating and administering the program; and~~

33 ~~(6) Establish a financial incentive that provides for the payment of a monetary sum,~~
34 ~~established by the council, to promote the recovery of mattresses.~~

1 ~~(b) The council shall be a nonprofit organization with a fee structure that covers, but does~~
2 ~~not exceed, the costs of developing the plan and operating and administering the program in~~
3 ~~accordance with the requirements of this chapter, and maintaining a financial reserve sufficient to~~
4 ~~operate the program over a multi-year period of time in a fiscally prudent and responsible manner.~~
5 ~~The council shall maintain all records relating to the program for a period of not less than three (3)~~
6 ~~years.~~

7 ~~(c) Pursuant to the program, recycling shall be preferred over any other disposal method to~~
8 ~~the extent that recycling is technologically feasible and economically practical.~~

9 ~~(d) The council shall enter into an agreement with the corporation to reimburse for~~
10 ~~reasonable costs directly related to administering the program but not to exceed the cost of two (2)~~
11 ~~full-time equivalent employees.~~

12 SECTION 15. Title 23 of the General Laws entitled "Health and Safety" is hereby amended
13 by adding thereto the following Chapter:

14 **CHAPTER 100**

15 **RHODE ISLAND HEALTHCARE WORKFORCE DATA COLLECTION ACT**

16 **23-100-1. Short Title.**

17 This Chapter shall be known and may be cited as the Rhode Island Healthcare Workforce
18 Data Collection Act.

19 **23-100-2. Definitions.**

20 (1) "Department" means the Rhode Island department of health.

21 (2) "Health care professional" means physicians, physician assistants, dentists, registered
22 nurses, licensed practical nurses, advanced practice registered nurses, nursing assistants,
23 psychologists, licensed clinical social workers, and mental health counselors and marriage and
24 family therapists, and any other licensees as defined by the department.

25 (3) "Not currently working" means unemployed-not looking for a job, unemployed and
26 looking for a job; on extended leave, retired, or other.

27 (4) "Principal specialty" means the specialty the healthcare professional spends the most
28 time
29 practicing.

30 **23-100-3. Health care workforce data collection authorized.**

31 The department is hereby authorized to collect healthcare workforce data on all healthcare
32 professionals licensed by the department as part of the department's licensure and license renewal
33 process and to request all healthcare professionals to voluntarily provide the following healthcare
34 workforce data elements as a part of licensure and licensure renewal:

- 1 (a) Principal Specialty;
2 (b) Education level;
3 (c) Current practice status in Rhode Island, including but not limited to, clinical practice,
4 medical administrative or legal services only, clinical teaching or clinical research only, not
5 currently working in the medical field, status as a provider of telemedicine, and other practice status
6 as determined by the department;
7 (d) Ethnicity;
8 (e) Race;
9 (f) Languages spoken other than English;
10 (g) Additional years planning to practice or anticipated retirement year;
11 (h) Total number of clinical/non-clinical hours per week providing services;
12 (i) Practice name(s), location(s), and contact information;
13 (j) Acceptance of Medicaid as a form of payment;
14 (k) Other data as defined by the department.

15 **23-100-4. Privacy.**

16 The department shall not make publicly available individual data acquired pursuant to §
17 23-97-3. Individualized healthcare workforce data elements shall remain confidential and shall only
18 be available as de-identified aggregate analysis to support healthcare planning, workforce analysis
19 and other health program and policy recommendations. Publicly available data may include, but
20 not be limited to:

- 21 (a) Aggregate de-identified data and information on current healthcare workforce capacity;
22 (b) Geographic distribution of healthcare professionals actively practicing;
23 (c) Provider-to-population rates; and
24 (d) Projections of healthcare workforce need.

25 **23-100-5. Rules and regulations.**

26 The department shall promulgate rules and regulations pursuant to this chapter.

27 SECTION 16. Section 28-43-1 of the General Laws in Chapter 34-18 entitled
28 "Employment Security - Contributions" is hereby amended to read as follows:

29 **28-43-1. Definitions.**

30 The following words and phrases as used in this chapter have the following meanings,
31 unless the context clearly requires otherwise:

- 32 (1) "Balancing account" means a book account to be established within the employment
33 security fund, the initial balance of which shall be established by the director as of September 30,
34 1979, by transferring the balance of the solvency account on that date to the balancing account.

1 (2) “Computation date” means September 30 of each year, provided, however, that in
2 calendar year 2024, for the purposes of establishing which schedule shall be in effect for tax year
3 2025, “computation date” means any date between September 30 and December 31 in the discretion
4 of the director of the department of labor.

5 (3) “Eligible employer” means an employer who has had three (3) consecutive experience
6 years during each of which contributions have been credited to the employer’s account and benefits
7 have been chargeable to this account.

8 (4) “Employer’s account” means a separate account to be established within the
9 employment security fund by the director as of September 30, 1958, for each employer subject to
10 chapters 42 — 44 of this title, out of the money remaining in that fund after the solvency account
11 has been established in the fund, by crediting to each employer an initial credit balance bearing the
12 same relation to the total fund balance so distributed, as his or her tax contributions to the fund
13 during the period beginning October 1, 1955, and ending on September 30, 1958, have to aggregate
14 tax contributions paid by all employers during the same period; provided, that nothing contained in
15 this section shall be construed to grant to any employer prior claim or rights to the amount
16 contributed by him or her to the fund.

17 (5) “Experience rate” means the contribution rate assigned to an employer’s account under
18 whichever is applicable of schedules A — I in § 28-43-8.

19 (6) “Experience year” means the period of twelve (12), consecutive calendar months
20 ending September 30 of each year.

21 (7) “Most recent employer” means the last base-period employer from whom an individual
22 was separated from employment and for whom the individual worked for at least four (4) weeks,
23 and in each of those four (4) weeks had earnings of at least twenty (20) times the minimum hourly
24 wage as defined in chapter 12 of this title.

25 (8) “Reserve percentage” means, in relation to an employer’s account, the net balance of
26 that account on a computation date, including any voluntary contributions made in accordance with
27 § 28-43-5.1, stated as a percentage of the employer’s twelve-month (12) average taxable payroll
28 for the last thirty-six (36) months ended on the immediately preceding June 30.

29 (9) “Reserve ratio of fund” means the ratio which the total amount available for the
30 payment of benefits in the employment security fund on September 30, 1979, or any computation
31 date thereafter, minus any outstanding federal loan balance, plus an amount equal to funds
32 transferred to the job development fund through the job development assessment adjustment for
33 the prior calendar year, bears to the aggregate of all total payrolls subject to this chapter paid during
34 the twelve-month (12) period ending on the immediately preceding June 30, or the twelve-month

1 (12) average of all total payrolls during the thirty-six-month (36) period ending on that June 30,
2 whichever percentage figure is smaller.

3 (10) "Taxable payroll" means, for the purpose of this chapter, the total of all wages as
4 defined in § 28-42-3(29).

5 SECTION 17. Section 34-18-58 of the General Laws in Chapter 34-18 entitled "Residential
6 Landlord and Tenant Act" is hereby amended to read as follows:

7 **34-18-58. Statewide mandatory rental lead registry.**

8 (a) All landlords who own at least one (1) rental dwelling unit built before 1978 shall
9 register the following information with the department of health:

10 (1) Names of individual landlords or any business entity responsible for leasing to a tenant
11 under this chapter;

12 (2) An active business address, PO box, or home address;

13 (3) An active email address;

14 (4) An active telephone number that would reasonably facilitate communications with the
15 tenant of each dwelling unit;

16 (5) Any property manager, management company, or agent for service of the property,
17 along with the business address, PO box, or home address of the property manager, management
18 company, or agent and including:

19 (i) An active email address; and

20 (ii) An active telephone number, for each such person or legal entity, if applicable, for each
21 dwelling unit; and

22 (6) Information necessary to identify each dwelling unit.

23 (b) All landlords who lease a residential property constructed prior to 1978 and that is not
24 exempt from the requirements of chapter 128.1 of title 42 ("lead hazard mitigation") shall, in
25 addition to the requirements of subsection (a) of this section, for each dwelling unit, provide the
26 department of health with a valid certificate of conformance in accordance with chapter 128.1 of
27 title 42 ("lead hazard mitigation") and regulations derived therefrom, or evidence sufficient to
28 demonstrate that they are exempt from the requirement to obtain a certificate of conformance.

29 (c) Contingent upon available funding, no later than September 1, 2025, the department of
30 health, or designee, shall create a publicly accessible online database containing ~~the~~ information
31 ~~obtained in accordance with subsections (a) and (b) of this section, no later than nine (9) months~~
32 ~~following the effective date of this section [June 20, 2023].~~ on all landlords who have not provided
33 the department with a valid certificate of conformance. The database shall contain:

34 (i) The names of individual landlords or any business entity responsible for leasing to a

1 [tenant under this chapter.](#)

2 [\(ii\) The property address and,](#)

3 [\(iii\) Any property manager, management company, or agent for service of the property.](#)

4 (d) All landlords subject to the requirements of subsections (a) and (b) of this section as of
5 September 1, 2024~~4~~⁵, shall register the information required by those subsections no later than
6 October 1, 2024~~4~~⁵. A landlord who acquires a rental property, or begins leasing a rental property to
7 a new tenant, after September 1, 2024~~4~~⁵, shall register the information required by subsections (a)
8 and (b) of this section within thirty (30) days after the acquisition or lease to a tenant, whichever
9 date is earlier. All landlords subject to the requirements of subsections (a) and (b) of this section
10 shall, following initial registration, re-register by October 1 of each year in order to update any
11 information required to comply with subsections (a) and (b) of this section, or to confirm that the
12 information already supplied remains accurate.

13 (e) Any person or entity subject to subsections (a) and (b) of this section who fails to
14 comply with the registration provision in subsection (d) of this section, shall be subject to a civil
15 fine of at least fifty dollars (\$50.00) per month for failure to register the information required by
16 subsection (a) of this section, or at least one hundred and twenty-five dollars (\$125) per month, for
17 failure to register the information required by subsection (b) of this section.

18 (f) All civil penalties imposed pursuant to subsection (e) of this section shall be payable to
19 the department of health. There is to be established a restricted receipt account to be known as the
20 "rental registry account" which shall be a separate account within the department of health.
21 Penalties received by the department pursuant to the terms of this section shall be deposited into
22 the account. Monies deposited into the account shall be transferred to the department of health and
23 shall be expended for the purpose of administering the provisions of this section or lead hazard
24 mitigation, abatement, enforcement, or poisoning prevention. No penalties shall be levied under
25 this section prior to October 1, 2024~~4~~⁵.

26 (g) Notwithstanding the provisions of § 34-18-35, a landlord or any agent of a landlord
27 may not commence an action to evict for nonpayment of rent in any court of competent jurisdiction,
28 unless, at the time the action is commenced, the landlord is in compliance with the requirements of
29 subsections (a), (b), and (d) of this section. A landlord must present the court with evidence of
30 compliance with subsections (a), (b), and (d) of this section at the time of filing an action to evict
31 for nonpayment of rent in order to proceed with the civil action.

32 (h) The department of health may commence an action for injunctive relief and additional
33 civil penalties of up to fifty dollars (\$50.00) per violation against any landlord who repeatedly fails
34 to comply with subsection (a) of this section. The attorney general may commence an action for

1 injunctive relief and additional civil penalties of up to one thousand dollars (\$1,000) per violation
2 against any landlord who repeatedly fails to comply with subsection (b) of this section. Any
3 penalties obtained pursuant to this subsection shall be used for the purposes of lead hazard
4 mitigation, abatement, enforcement, or poisoning prevention, or for the purpose of administering
5 the provisions of this section. No penalties shall be levied under this section prior to October 1,
6 2024⁴⁵.

7 SECTION 18. Effective July 1, 2024, section 35-17-1 of the General Laws in Chapter 35-
8 17 entitled "Medical Assistance and Public Assistance Caseload Estimating Conferences" is hereby
9 amended to read as follows:

10 **35-17-1. Purpose and membership.**

11 (a) In order to provide for a more stable and accurate method of financial planning and
12 budgeting, it is hereby declared the intention of the legislature that there be a procedure for the
13 determination of official estimates of anticipated medical assistance expenditures and public
14 assistance caseloads, upon which the executive budget shall be based and for which appropriations
15 by the general assembly shall be made.

16 (b) The state budget officer, the house fiscal advisor, and the senate fiscal advisor shall
17 meet in regularly scheduled caseload estimating conferences (C.E.C.). These conferences shall be
18 open public meetings.

19 (c) The chairpersonship of each regularly scheduled C.E.C. will rotate among the state
20 budget officer, the house fiscal advisor, and the senate fiscal advisor, hereinafter referred to as
21 principals. The schedule shall be arranged so that no chairperson shall preside over two (2)
22 successive regularly scheduled conferences on the same subject.

23 (d) Representatives of all state agencies are to participate in all conferences for which their
24 input is germane.

25 (e) The department of human services shall provide monthly data to the members of the
26 caseload estimating conference by the fifteenth day of the following month. Monthly data shall
27 include, but is not limited to, actual caseloads and expenditures for the following case assistance
28 programs: Rhode Island Works, SSI state program, general public assistance, and child care. For
29 individuals eligible to receive the payment under § 40-6-27(a)(1)(vi), the report shall include the
30 number of individuals enrolled in a managed care plan receiving long-term-care services and
31 supports and the number receiving fee-for-service benefits. The executive office of health and
32 human services shall report relevant caseload information and expenditures for the following
33 medical assistance categories: hospitals, long-term care, managed care, pharmacy, and other
34 medical services. In the category of managed care, caseload information and expenditures for the

1 following populations shall be separately identified and reported: children with disabilities,
2 children in foster care, and children receiving adoption assistance and RIte Share enrollees under §
3 40-8.4-12(j). The information shall include the number of Medicaid recipients whose estate may
4 be subject to a recovery and the anticipated amount to be collected from those subject to recovery,
5 the total recoveries collected each month and number of estates attached to the collections and each
6 month, the number of open cases and the number of cases that have been open longer than three
7 months.

8 (f) Beginning July 1, 2021, the department of behavioral healthcare, developmental
9 disabilities and hospitals shall provide monthly data to the members of the caseload estimating
10 conference by the ~~fifteenth~~ twenty-fifth day of the following month. Monthly data shall include,
11 but is not limited to, actual caseloads and expenditures for the private community developmental
12 disabilities services program. Information shall include, but not be limited to: the number of cases
13 and expenditures from the beginning of the fiscal year at the beginning of the prior month; cases
14 added and denied during the prior month; expenditures made; and the number of cases and
15 expenditures at the end of the month. The information concerning cases added and denied shall
16 include summary information and profiles of the service-demand request for eligible adults meeting
17 the state statutory definition for services from the division of developmental disabilities as
18 determined by the division, including age, Medicaid eligibility and agency selection placement with
19 a list of the services provided, and the reasons for the determinations of ineligibility for those cases
20 denied. The department shall also provide, monthly, the number of individuals in a shared-living
21 arrangement and how many may have returned to a twenty-four-hour (24) residential placement in
22 that month. The department shall also report, monthly, any and all information for the consent
23 decree that has been submitted to the federal court as well as the number of unduplicated individuals
24 employed; the place of employment; and the number of hours working. The department shall also
25 provide the amount of funding allocated to individuals above the assigned resource levels; the
26 number of individuals and the assigned resource level; and the reasons for the approved additional
27 resources. The department will also collect and forward to the house fiscal advisor, the senate fiscal
28 advisor, and the state budget officer, by November 1 of each year, the annual cost reports for each
29 community-based provider for the prior fiscal year. The department shall also provide the amount
30 of patient liability to be collected and the amount collected as well as the number of individuals
31 who have a financial obligation. The department will also provide a list of community-based
32 providers awarded an advanced payment for residential and community-based day programs; the
33 address for each property; and the value of the advancement. If the property is sold, the department
34 must report the final sale, including the purchaser, the value of the sale, and the name of the agency

1 that operated the facility. If residential property, the department must provide the number of
2 individuals residing in the home at the time of sale and identify the type of residential placement
3 that the individual(s) will be moving to. The department must report if the property will continue
4 to be licensed as a residential facility. The department will also report any newly licensed twenty-
5 four-hour (24) group home; the provider operating the facility; and the number of individuals
6 residing in the facility. Prior to December 1, 2017, the department will provide the authorizations
7 for community-based and day programs, including the unique number of individuals eligible to
8 receive the services and at the end of each month the unique number of individuals who participated
9 in the programs and claims processed.

10 (g) The executive office of health and human services shall provide direct assistance to the
11 department of behavioral healthcare, developmental disabilities and hospitals to facilitate
12 compliance with the monthly reporting requirements in addition to preparation for the caseload
13 estimating conferences.

14 SECTION 19. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby
15 amended by adding thereto the following section:

16 37-2-83. Ethics.

17 (a) All state employees shall be subject to the provisions of Chapter 36-14 and all
18 regulations promulgated by the Rhode Island Ethics Commission, and any special provisions of
19 this section.

20 (b) In addition to Chapter 36-14, the following Supplemental State Code of Procurement
21 Ethics shall apply to procurement personnel and vendors. Procurement personnel shall be defined
22 as every employee within the division of purchases, any state employee that is directly involved in
23 drafting or approving specifications, requirements, and requisitions, and/or any state employee
24 involved in or advising on the technical evaluation for solicitations. Procurement personnel shall
25 also include any agency directors involved in a particular procurement.

- 26 (1) The code of ethics applicable to all procurement personnel:
 - 27 (A) To consider, first, the interests of the state in all transactions;
 - 28 (B) To support and carry out state policies;
 - 29 (C) To buy without prejudice;
 - 30 (D) To avoid any conflict of interest with respect to procurement, or the appearance thereof;
 - 31 (E) To obtain the maximum value for each dollar of expenditure;
 - 32 (F) To subscribe to and work for honesty and truth in buying and selling, and to denounce
33 all forms and manifestations of bribery; and
 - 34 (G) To respect obligation and to require that obligations to the state be respected, consistent

1 with good business practice.

2 (2) A primary responsibility of purchasing personnel shall be to maintain good relations
3 with suppliers and potential suppliers. Relationships shall be maintained in a manner which assures
4 that no conflict of interest situations arise.

5 (A) All potential suppliers shall be given a fair opportunity to present their capabilities and
6 products.

7 (B) Reasonable effort shall be made to provide fair bidding opportunities to all qualified
8 and interested suppliers.

9 (C) During the procurement process, procurement personnel shall maintain the
10 confidentiality of information submitted by suppliers and potential suppliers.

11 (i) During the procurement process, supplier proposals shall be treated in confidence with
12 regard to technical approach and cost.

13 (ii) Distribution of information contained in supplier proposals shall be limited to those
14 having a "need to know" as determined by the Purchasing Agent.

15 (iii) Under no circumstances shall confidential information be made available to other
16 vendors.

17 (D) Procurement personnel are prohibited from engaging in any conduct which might cause
18 any existing or prospective supplier of goods or services to believe that its relationship with the
19 state will be affected by purchasing or failing to purchase goods or services from any procurement
20 personnel or any business associate of such procurement personnel.

21 (E) Under no circumstances may a vendor provide to procurement personnel, nor may
22 procurement personnel accept, any goods or services, regardless of monetary value, for personal
23 use for less than fair market value.

24 (F) Procurement personnel are prohibited from accepting gifts or gratuities in any form for
25 themselves or their families (spouses, parents, children, sisters, brothers, in-laws, etc.) from
26 contractors, subcontractors or suppliers now furnishing or desiring to furnish supplies or services
27 to the division of purchases.

28 (i) Gifts or gratuities shall mean, but are not limited to money, merchandise, advertising
29 media (any merchandise carrying a vendor's name or logo), gift certificates, trips (individually or
30 in groups), cocktail parties, dinners, evening entertainment, sporting events, etc.

31 (G) Inappropriate social interaction between procurement personnel and any current or
32 prospective contractors, subcontractors or suppliers and their representatives creating the
33 impression of favoritism shall be avoided. However, social interactions between state employees
34 and representatives of suppliers which are clearly of a personal nature, in which the parties involved

1 would normally be expected to reciprocate, and in which no reimbursement from the state is sought
2 by the employee, may be acceptable. However, the responsibility rests on the individual employee
3 to regulate his or her own actions and to seek advice from the State Purchasing Agent, or designee,
4 with respect to the Supplemental State Code of Procurement Ethics.

5 (3) It shall be the obligation of all state employees to avoid conflicts of interest with respect
6 to procurement, and to report promptly to the State Purchasing Agent all instances where a conflict
7 exists or is suspected to exist.

8 (4) The State Purchasing Agent shall investigate and issue determinations with respect to
9 any reports or complaints made under this section.

10 (5) All employees of the division of purchases shall be required to sign and submit annual
11 disclosure statements with respect to conflicts of interest.

12 (6) Procurement personnel shall not make purchases for personal use in the name of the
13 state or through the use of any state procurement forms.

14 (i.) If a procurement personnel violates the provisions of this section, the State Purchasing
15 Agent, or designee, with approval by the Chief Purchasing Officer, will recommend appropriate
16 consequences to the division of human resources, including but not limited to: reassignment of the
17 procurement personnel or other state employee involved, termination of employment of the
18 procurement personnel or other state employee involved. Additionally, if appropriate, the Chief
19 Purchasing Officer may refer the matter to the Ethics Commission pursuant to Chapter 36-14.

20 (ii) If a vendor violates the provisions of this section, the State Purchasing Agent, or
21 designee, with approval by the Chief Purchasing Officer, will recommend appropriate
22 consequences, including, but not limited to the suspension or debarment of any and all vendors
23 who may be involved.

24 SECTION 20. Sections 37-2-2, 37-2-13.1, 37-2-17, 37-2-17.1, 37-2-17.2, 37-2-18, 37-2-
25 18.2, 37-2-19, 37-2-20, 37-2-25.1, 37-2-54 and 37-2-56 of the General Laws in Chapter 37-2
26 entitled "State Purchases" are hereby amended to read as follows:

27 **37-2-2. General provisions.**

28 (a) This chapter shall be liberally construed and applied to promote its underlying purposes
29 and policies.

30 (b) The purpose of the public procurement system for the State of Rhode Island and its
31 local public agencies is to deliver on a timely basis the best value product or service to the customer,
32 while maintaining the public's trust and fulfilling public policy objectives in the best interest of the
33 State. The additional underlying purposes and policies of this chapter are to:

34 (1) Simplify, clarify, and modernize the law governing purchasing by the state of Rhode

- 1 Island and its local public agencies;
- 2 (2) Permit the continued development of purchasing policies and practices;
- 3 (3) Make as consistent as possible the purchasing laws among the various states;
- 4 (4) Provide for increased public confidence in the procedures followed in public
5 procurement;
- 6 (5) Insure the fair and equitable treatment of all persons who deal with the procurement
7 system of the state;
- 8 (6) Provide increased economy in state and public agency procurement activities by
9 fostering effective competition;
- 10 (7) Provide safeguards for the maintenance of a procurement system of quality, integrity
11 and highest ethical standards; and
- 12 (8) Ensure that a public agency, acting through its existing internal purchasing function,
13 adheres to the general principles, policies and practices enumerated herein.

14 **37-2-13.1. Procurement regulations — Request for proposal.**

15 (a) No request for proposal shall change to a ~~master price~~ master price agreement unless
16 the request for proposal is cancelled and reissued as a master price agreement.

17 (b) No vendor, parent corporation, subsidiary, affiliate, or subcontractor of any state vendor
18 may bid on a request for proposal if that person or entity has ~~or had any contractual, financial,~~
19 ~~business, or beneficial interest with the state or~~ a conflict of interest as defined in chapter 36-14
20 with any official, officer, or agency in charge of the request or if they materially participated or
21 were consulted with respect to the direct requirements, and/or technical aspects, ~~or any other part~~
22 ~~of the formation and promulgation~~ of the request for proposals: except for in the situations outlined
23 in subsection (f) of this section.

24 (c) Further, no person or entity ~~who or that acts~~ acting as an operator or vendor for the state
25 may participate in any request for proposal relating to any audit, examination, independent
26 verification, review, or evaluation of any of the person's or entity's work, financials or operations
27 performed for or on behalf of the state, or any official, officer, or agency.

28 ~~(d)~~ (d) Persons or entities certified as "sole source" providers under § 37-2-21 shall be
29 exempt from the requirements of subsection (b) of this section.

30 ~~(e)~~ (e) Any person or entity submitting a proposal in response to a request for proposal
31 shall make a written certification attesting under the penalty of perjury that the terms of subsection
32 (b) of this section have been complied with or that the person or entity is exempt under subsection
33 ~~(d)~~ (d) of this section.

34 (f) Requests for information formally issued by the division of purchases, feasibility studies

1 and preliminary evaluations, and emergency procurements as defined in § 37-2-21 shall be exempt
2 from subsection (b) of this section. However, the division of purchases shall publicly disclose any
3 final prior feasibility studies and/or evaluation reports completed in a subsequent procurement
4 regarding a project.

5 **37-2-17. Method of source selection.**

6 Except for purchases solicited pursuant to the provisions for small purchases set forth in §
7 37-2-22, all state contracts and purchases shall be solicited through utilization of ~~the Rhode Island~~
8 ~~Vendor Information Program (RIVIP)~~ the State's eProcurement system as set forth in § 37-2-17.1.

9 Except as otherwise authorized by law, all state contracts shall be awarded by:

- 10 (1) Competitive sealed offers, pursuant to § 37-2-18;
- 11 (2) Competitive negotiation, pursuant to §§ 37-2-19 and 37-2-20;
- 12 (3) Emergency procurements, sole source procurements, and Noncompetitive
13 negotiation, pursuant to § 37-2-21;
- 14 (4) Small purchase procedures, pursuant to § 37-2-22; or
- 15 (5) Reverse auctions, pursuant to § 37-2-18.1.

16 **~~37-2-17.1. Rhode Island vendor information program (RIVIP) Rhode Island~~**
17 **eProcurement System.**

18 (a) The chief purchasing officer is directed to institute an electronic vendor information
19 program which shall enable all solicitations ~~invitations for bid~~ and requests for a proposal to be
20 accessed electronically by all potential vendors. This program is to be readily accessible through
21 public access stations located at the following locations:

- 22 (1) One Capitol Hill, Providence, Rhode Island;
- 23 (2) City hall, town hall or public library of each of the thirty-nine (39) cities and towns in
24 the state.

25 (b) Further, the vendor information program shall be accessible to potential vendors
26 through means of computer modem.

27 (c) The chief purchasing officer may contract with auctioneers as defined in § 37-2-15(10)
28 to conduct electronic reverse auctions, provided that notification of the opportunity to participate
29 in the auction is posted ~~on the RIVIP~~ in accordance with the requirements of § 37-2-25.1.

30 (d) Any reference to Rhode Island vendor information program (RIVIP) in this chapter
31 shall be amended to the Rhode Island eProcurement System.

32 **~~37-2-17.2. Utilization of department of administration Rhode Island vendor~~**
33 **information program (RIVIP) Utilization of department of administration eProcurement**
34 **system.**

1 All public agencies as defined by § 37-2-7(16) shall utilize the RIVIP eProcurement system
2 established by the chief purchasing officer for state agencies (~~director of the department of~~
3 ~~administration~~) to implement the requirements of §§ 37-2-17 and 37-2-17.1. The director of
4 administration shall be authorized to assess prorated charges to public agencies to offset costs for
5 acquisition of equipment, computer and other development, consultant services, installation of
6 equipment, software, communications lines, initial and ongoing training and outreach, maintenance
7 and any other costs of implementing and operating the ~~department of administration RIVIP~~
8 eProcurement system.

9 **37-2-18. Competitive sealed bidding.**

10 (a) Contracts exceeding the amount provided by § 37-2-22 or authorized under the
11 procurement methods in § 37-2-17 shall be awarded by competitive sealed bidding unless it is
12 determined in writing that this method is not practicable or that the best value for the state may be
13 obtained by using an electronic reverse auction as set forth in § 37-2-18.1. Factors to be considered
14 in determining whether competitive sealed bidding is practicable shall include whether:

15 (1) Specifications can be prepared that permit award on the basis of either the lowest bid
16 price or the lowest evaluated bid price; and

17 (2) The available sources, the time and place of performance, and other relevant
18 circumstances as are appropriate for the use of competitive sealed bidding.

19 (b) The ~~invitation for bids~~ solicitation shall state whether the award shall be made on the
20 basis of the lowest bid price or the lowest evaluated or responsive bid price. If ~~the latter basis is~~
21 ~~used~~ the selection is not made on the basis of lowest price, the objective measurable criteria to be
22 utilized shall be set forth in the ~~invitation for bids~~ solicitation, if available. Subject to chapter 38-2,
23 the Access to Public Records Act, All documents submitted in response to the bid proposal ~~are~~
24 ~~public pursuant to chapter 38-2 upon opening of the bids~~ shall be made public upon the opening of
25 the bids and are posted on the State's eProcurement system for public inspection. ~~The invitation~~
26 ~~for bids shall state that each bidder must submit a copy of their bid proposal to be available for~~
27 ~~public inspection upon the opening of the bids.~~ The burden to identify and withhold from the public
28 copy that is released at the bid opening any trade secrets, commercial or financial information, or
29 other information the bidder deems not subject to public disclosure pursuant to chapter 38-2, the
30 Access to Public Records Act, shall rest with the bidder submitting the bid proposal.

31 (c) ~~Unless the invitations for bid are accessible under the provisions as provided in § 37-2-~~
32 ~~17.1~~ Through the eProcurement system, public notice of the ~~invitation for bids~~ solicitation shall be
33 given a sufficient time prior to the date set forth therein for the opening of bids. Public notice may
34 include publication in a newspaper of general circulation in the state as determined by the

1 purchasing agent not less than seven (7) days nor more than twenty-eight (28) days before the date
2 set for the opening of the bids. The purchasing agent may make a written determination that the
3 twenty-eight (28) day limitation needs to be waived. The written determination shall state the
4 reason why the twenty-eight (28) day limitation is being waived and shall state the number of days,
5 giving a minimum and maximum, before the date set for the opening of bids when public notice is
6 to be given.

7 (d) Bids shall be opened and ~~read aloud publicly~~ posted on the eProcurement system at the
8 time and place designated in the ~~invitation for bids~~ solicitation. Each bid, together with the name
9 of the bidder, shall be ~~recorded and an abstract made available for public inspection~~ posted on the
10 eProcurement system unless otherwise provided herein.

11 ~~(e) The chief purchasing officer shall adopt and file regulations governing the bidding of~~
12 ~~highway and bridge construction projects in the state not later than December 31, 2011.~~

13 ~~(f) (e) Immediately subsequent to the opening of the bids, the copies of bid documents~~
14 ~~submitted pursuant to subsection 37-2-18(b) shall be made available for inspection by the public.~~

15 Any objection to any bid on the grounds that it is nonresponsive to the ~~invitation for bids~~ solicitation
16 must be filed with the purchasing agent within five (5) business days of the opening of the bids.
17 The purchasing agent shall issue a written determination as to whether the subject bid is
18 nonresponsive addressing each assertion in the objection and shall provide a copy of the
19 determination to the objector and all those who submitted bids at least seven (7) business days prior
20 to the award of the contract. If a bid is nonresponsive to the requirements in the invitation to bid,
21 the bid is invalid and the purchasing agent shall reject the bid. The purchasing agent shall have no
22 discretion to waive any requirements in the invitation to bid which are identified as mandatory.
23 Nothing in this section shall be construed to interfere with or invalidate the results of the due
24 diligence conducted by the division of purchasing to determine whether bids are responsive and
25 responsible.

26 (g) Subsequent to the awarding of the bid, all documents pertinent to the awarding of the
27 bid that were not made public pursuant to subsection ~~37-2-18(e)~~ 37-2-18(b) shall be made available
28 and open to public inspection, pursuant to chapter 38-2, the Access to Public Records Act, and
29 retained in the bid file. ~~The copy of the bid proposal provided pursuant to subsection 37-2-18(b)~~
30 ~~shall be retained until the bid is awarded.~~

31 (h) The contract shall be awarded with reasonable promptness by written notice to the
32 responsive and responsible bidder whose bid is either the lowest bid price, lowest evaluated, or
33 responsive bid price.

34 (i) Correction or withdrawal of bids may be allowed only to the extent permitted by

1 regulations issued by the chief purchasing officer.

2 (j) ~~As of January 1, 2011, this section shall apply to contracts greater than one million~~
3 ~~dollars (\$1,000,000); on January 1, 2012 for all contracts greater than seven hundred fifty thousand~~
4 ~~dollars (\$750,000); on January 1, 2013 for all contracts greater than five hundred thousand dollars~~
5 ~~(\$500,000); and on January 1, 2014 for all contracts awarded pursuant to this section.~~ All available
6 contracts awarded under this section shall be posted on the eProcurement system.

7 **37-2-18.2. Exemption from competitive bidding.**

8 (a) The three (3) public institutions of higher education (the University of Rhode Island,
9 Rhode Island College and the Community College of Rhode Island) shall be exempt from the
10 competitive bidding process provisions of this chapter for research or research related activity
11 funded with federal funds or other third-party funds subject to rules and regulations promulgated
12 by the ~~board of governors for higher education~~ office of the postsecondary commissioner.

13 (b) In the event that none of the three Rhode Island public institutions of higher education
14 can provide the services for research or research-related activity, private institutions of higher
15 education shall also be exempted from the competitive bidding process provisions of this chapter
16 for research or research related activity funded with federal funds or other third-party funds.

17 (c) The State of Rhode Island has a large number of well-qualified institutions of higher
18 education. In instances where two (2) or more institutions of higher education can provide the
19 services covered by this section, preference shall be given to the institution of higher education that
20 is located within Rhode Island, all other factors being equal.

21 **37-2-19. Competitive negotiation.**

22 (a) When, under regulations issued by the chief purchasing officer, the purchasing agent
23 determines in writing that the use of competitive sealed bidding is not practicable, and except as
24 provided in §§ 37-2-21 and 37-2-22, a contract may be awarded by competitive negotiation.

25 (b) Adequate public notice of the request for proposals to be negotiated shall be given in
26 the same manner as provided in § 37-2-18(c).

27 (c) The request for proposals shall indicate the relative importance of price and other
28 evaluation factors.

29 (d) Written or oral discussions may be conducted with all responsible offerors who submit
30 proposals determined in writing to be reasonably susceptible of being selected for award. All oral
31 discussions conducted with responsible offerors who submit proposals shall be memorialized in
32 writing and all such writings shall be deemed public record at the time the contract is awarded and
33 shall be made available for public inspection. Discussions shall not disclose any information
34 derived from proposals submitted by competing offerors.

1 (e) An award shall be made to the responsible offeror whose proposal is determined in
2 writing to be the most advantageous to the state, taking into consideration price and the evaluation
3 factors set forth in the request for proposals. Discussions need not be conducted if the purchasing
4 agent makes a written determination concerning one or more of the following:

5 (1) With respect to prices, where the prices are fixed by law or regulation, except that
6 consideration shall be given to competitive terms and conditions;

7 (2) Where time of delivery or performance will not permit discussions; or

8 (3) Where it can be clearly demonstrated and documented from the existence of adequate
9 competition or accurate prior cost experience with the particular supply, service, or construction
10 item that acceptance of an initial offer without discussion would result in fair and reasonable prices,
11 and the request for proposals notifies all offerors of the possibility that an award may be made on
12 the basis of the initial offers.

13 (f) Where time permits, the State Purchasing Agent may authorize a best and final offer
14 process to clarify requirements when there is a substantial price discrepancy among bidders or when
15 the cost exceeds the budget or in any circumstance determined to be in the best interest of the state.

16 37-2-20. Negotiations after unsuccessful competitive sealed bidding Negotiations after
17 unsuccessful solicitation.

18 (a) ~~In the event that all~~ The State Purchasing Agent may authorize negotiation when bids
19 submitted pursuant to competitive sealed bidding under § 37-2-18 result in bid prices in excess of
20 the funds available, to clarify requirements or where there is a substantial price discrepancy or in
21 any circumstance determined to be in the best interest of the state. ~~for the purchase and the chief~~
22 ~~purchasing officer determines in writing~~ The State Purchasing Agent shall consider the following:

23 (1) That there are no additional funds available from any source so as to permit an award
24 to the lowest responsive and responsible bidder, and

25 (2) The best interest of the state will not permit the delay attendant to a resolicitation under
26 revised specifications, or for revised quantities, under competitive sealed bidding as provided in §
27 37-2-18, then a negotiated award may be made as set forth in subsection (b) or (d) of this section.

28 (b) Where there is more than one ~~bidder~~ offeror, competitive negotiations, ~~pursuant to §~~
29 ~~37-2-19, shall~~ may be conducted with the ~~three (3) (or two (2) if there are only two (2)) bidders~~
30 offerors determined in writing to be the lowest responsive and responsible bidders, or the highest
31 scoring offerors, to the ~~competitive sealed bid~~ solicitation invitation. Competitive negotiations shall
32 be conducted under the following restrictions:

33 (1) If discussions pertaining to the revision of the specifications or quantities are held with
34 any potential offeror, all other potential offerors shall be afforded an opportunity to take part in

1 such discussions; and

2 (2) A ~~request for proposals, based upon revised specifications or quantities,~~ best and final
3 offer shall be issued as promptly as possible, shall provide for an expeditious response to the revised
4 requirements, and shall be awarded upon the basis of the lowest bid price, or ~~lowest evaluated bid~~
5 ~~price~~ the highest score submitted by any responsive and responsible offeror.

6 (c) Contracts may be competitively negotiated when it is determined in writing by the
7 purchasing agent that the bid prices received by competitive sealed bidding were not independently
8 reached in open competition, and for which:

9 (1) Each competitive bidder has been notified of the intention to negotiate and is given
10 reasonable opportunity to negotiate; and

11 (2) The negotiated price is lower than the lowest rejected bid by any competitive bidder;
12 and

13 (3) The negotiated price is the lowest negotiated price offered by a competitive offeror.

14 (d) When, after ~~competitive sealed bidding~~ solicitation, it is determined in writing that there
15 is only one responsive and responsible bidder, a negotiated award may be made with the bidder
16 subject to the provisions of § 37-2-28.

17 **37-2-25.1. Prequalification of vendors for electronic reverse auctions.**

18 (a) Potential bidders shall be prequalified for participation in each electronic auction.

19 (b) A request for qualifications shall be issued stating the intent to conduct a reverse auction
20 in accordance with the provisions of § 37-2-18.1. The request for qualifications shall identify the
21 goods and services to be purchased and the criteria to be used to determine how many and/or which
22 bidders will be selected to participate in the reverse auction. All requests for qualifications shall be
23 solicited through utilization of the Rhode Island ~~Vendor Information Program (RIVIP)~~
24 eProcurement system-as set forth in § 37-2-17.1.

25 (c) Participants shall be selected based on the criteria set forth in the request for
26 qualifications, including agreement to any terms, conditions or other requirements of the
27 solicitation. Written or oral discussions may be conducted with all responsible vendors determined
28 in writing to be reasonably susceptible of being selected for award.

29 (d) Prior to the execution of the auction potential bidders shall be required to receive
30 instruction on the use of the selected electronic bidding procedure. Only bidders who successfully
31 complete the training phase of prequalification shall be permitted to participate in the electronic
32 reverse auction specified in the request for qualifications.

33 **37-2-54. Chief purchasing officer — Purchases.**

34 (a) The chief purchasing officer, except as otherwise provided by law, shall purchase, or

1 delegate and control the purchase of, the combined requirements of all spending agencies of the
2 state including, but not limited to, interests in real property, contractual services, rentals of all types,
3 supplies, materials, equipment, and services, except that competitive bids may not be required:

4 (1) For contractual services where no competition exists such as sewage treatment, water,
5 and other public utility services;

6 (2) When, in the judgment of the department of administration, food, clothing, equipment,
7 supplies, or other materials to be used in laboratory and experimental studies can be purchased
8 otherwise to the best advantage of the state;

9 (3) When instructional materials are available from only one source;

10 (4) Where rates are fixed by law or ordinance;

11 (5) For library books;

12 (6) For commercial items that are purchased for resale;

13 (7) For professional, technical, or artistic services;

14 (8) For all other commodities, equipment, and services which, in the reasonable discretion
15 of the chief purchasing officer, are available from only one source;

16 (9) For interests in real property.

17 (10) For works of art for museum and public display;

18 (11) For published books, maps, periodicals, newspaper or journal subscriptions, and
19 technical pamphlets;

20 (12) For licenses for use of proprietary or patented systems; ~~and~~

21 (13) For services of visiting speakers, professors, performing artists, and expert witnesses; ~~;~~
22 and

23 (14) For research-related activities and services provided by colleges and universities
24 within the State of Rhode Island.

25 (b) Nothing in this section shall deprive the chief purchasing officer from negotiating with
26 vendors who maintain a general service administration price agreement with the United States of
27 America or any agency thereof or other governmental entities, provided, however, that no contract
28 executed under this provision shall authorize a price higher than is contained in the contract
29 between the general service administration and the vendor affected.

30 (c) The department of administration shall have supervision over all purchases by the
31 various spending agencies, except as otherwise provided by law, and shall prescribe rules and
32 regulations to govern purchasing by or for all spending agencies, subject to the approval of the
33 chief purchasing officer; and shall publish a manual of procedures to be distributed to agencies and
34 to be revised upon issuance of amendments to the procedures. No purchase or contract shall be

1 binding on the state or any agency thereof unless approved by the department or made under general
2 regulations which the chief purchasing officer may prescribe.

3 (d) The chief purchasing officer shall adopt regulations to require agencies to take and
4 maintain inventories of plant and equipment. The department of administration shall conduct
5 periodic physical audits of inventories.

6 (e) The department of administration shall require all agencies to furnish an estimate of
7 specific needs for supplies, materials, and equipment to be purchased by competitive bidding for
8 the purpose of permitting scheduling of purchasing in large volume. It shall establish and enforce
9 schedules for purchasing supplies, materials, and equipment. In addition, all agencies shall submit
10 to the department of administration, prior to the beginning of each fiscal year, an estimate of all
11 needs for supplies, materials, and equipment during that year which will have to be acquired
12 through competitive bidding.

13 (f) The director of the department of administration shall have the power: to transfer
14 between departments; to salvage; to exchange; and to condemn supplies and equipment.

15 (g) Unless the chief purchasing officer deems it is in the best interest of the state to proceed
16 otherwise, all property (including any interest in real property) shall be sold either by invitation of
17 sealed bids or by public auction; provided, however, that the selling price of any interest in real
18 property shall not be less than the appraised value thereof as determined by the department of
19 administration or the department of transportation for the requirements of that department.

20 (h) Subject to the provisions of this chapter, the chief purchasing officer shall purchase, or
21 otherwise acquire, all real property determined to be needed for state use, upon the approval of the
22 state properties committee as to the determination of need and as to the action of purchase or other
23 acquisition, provided that the amount paid shall not exceed the appraised value as determined by
24 the department of transportation (for such requirements of that department) or value set by eminent
25 domain procedure.

26 (i) The department of administration shall maintain records of all purchases and sales made
27 under its authority and shall make periodic summary reports of all transactions to the chief
28 purchasing officer, the governor, and the general assembly. The chief purchasing officer shall also
29 report trends in costs and prices, including savings realized through improved practices, to the
30 governor and general assembly.

31 (j) The chief purchasing officer shall attempt in every practicable way to insure that the
32 state is supplying its real needs at the lowest possible cost. Further, to assure that the lowest possible
33 cost is achieved, the chief purchasing officer may enter into cooperative purchasing agreements
34 with other ~~governmental~~ public entities and institutions of higher education.

1 ~~37-2-56. Purchasing for municipalities and regional school districts. Purchasing for~~
2 ~~municipalities, and regional school districts, and institutions of higher education.~~

3 Any municipality, ~~or~~ regional school district, or institution of higher education of the state
4 may participate in state master price agreement contracts for the purchase of materials, supplies,
5 services and equipment entered into by the purchasing agent, provided, however, that the contractor
6 is willing, when requested by the municipality, ~~or~~ school district, or institution of higher education,
7 to extend the terms and conditions of the contract and that the municipality, ~~or~~ school district, or
8 institution of higher education will be responsible for payment directly to the vendor under each
9 purchase contract. Unless a state contract is the result of an intergovernmental cooperative purchase
10 contract to which a municipality, ~~or~~ school district, or institution of higher education is a party, the
11 purchasing agent shall not compel a successful bidder to extend the same terms and conditions to
12 a municipality, ~~or~~ school district, or institution of higher education. However, the purchasing agent
13 may, in the interest of obtaining better pricing on behalf of the state and local entities, solicit offers
14 based upon anticipated master price agreement utilization by municipalities, ~~and~~ school districts,
15 and institutions of higher education.

16 SECTION 21. Section 37-2-9.1 of the General Laws in Chapter 37-2 entitled "State
17 Purchases" is hereby repealed in its entirety.

18 ~~§ 37-2-9.1. Bidder registration fee.~~

19 ~~The chief purchasing officer may adopt regulations to establish an annual fee, of not less~~
20 ~~than twenty five dollars (\$25.00), which shall be paid by all potential bidders requesting to~~
21 ~~subscribe to solicitation mailings for public bids for specific types of supplies, services, and~~
22 ~~construction during a fiscal year, and may waive that fee for Rhode Island firms. Additionally, the~~
23 ~~chief purchasing agent officer may delegate to the purchasing agent the authority to waive that fee~~
24 ~~for an individual solicitation and to include unregistered bidders in the solicitation in the interest of~~
25 ~~expanding competition. Nothing herein shall prevent any interested party from submitting a bid in~~
26 ~~response to any solicitation of which they become aware.~~

27 SECTION 22. Chapter 37-14.2 of the General Laws entitled "Micro Business Act" is
28 hereby repealed in its entirety.

29 ~~§ 37-14.2-1. Short title.~~

30 ~~This chapter shall be known and may be cited as "The Micro Businesses Act."~~

31 ~~§ 37-14.2-2. Purpose.~~

32 ~~The purpose of this chapter is to carry out the state's policy of supporting the fullest~~
33 ~~possible participation of micro businesses in the economic activity in the state of Rhode Island,~~
34 ~~including, but not limited to, state directed public construction programs and projects and in state~~

1 ~~purchases of goods and services. The purpose of this chapter includes assisting micro businesses~~
2 ~~throughout the life of any contracts with the state of Rhode Island or its agencies.~~

3 ~~**§ 37-14.2-3. Definitions.**~~

4 ~~As used in this chapter, the following words and terms shall have the following meanings~~
5 ~~unless the context shall clearly indicate another or different meaning or intent:~~

6 ~~(1) “Contract” means a mutually binding legal relationship, or any modification thereof,~~
7 ~~obligating the seller to furnish supplies or services, including construction, and the buyer to pay for~~
8 ~~them. As used in this chapter, a lease is a contract.~~

9 ~~(2) “Contractor” means one who participates, through a contract or subcontract, in any~~
10 ~~procurement or program covered by this chapter and includes lessees and material suppliers.~~

11 ~~(3) “Micro business” means a Rhode Island based business entity, regardless of whether it~~
12 ~~is in the form of a corporation, limited liability company, limited partnership, general partnership,~~
13 ~~or sole proprietorship, that has a total of ten (10) or fewer members, owners, and employees and~~
14 ~~has gross sales totaling five hundred thousand dollars (\$500,000) or less.~~

15 ~~(4) “MB coordinator” means the official designated to have overall responsibility for~~
16 ~~promoting, coordinating, documenting, and implementing efforts related to micro businesses.~~

17 ~~(5) “Registered” means those micro businesses that have provided their business name,~~
18 ~~address, owner contact information, number of employees, and annual gross sales to the department~~
19 ~~of administration.~~

20 ~~**§ 37-14.2-4. Compilation and reporting of data on micro businesses.**~~

21 ~~(a) The department of administration shall compile and maintain data on the existence of~~
22 ~~registered micro businesses to facilitate the achievement of the purpose of this chapter. Within sixty~~
23 ~~(60) days of the effective date of this statute [July 20, 2016], the department of administration shall~~
24 ~~submit a report to the governor and general assembly that describes the methodology being used to~~
25 ~~compile such data and to report annual utilization of registered, micro businesses in state directed~~
26 ~~public construction programs and projects and in state purchases of goods and services. The report~~
27 ~~shall be made public contemporaneously with its submission to the governor and general assembly.~~

28 ~~(b) The department of administration shall maintain a micro business registration database~~
29 ~~that shall include the business name, address, owner contact information, number of employees,~~
30 ~~and annual gross sales. Such registration of micro businesses with the department of administration~~
31 ~~shall be on a voluntary basis, and does not supersede any mandated, business registration~~
32 ~~requirements with the secretary of state or other general offices, as well as with any city or town as~~
33 ~~applicable.~~

34 ~~(c) On or before January 1, 2017, and on or before the first day of January in all years~~

1 ~~thereafter, the department of administration shall submit a report to the governor and general~~
2 ~~assembly consisting of data concerning the registration of micro businesses in the state. The data~~
3 ~~shall include, but not be limited to: the number of registered micro businesses; the distribution of~~
4 ~~registered, micro businesses among the thirty nine (39) cities or towns in the state; the number of~~
5 ~~registered, micro businesses that are also Rhode Island certified minority business enterprises; and~~
6 ~~the number of registered, micro businesses that are also Rhode Island certified women business~~
7 ~~enterprises.~~

8 ~~(d) At the request of the director of the department of administration, the secretary of state,~~
9 ~~or all other general officers of the state, all agencies of the state and all cities and towns shall make~~
10 ~~reasonable modifications to their record keeping procedures to facilitate the compilation of data~~
11 ~~concerning the existence of micro businesses in Rhode Island.~~

12 SECTION 23. Section 41-5-23 of the General Laws in Chapter 41-5 entitled "Boxing and
13 Wrestling" is hereby repealed.

14 ~~§ 41-5-23. Annual report to general assembly.~~

15 ~~The division of gaming and athletics licensing shall make an annual report to the general~~
16 ~~assembly on or before the first Wednesday in February, together with any recommendations for~~
17 ~~legislation, that it may deem desirable.~~

18 SECTION 24. Section 42-11-2 of the General Laws in Chapter 42-11 entitled "Department
19 of Administration" is hereby amended as follows:

20 42-11-2. Powers and duties of department.

21 The department of administration shall have the following powers and duties:

22 (1) To prepare a budget for the several state departments and agencies, subject to the
23 direction and supervision of the governor;

24 (2) To administer the budget for all state departments and agencies, except as specifically
25 exempted by law;

26 (3) To devise, formulate, promulgate, supervise, and control accounting systems,
27 procedures, and methods for the state departments and agencies, conforming to such accounting
28 standards and methods as are prescribed by law;

29 (4) To purchase or to contract for the supplies, materials, articles, equipment, printing, and
30 services needed by state departments and agencies, except as specifically exempted by law;

31 (5) To prescribe standard specifications for those purchases and contracts and to enforce
32 compliance with specifications;

33 (6) To supervise and control the advertising for bids and awards for state purchases;

34 (7) To regulate the requisitioning and storage of purchased items, the disposal of surplus

1 and salvage, and the transfer to or between state departments and agencies of needed supplies,
2 equipment, and materials;

3 (8) To maintain, equip, and keep in repair the state house, state office building, and other
4 premises owned or rented by the state for the use of any department or agency, excepting those
5 buildings, the control of which is vested by law in some other agency;

6 (9) To provide for the periodic inspection, appraisal or inventory of all state buildings and
7 property, real and personal;

8 (10) To require reports from state agencies on the buildings and property in their custody;

9 (11) To issue regulations to govern the protection and custody of the property of the state;

10 (12) To assign office and storage space and to rent and lease land and buildings for the use
11 of the several state departments and agencies in the manner provided by law;

12 (13) To control and supervise the acquisition, operation, maintenance, repair, and
13 replacement of state-owned motor vehicles by state agencies;

14 (14) To maintain and operate central duplicating and mailing service for the several state
15 departments and agencies;

16 (15) To furnish the several departments and agencies of the state with other essential office
17 services;

18 (16) To survey and examine the administration and operation of the state departments and
19 agencies, submitting to the governor proposals to secure greater administrative efficiency and
20 economy, to minimize the duplication of activities, and to effect a better organization and
21 consolidation of functions among state agencies;

22 (17) To operate a merit system of personnel administration and personnel management as
23 defined in § 36-3-3 in connection with the conditions of employment in all state departments and
24 agencies within the classified service;

25 (18) To assign or reassign, with the approval of the governor, any functions, duties, or
26 powers established by this chapter to any agency within the department;

27 (19) To establish, maintain, and operate a data processing center or centers, approve the
28 acquisition and use of electronic data processing services by state agencies, furnish staff assistance
29 in methods, systems and programming work to other state agencies, and arrange for and effect the
30 centralization and consolidation of punch card and electronic data processing equipment and
31 services in order to obtain maximum utilization and efficiency;

32 (20) To devise, formulate, promulgate, supervise, and control a comprehensive and
33 coordinated statewide information system designed to improve the database used in the
34 management of public resources, to consult and advise with other state departments and agencies

1 and municipalities to assure appropriate and full participation in this system, and to encourage the
2 participation of the various municipalities of this state in this system by providing technical or other
3 appropriate assistance toward establishing, within those municipalities, compatible information
4 systems in order to obtain the maximum effectiveness in the management of public resources;

5 (i) The comprehensive and coordinated statewide information system may include a Rhode
6 Island geographic information system of land-related economic, physical, cultural and natural
7 resources.

8 (ii) In order to ensure the continuity of the maintenance and functions of the geographic
9 information system, the general assembly may annually appropriate such sum as it may deem
10 necessary to the department of administration for its support;

11 (21) To administer a statewide planning program including planning assistance to the state
12 departments and agencies;

13 (22) To administer a statewide program of photography and photographic services;

14 (23) To negotiate with public or private educational institutions in the state, in cooperation
15 with the department of health, for state support of medical education;

16 (24) To promote the expansion of markets for recovered material and to maximize their
17 return to productive economic use through the purchase of materials and supplies with recycled
18 content by the state of Rhode Island to the fullest extent practically feasible;

19 (25) To approve costs as provided in § 23-19-32;

20 (26) To provide all necessary civil service tests for individuals seeking employment as
21 social workers at the department of human services at least twice each year and to maintain an
22 adequate hiring list for this position at all times;

23 (27)(i) To prepare a report every three (3) months of all current property leases or rentals
24 by any state or quasi-state agency to include the following information:

25 (A) Name of lessor;

26 (B) Description of the lease (purpose, physical characteristics, and location);

27 (C) Cost of the lease;

28 (D) Amount paid to date;

29 (E) Date initiated;

30 (F) Date covered by the lease.

31 ~~(ii) To prepare a report by October 31, 2014, of all current property owned by the state or~~
32 ~~leased by any state agency or quasi-state agency to include the following information:~~

33 ~~(A) Total square feet for each building or leased space;~~

34 ~~(B) Total square feet for each building and space utilized as office space currently;~~

- 1 ~~(C) Location of each building or leased space;~~
- 2 ~~(D) Ratio and listing of buildings owned by the state versus leased;~~
- 3 ~~(E) Total occupancy costs which shall include capital expenses, provided a proxy should~~
- 4 ~~be provided to compare properties that are owned versus leased by showing capital expenses on~~
- 5 ~~owned properties as a per square foot cost at industry depreciation rates;~~
- 6 ~~(F) Expiration dates of leases;~~
- 7 ~~(G) Number of workstations per building or leased space;~~
- 8 ~~(H) Total square feet divided by number of workstations;~~
- 9 ~~(I) Total number of vacant workstations;~~
- 10 ~~(J) Percentage of vacant workstations versus total workstations available;~~
- 11 ~~(K) Date when an action is required by the state to renew or terminate a lease;~~
- 12 ~~(L) Strategic plan for leases commencing or expiring by June 30, 2016;~~
- 13 ~~(M) Map of all state buildings which provides: cost per square foot to maintain, total~~
- 14 ~~number of square feet, total operating cost, date each lease expires, number of persons per building~~
- 15 ~~and total number of vacant seats per building; and~~
- 16 ~~(N) Industry benchmark report which shall include total operating cost by full-time~~
- 17 ~~equivalent employee, total operating cost by square foot and total square feet divided by full-time~~
- 18 ~~equivalent employee;~~

19 (28) To prepare a report to the chairs of the house and senate finance committees by
20 December 15, 2021, and each year thereafter of all current property owned by the state or leased
21 by any state agency or quasi-state agency to include the following information:

- 22 (i) Total square feet for each building or leased space;
- 23 (ii) Total square feet for each building and space utilized as office space currently;
- 24 (iii) Location of each building or leased space;
- 25 (iv) Ratio and listing of buildings owned by the state versus leased;
- 26 (v) Total occupancy costs which shall include capital expenses, provided a proxy should
- 27 be provided to compare properties that are owned versus leased by showing capital expenses on
- 28 owned properties as a per square foot cost at industry depreciation rates;
- 29 (vi) Expiration dates of leases;
- 30 (vii) Number of workstations per building or leased space;
- 31 (viii) Total square feet divided by number of workstations;
- 32 (ix) Total number of vacant workstations;
- 33 (x) Percentage of vacant workstations versus total workstations available;
- 34 (xi) Date when an action is required by the state to renew or terminate a lease;

1 (xii) Strategic plan for leases commencing or expiring by June 30, 2022, and each
2 subsequent year thereafter;

3 (xiii) Map of all state buildings that provides: cost per square foot to maintain, total number
4 of square feet, total operating cost, date each lease expires, number of persons per building and
5 total number of vacant seats per building; and

6 (xiv) Industry benchmark report that shall include total operating cost by full-time
7 equivalent employee, total operating cost by square foot and total square feet divided by full-time
8 equivalent employee;

9 (29) To provide by December 31, 1995, the availability of automatic direct deposit to any
10 recipient of a state benefit payment, provided that the agency responsible for making that payment
11 generates one thousand (1,000) or more such payments each month;

12 (30) To encourage municipalities, school districts, and quasi-public agencies to achieve
13 cost savings in health insurance, purchasing, or energy usage by participating in state contracts, or
14 by entering into collaborative agreements with other municipalities, districts, or agencies. To assist
15 in determining whether the benefit levels including employee cost sharing and unit costs of such
16 benefits and costs are excessive relative to other municipalities, districts, or quasi-public agencies
17 as compared with state benefit levels and costs; and

18 (31) To administer a health benefit exchange in accordance with chapter 157 of this title.

19 SECTION 25. Section 42-17.1-2 of the General Laws in Chapter 42-17.1 entitled
20 "Department of Environmental Management" is hereby amended to read as follows:

21 **42-17.1-2. Powers and duties.**

22 The director of environmental management shall have the following powers and duties:

23 (1) To supervise and control the protection, development, planning, and utilization of the
24 natural resources of the state, such resources, including, but not limited to: water, plants, trees, soil,
25 clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish,
26 shellfish, and other forms of aquatic, insect, and animal life;

27 (2) To exercise all functions, powers, and duties heretofore vested in the department of
28 agriculture and conservation, and in each of the divisions of the department, such as the promotion
29 of agriculture and animal husbandry in their several branches, including the inspection and
30 suppression of contagious diseases among animals; the regulation of the marketing of farm
31 products; the inspection of orchards and nurseries; the protection of trees and shrubs from injurious
32 insects and diseases; protection from forest fires; the inspection of apiaries and the suppression of
33 contagious diseases among bees; the prevention of the sale of adulterated or misbranded
34 agricultural seeds; promotion and encouragement of the work of farm bureaus, in cooperation with

1 the University of Rhode Island, farmers' institutes, and the various organizations established for
2 the purpose of developing an interest in agriculture; together with such other agencies and activities
3 as the governor and the general assembly may, from time to time, place under the control of the
4 department; and as heretofore vested by such of the following chapters and sections of the general
5 laws as are presently applicable to the department of environmental management and that were
6 previously applicable to the department of natural resources and the department of agriculture and
7 conservation or to any of its divisions: chapters 1 through 22, inclusive, as amended, in title 2
8 entitled "Agriculture and Forestry"; chapters 1 through 17, inclusive, as amended, in title 4 entitled
9 "Animals and Animal Husbandry"; chapters 1 through 19, inclusive, as amended, in title 20 entitled
10 "Fish and Wildlife"; chapters 1 through 32, inclusive, as amended, in title 21 entitled "Food and
11 Drugs"; chapter 7 of title 23, as amended, entitled "Mosquito Abatement"; and by any other general
12 or public law relating to the department of agriculture and conservation or to any of its divisions or
13 bureaus;

14 (3) To exercise all the functions, powers, and duties heretofore vested in the division of
15 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled
16 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning
17 Prevention and Lifesaving"; and by any other general or public law relating to the division of parks
18 and recreation;

19 (4) To exercise all the functions, powers, and duties heretofore vested in the division of
20 harbors and rivers of the department of public works, or in the department itself by such as were
21 previously applicable to the division or the department, of chapters 1 through 22 and sections
22 thereof, as amended, in title 46 entitled "Waters and Navigation"; and by any other general or public
23 law relating to the division of harbors and rivers;

24 (5) To exercise all the functions, powers, and duties heretofore vested in the department of
25 health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled "Health and Safety"; and by
26 chapters 12 and 16 of title 46, as amended, entitled "Waters and Navigation"; by chapters 3, 4, 5,
27 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled "Animals and Animal Husbandry"; and
28 those functions, powers, and duties specifically vested in the director of environmental
29 management by the provisions of § 21-2-22, as amended, entitled "Inspection of Animals and
30 Milk"; together with other powers and duties of the director of the department of health as are
31 incidental to, or necessary for, the performance of the functions transferred by this section;

32 (6) To cooperate with the Rhode Island commerce corporation in its planning and
33 promotional functions, particularly in regard to those resources relating to agriculture, fisheries,
34 and recreation;

1 (7) To cooperate with, advise, and guide conservation commissions of cities and towns
2 created under chapter 35 of title 45 entitled “Conservation Commissions”, as enacted by chapter
3 203 of the Public Laws, 1960;

4 (8) To assign or reassign, with the approval of the governor, any functions, duties, or
5 powers established by this chapter to any agency within the department, except as hereinafter
6 limited;

7 (9) To cooperate with the water resources board and to provide to the board facilities,
8 administrative support, staff services, and other services as the board shall reasonably require for
9 its operation and, in cooperation with the board and the statewide planning program, to formulate
10 and maintain a long-range guide plan and implementing program for development of major water-
11 sources transmission systems needed to furnish water to regional- and local-distribution systems;

12 (10) To cooperate with the solid waste management corporation and to provide to the
13 corporation such facilities, administrative support, staff services, and other services within the
14 department as the corporation shall reasonably require for its operation;

15 (11) To provide for the maintenance of waterways and boating facilities, consistent with
16 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and
17 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, ground water
18 protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the upland
19 beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the council
20 pursuant to § 46-23-6(2); and (iv) Cooperating with the coastal resources management council in
21 the development and implementation of comprehensive programs for dredging as provided for in
22 §§ 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material management and disposal
23 sites in accordance with the protocols established pursuant to § 46-6.1-5(a)(3) and the
24 comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties granted herein
25 shall be construed to abrogate the powers or duties granted to the coastal resources management
26 council under chapter 23 of title 46, as amended;

27 (12) To establish minimum standards, subject to the approval of the environmental
28 standards board, relating to the location, design, construction, and maintenance of all sewage-
29 disposal systems;

30 (13) To enforce, by such means as provided by law, the standards for the quality of air, and
31 water, and the design, construction, and operation of all sewage-disposal systems; any order or
32 notice issued by the director relating to the location, design, construction, or maintenance of a
33 sewage-disposal system shall be eligible for recordation under chapter 13 of title 34. The director
34 shall forward the order or notice to the city or town wherein the subject property is located and the

1 order or notice shall be recorded in the general index by the appropriate municipal official in the
2 land evidence records in the city or town wherein the subject property is located. Any subsequent
3 transferee of that property shall be responsible for complying with the requirements of the order or
4 notice. Upon satisfactory completion of the requirements of the order or notice, the director shall
5 provide written notice of the same, which notice shall be similarly eligible for recordation. The
6 original written notice shall be forwarded to the city or town wherein the subject property is located
7 and the notice of satisfactory completion shall be recorded in the general index by the appropriate
8 municipal official in the land evidence records in the city or town wherein the subject property is
9 located. A copy of the written notice shall be forwarded to the owner of the subject property within
10 five (5) days of a request for it, and, in any event, shall be forwarded to the owner of the subject
11 property within thirty (30) days after correction;

12 (14) To establish minimum standards for the establishment and maintenance of salutory
13 environmental conditions, including standards and methods for the assessment and the
14 consideration of the cumulative effects on the environment of regulatory actions and decisions,
15 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of potential
16 cumulative effects that could adversely affect public health and/or impair ecological functioning;
17 (ii) Analysis of other matters relative to cumulative effects as the department may deem appropriate
18 in fulfilling its duties, functions, and powers; which standards and methods shall only be applicable
19 to ISDS systems in the town of Jamestown in areas that are dependent for water supply on private
20 and public wells, unless broader use is approved by the general assembly. The department shall
21 report to the general assembly not later than March 15, 2008, with regard to the development and
22 application of the standards and methods in Jamestown;

23 (15) To establish and enforce minimum standards for permissible types of septage,
24 industrial-waste disposal sites, and waste-oil disposal sites;

25 (16) To establish minimum standards, subject to the approval of the environmental
26 standards board, for permissible types of refuse disposal facilities; the design, construction,
27 operation, and maintenance of disposal facilities; and the location of various types of facilities;

28 (17) To exercise all functions, powers, and duties necessary for the administration of
29 chapter 19.1 of title 23 entitled "Rhode Island Hazardous Waste Management Act";

30 (18) To designate, in writing, any person in any department of the state government or any
31 official of a district, county, city, town, or other governmental unit, with that official's consent, to
32 enforce any rule, regulation, or order promulgated and adopted by the director under any provision
33 of law; provided, however, that enforcement of powers of the coastal resources management
34 council shall be assigned only to employees of the department of environmental management,

1 except by mutual agreement or as otherwise provided in chapter 23 of title 46;

2 (19) To issue and enforce the rules, regulations, and orders as may be necessary to carry
3 out the duties assigned to the director and the department by any provision of law; and to conduct
4 investigations and hearings and to issue, suspend, and revoke licenses as may be necessary to
5 enforce those rules, regulations, and orders. Any license suspended under the rules, regulations,
6 and/or orders shall be terminated and revoked if the conditions that led to the suspension are not
7 corrected to the satisfaction of the director within two (2) years; provided that written notice is
8 given by certified mail, return receipt requested, no less than sixty (60) days prior to the date of
9 termination.

10 Notwithstanding the provisions of § 42-35-9 to the contrary, no informal disposition of a
11 contested licensing matter shall occur where resolution substantially deviates from the original
12 application unless all interested parties shall be notified of the proposed resolution and provided
13 with opportunity to comment upon the resolution pursuant to applicable law and any rules and
14 regulations established by the director;

15 (20) To enter, examine, or survey, at any reasonable time, places as the director deems
16 necessary to carry out his or her responsibilities under any provision of law subject to the following
17 provisions:

18 (i) For criminal investigations, the director shall, pursuant to chapter 5 of title 12, seek a
19 search warrant from an official of a court authorized to issue warrants, unless a search without a
20 warrant is otherwise allowed or provided by law;

21 (ii)(A) All administrative inspections shall be conducted pursuant to administrative
22 guidelines promulgated by the department in accordance with chapter 35 of this title;

23 (B) A warrant shall not be required for administrative inspections if conducted under the
24 following circumstances, in accordance with the applicable constitutional standards:

25 (I) For closely regulated industries;

26 (II) In situations involving open fields or conditions that are in plain view;

27 (III) In emergency situations;

28 (IV) In situations presenting an imminent threat to the environment or public health, safety,
29 or welfare;

30 (V) If the owner, operator, or agent in charge of the facility, property, site, or location
31 consents; or

32 (VI) In other situations in which a warrant is not constitutionally required.

33 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the
34 director in his or her discretion deems it advisable, an administrative search warrant, or its

1 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose of
2 conducting an administrative inspection. The warrant shall be issued in accordance with the
3 applicable constitutional standards for the issuance of administrative search warrants. The
4 administrative standard of probable cause, not the criminal standard of probable cause, shall apply
5 to applications for administrative search warrants;

6 (I) The need for, or reliance upon, an administrative warrant shall not be construed as
7 requiring the department to forfeit the element of surprise in its inspection efforts;

8 (II) An administrative warrant issued pursuant to this subsection must be executed and
9 returned within ten (10) days of its issuance date unless, upon a showing of need for additional
10 time, the court orders otherwise;

11 (III) An administrative warrant may authorize the review and copying of documents that
12 are relevant to the purpose of the inspection. If documents must be seized for the purpose of
13 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an
14 inventory of the documents taken. The time, place, and manner regarding the making of the
15 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of the
16 inventory shall be delivered to the person from whose possession or facility the documents were
17 taken. The seized documents shall be copied as soon as feasible under circumstances preserving
18 their authenticity, then returned to the person from whose possession or facility the documents were
19 taken;

20 (IV) An administrative warrant may authorize the taking of samples of air, water, or soil
21 or of materials generated, stored, or treated at the facility, property, site, or location. Upon request,
22 the department shall make split samples available to the person whose facility, property, site, or
23 location is being inspected;

24 (V) Service of an administrative warrant may be required only to the extent provided for
25 in the terms of the warrant itself, by the issuing court.

26 (D) Penalties. Any willful and unjustified refusal of right of entry and inspection to
27 department personnel pursuant to an administrative warrant shall constitute a contempt of court and
28 shall subject the refusing party to sanctions, which in the court's discretion may result in up to six
29 (6) months imprisonment and/or a monetary fine of up to ten thousand dollars (\$10,000) per refusal;

30 (21) To give notice of an alleged violation of law to the person responsible therefor
31 whenever the director determines that there are reasonable grounds to believe that there is a
32 violation of any provision of law within his or her jurisdiction or of any rule or regulation adopted
33 pursuant to authority granted to him or her. Nothing in this chapter shall limit the authority of the
34 attorney general to prosecute offenders as required by law;

1 (i) The notice shall provide for a time within which the alleged violation shall be remedied,
2 and shall inform the person to whom it is directed that a written request for a hearing on the alleged
3 violation may be filed with the director within twenty (20) days after service of the notice. The
4 notice will be deemed properly served upon a person if a copy thereof is served the person
5 personally; or sent by registered or certified mail to the person's last known address; or if the person
6 is served with notice by any other method of service now or hereafter authorized in a civil action
7 under the laws of this state. If no written request for a hearing is made to the director within twenty
8 (20) days of the service of notice, the notice shall automatically become a compliance order;

9 (ii)(A) Whenever the director determines that there exists a violation of any law, rule, or
10 regulation within the director's jurisdiction that requires immediate action to protect the
11 environment, the director may, without prior notice of violation or hearing, issue an immediate-
12 compliance order stating the existence of the violation and the action he or she deems necessary.
13 The compliance order shall become effective immediately upon service or within such time as is
14 specified by the director in such order. No request for a hearing on an immediate-compliance order
15 may be made;

16 (B) Any immediate-compliance order issued under this section without notice and prior
17 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for good
18 cause shown, the order may be extended one additional period not exceeding forty-five (45) days;

19 (iii) The director may, at his or her discretion and for the purposes of timely and effective
20 resolution and return to compliance, cite a person for alleged noncompliance through the issuance
21 of an expedited citation in accordance with § 42-17.6-3(c);

22 (iv) If a person upon whom a notice of violation has been served under the provisions of
23 this section or if a person aggrieved by any such notice of violation requests a hearing before the
24 director within twenty (20) days of the service of notice of violation, the director shall set a time
25 and place for the hearing, and shall give the person requesting that hearing at least five (5) days'
26 written notice thereof. After the hearing, the director may make findings of fact and shall sustain,
27 modify, or withdraw the notice of violation. If the director sustains or modifies the notice, that
28 decision shall be deemed a compliance order and shall be served upon the person responsible in
29 any manner provided for the service of the notice in this section;

30 (v) The compliance order shall state a time within which the violation shall be remedied,
31 and the original time specified in the notice of violation shall be extended to the time set in the
32 order;

33 (vi) Whenever a compliance order has become effective, whether automatically where no
34 hearing has been requested, where an immediate compliance order has been issued, or upon

1 decision following a hearing, the director may institute injunction proceedings in the superior court
2 of the state for enforcement of the compliance order and for appropriate temporary relief, and in
3 that proceeding, the correctness of a compliance order shall be presumed and the person attacking
4 the order shall bear the burden of proving error in the compliance order, except that the director
5 shall bear the burden of proving in the proceeding the correctness of an immediate compliance
6 order. The remedy provided for in this section shall be cumulative and not exclusive and shall be
7 in addition to remedies relating to the removal or abatement of nuisances or any other remedies
8 provided by law;

9 (vii) Any party aggrieved by a final judgment of the superior court may, within thirty (30)
10 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to
11 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the
12 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of
13 certiorari;

14 (22) To impose administrative penalties in accordance with the provisions of chapter 17.6
15 of this title and to direct that such penalties be paid into the account established by subsection (26);

16 (23) The following definitions shall apply in the interpretation of the provisions of this
17 chapter:

18 (i) Director: The term “director” shall mean the director of environmental management of
19 the state of Rhode Island or his or her duly authorized agent;

20 (ii) Person: The term “person” shall include any individual, group of individuals, firm,
21 corporation, association, partnership, or private or public entity, including a district, county, city,
22 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual
23 having active and general supervision of the properties of the corporation;

24 (iii) Service:

25 (A) Service upon a corporation under this section shall be deemed to include service upon
26 both the corporation and upon the person having active and general supervision of the properties
27 of the corporation;

28 (B) For purposes of calculating the time within which a claim for a hearing is made
29 pursuant to subsection (21)(i), service shall be deemed to be the date of receipt of such notice or
30 three (3) days from the date of mailing of the notice, whichever shall first occur;

31 (24)(i) To conduct surveys of the present private and public camping and other recreational
32 areas available and to determine the need for and location of other camping and recreational areas
33 as may be deemed necessary and in the public interest of the state of Rhode Island and to report
34 back its findings on an annual basis to the general assembly on or before March 1 of every year;

1 (ii) Additionally, the director of the department of environmental management shall take
2 additional steps, including, but not limited to, matters related to funding as may be necessary to
3 establish such other additional recreational facilities and areas as are deemed to be in the public
4 interest;

5 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the
6 director of administration, from other states, interstate agencies, and independent authorities, and
7 private firms, individuals, and foundations, for the purpose of carrying out his or her lawful
8 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt
9 account created in the natural resources program for funds made available for that program's
10 purposes or in a restricted receipt account created in the environmental protection program for
11 funds made available for that program's purposes. All expenditures from the accounts shall be
12 subject to appropriation by the general assembly, and shall be expended in accordance with the
13 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the
14 event that the trust account balance shows a surplus after the project as provided for in the grant or
15 bequest has been completed, the director may utilize the appropriated unspecified or appropriated
16 surplus funds for enhanced management of the department's forest and outdoor public recreation
17 areas, or other projects or programs that promote the accessibility of recreational opportunities for
18 Rhode Island residents and visitors;

19 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by
20 October 1 of each year, a detailed report on the amount of funds received and the uses made of such
21 funds;

22 (26) To establish fee schedules by regulation, with the approval of the governor, for the
23 processing of applications and the performing of related activities in connection with the
24 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to
25 inspections performed by the department to determine compliance with chapter 19.1 and rules and
26 regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to inspections
27 performed by the department to determine compliance with chapter 18.9 and the rules and
28 regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12 of
29 title 46, insofar as it relates to water-quality certifications and related reviews performed pursuant
30 to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation and
31 administration of underground storage tanks and all other programs administered under chapter 12
32 of title 46 and § 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46, insofar as
33 they relate to any reviews and related activities performed under the provisions of the Groundwater
34 Protection Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-

1 added products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all
2 enforcement, permitting and licensing matters to the administrative adjudication division for
3 environmental matters. Two (2) fee ranges shall be required: for “Appeal of enforcement actions,”
4 a range of fifty dollars (\$50) to one hundred dollars (\$100), and for “Appeal of application
5 decisions,” a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000). The monies
6 from the administrative adjudication fees will be deposited as general revenues and the amounts
7 appropriated shall be used for the costs associated with operating the administrative adjudication
8 division.

9 There is hereby established an account within the general fund to be called the water and
10 air protection program. The account shall consist of sums appropriated for water and air pollution
11 control and waste-monitoring programs and the state controller is hereby authorized and directed
12 to draw his or her orders upon the general treasurer for the payment of the sums, or portions thereof,
13 as may be required, from time to time, upon receipt by him or her of properly authenticated
14 vouchers. All amounts collected under the authority of this subsection (26) for the sewage-disposal-
15 system program and freshwater wetlands program will be deposited as general revenues and the
16 amounts appropriated shall be used for the purposes of administering and operating the programs.
17 The director shall submit to the house fiscal advisor and the senate fiscal advisor by January 15 of
18 each year a detailed report on the amount of funds obtained from fines and fees and the uses made
19 of the funds;

20 (27) To establish and maintain a list or inventory of areas within the state worthy of special
21 designation as “scenic” to include, but not be limited to, certain state roads or highways, scenic
22 vistas, and scenic areas, and to make the list available to the public;

23 (28) To establish and maintain an inventory of all interests in land held by public and
24 private land trust and to exercise all powers vested herein to ensure the preservation of all identified
25 lands;

26 (i) The director may promulgate and enforce rules and regulations to provide for the orderly
27 and consistent protection, management, continuity of ownership and purpose, and centralized
28 records-keeping for lands, water, and open spaces owned in fee or controlled in full or in part
29 through other interests, rights, or devices such as conservation easements or restrictions, by private
30 and public land trusts in Rhode Island. The director may charge a reasonable fee for filing of each
31 document submitted by a land trust;

32 (ii) The term “public land trust” means any public instrumentality created by a Rhode
33 Island municipality for the purposes stated herein and financed by means of public funds collected
34 and appropriated by the municipality. The term “private land trust” means any group of five (5) or

1 more private citizens of Rhode Island who shall incorporate under the laws of Rhode Island as a
2 nonbusiness corporation for the purposes stated herein, or a national organization such as the nature
3 conservancy. The main purpose of either a public or a private land trust shall be the protection,
4 acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other natural features,
5 areas, or open space for the purpose of managing or maintaining, or causing to be managed or
6 maintained by others, the land, water, and other natural amenities in any undeveloped and relatively
7 natural state in perpetuity. A private land trust must be granted exemption from federal income tax
8 under Internal Revenue Code 501(c)(3) [26 U.S.C. § 501(c)(3)] within two (2) years of its
9 incorporation in Rhode Island or it may not continue to function as a land trust in Rhode Island. A
10 private land trust may not be incorporated for the exclusive purpose of acquiring or accepting
11 property or rights in property from a single individual, family, corporation, business, partnership,
12 or other entity. Membership in any private land trust must be open to any individual subscribing to
13 the purposes of the land trust and agreeing to abide by its rules and regulations including payment
14 of reasonable dues;

15 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as
16 appropriate, provide for the transfer to an organization, created for the same or similar purposes, of
17 the assets, lands and land rights, and interests held by the land trust in the event of termination or
18 dissolution of the land trust;

19 (B) All land trusts, public and private, will record in the public records, of the appropriate
20 towns and cities in Rhode Island, all deeds, conservation easements, or restrictions or other interests
21 and rights acquired in land and will also file copies of all such documents and current copies of
22 their articles of association, their bylaws, and their annual reports with the secretary of state and
23 with the director of the Rhode Island department of environmental management. The director is
24 hereby directed to establish and maintain permanently a system for keeping records of all private
25 and public land trust land holdings in Rhode Island;

26 (29) The director will contact in writing, not less often than once every two (2) years, each
27 public or private land trust to ascertain: that all lands held by the land trust are recorded with the
28 director; the current status and condition of each land holding; that any funds or other assets of the
29 land trust held as endowment for specific lands have been properly audited at least once within the
30 two-year (2) period; the name of the successor organization named in the public or private land
31 trust's bylaws or articles of association; and any other information the director deems essential to
32 the proper and continuous protection and management of land and interests or rights in land held
33 by the land trust. In the event that the director determines that a public or private land trust holding
34 land or interest in land appears to have become inactive, the director shall initiate proceedings to

1 effect the termination of the land trust and the transfer of its lands, assets, land rights, and land
2 interests to the successor organization named in the defaulting trust's bylaws or articles of
3 association or to another organization created for the same or similar purposes. Should such a
4 transfer not be possible, then the land trust, assets, and interest and rights in land will be held in
5 trust by the state of Rhode Island and managed by the director for the purposes stated at the time
6 of original acquisition by the trust. Any trust assets or interests other than land or rights in land
7 accruing to the state under such circumstances will be held and managed as a separate fund for the
8 benefit of the designated trust lands;

9 (30) Consistent with federal standards, issue and enforce such rules, regulations, and orders
10 as may be necessary to establish requirements for maintaining evidence of financial responsibility
11 for taking corrective action and compensating third parties for bodily injury and property damage
12 caused by sudden and non-sudden accidental releases arising from operating underground storage
13 tanks;

14 (31) To enforce, by such means as provided by law, the standards for the quality of air, and
15 water, and the location, design, construction, and operation of all underground storage facilities
16 used for storing petroleum products or hazardous materials; any order or notice issued by the
17 director relating to the location, design, construction, operation, or maintenance of an underground
18 storage facility used for storing petroleum products or hazardous materials shall be eligible for
19 recordation under chapter 13 of title 34. The director shall forward the order or notice to the city or
20 town wherein the subject facility is located, and the order or notice shall be recorded in the general
21 index by the appropriate municipal officer in the land-evidence records in the city or town wherein
22 the subject facility is located. Any subsequent transferee of that facility shall be responsible for
23 complying with the requirements of the order or notice. Upon satisfactory completion of the
24 requirements of the order or notice, the director shall provide written notice of the same, which
25 notice shall be eligible for recordation. The original, written notice shall be forwarded to the city
26 or town wherein the subject facility is located, and the notice of satisfactory completion shall be
27 recorded in the general index by the appropriate municipal official in the land-evidence records in
28 the city or town wherein the subject facility is located. A copy of the written notice shall be
29 forwarded to the owner of the subject facility within five (5) days of a request for it, and, in any
30 event, shall be forwarded to the owner of the subject facility within thirty (30) days after correction;

31 (32) To manage and disburse any and all funds collected pursuant to § 46-12.9-4, in
32 accordance with § 46-12.9-5, and other provisions of the Rhode Island Underground Storage Tank
33 Financial Responsibility Act, as amended;

34 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as

1 appropriate and/or as necessary, in order to accomplish the important public purposes of the survey
2 in gathering and maintaining data on Rhode Island natural history; making public presentations and
3 reports on natural history topics; ranking species and natural communities; monitoring rare species
4 and communities; consulting on open-space acquisitions and management plans; reviewing
5 proposed federal and state actions and regulations with regard to their potential impact on natural
6 communities; and seeking outside funding for wildlife management, land management, and
7 research;

8 (34) To promote the effective stewardship of lakes, ponds, rivers, and streams including,
9 but not limited to, collaboration with watershed organizations and associations of lakefront property
10 owners on planning and management actions that will prevent and mitigate water quality
11 degradation, reduce the loss of native habitat due to infestation of non-native species, abate
12 nuisance conditions that result from excessive growth of algal or non-native plant species as well
13 as promote healthy freshwater riverine ecosystems;

14 (35) In implementing the programs established pursuant to this chapter, to identify critical
15 areas for improving service to customers doing business with the department, and to develop and
16 implement strategies to improve performance and effectiveness in those areas. Key aspects of a
17 customer-service program shall include, but not necessarily be limited to, the following
18 components:

19 (i) Maintenance of an organizational unit within the department with the express purpose
20 of providing technical assistance to customers and helping customers comply with environmental
21 regulations and requirements;

22 (ii) Maintenance of an employee-training program to promote customer service across the
23 department;

24 (iii) Implementation of a continuous business process evaluation and improvement effort,
25 including process reviews to encourage development of quality proposals; ensure timely and
26 predictable reviews; and result in effective decisions and consistent follow up and implementation
27 throughout the department; and publish an annual report on such efforts;

28 (iv) Creation of a centralized location for the acceptance of permit applications and other
29 submissions to the department;

30 (v) Maintenance of a process to promote, organize, and facilitate meetings prior to the
31 submission of applications or other proposals in order to inform the applicant on options and
32 opportunities to minimize environmental impact; improve the potential for sustainable
33 environmental compliance; and support an effective and efficient review and decision-making
34 process on permit applications related to the proposed project;

1 (vi) Development of single permits under multiple authorities otherwise provided in state
2 law to support comprehensive and coordinated reviews of proposed projects. The director may
3 address and resolve conflicting or redundant process requirements in order to achieve an effective
4 and efficient review process that meets environmental objectives; and

5 (vii) Exploration of the use of performance-based regulations coupled with adequate
6 inspection and oversight, as an alternative to requiring applications or submissions for approval
7 prior to initiation of projects. ~~The department shall work with the office of regulatory reform to~~
8 ~~evaluate the potential for adopting alternative compliance approaches and provide a report to the~~
9 ~~governor and the general assembly by May 1, 2015;~~

10 (36) To formulate and promulgate regulations requiring any dock or pier longer than twenty
11 feet (20') and located on a freshwater lake or pond to be equipped with reflective materials, on all
12 sides facing the water, of an appropriate width and luminosity such that it can be seen by operators
13 of watercraft;

14 (37) To temporarily waive any control or prohibition respecting the use of a fuel or fuel
15 additive required or regulated by the department if the director finds that:

16 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the
17 New England region that prevent the distribution of an adequate supply of the fuel or fuel additive
18 to consumers;

19 (ii) Extreme or unusual fuel or fuel additive supply circumstances are the result of a natural
20 disaster, an act of God, a pipeline or refinery equipment failure, or another event that could not
21 reasonably have been foreseen; and

22 (iii) It is in the public interest to grant the waiver.

23 Any temporary waiver shall be made in writing and shall be effective for twenty (20)
24 calendar days; provided, that the director may renew the temporary waiver, in writing, if it is
25 deemed necessary; and

26 (38)(i) To designate by rule certain waters of the state as shellfish or marine life project
27 management areas for the purpose of enhancing the cultivation and growth of marine species,
28 managing the harvest of marine species, facilitating the conduct by the department of experiments
29 in planting, cultivating, propagating, managing, and developing any and all kinds of marine life,
30 and any other related purpose.

31 (ii) Any such designation shall be by reference to fixed landmarks and include an explicit
32 description of the area to be designated.

33 (iii) Once so designated, the director may adopt rules and regulations addressing
34 restrictions on the quantities, types, or sizes of marine species which may be taken in any individual

1 management area, the times during which marine species may be taken, the manner or manners in
2 which marine species may be taken, the closure of such area to the taking of marine species, or any
3 other specific restrictions as may be deemed necessary. Such rules shall be exempt from the
4 requirements of §§ 42-35-2.7, 42-35-2.8, and 42-35-2.9.

5 (iv) The director, upon the designation of a management area, may place any stakes,
6 bounds, buoys, or markers with the words “Rhode Island department of environmental
7 management” plainly marked on them, as will approximate the management area. Failure to place
8 or maintain the stakes, bounds, buoys, or markers shall not be admissible in any judicial or
9 administrative proceeding.

10 (v) Nothing in this section shall prevent the director from implementing emergency rules
11 pursuant to § 42-35-2.10.

12 SECTION 26. Section 42-64-36 of the General Laws in Chapter 42-64 entitled “Rhode
13 Island Commerce Corporation” is hereby amended to read as follows:

14 **42-64-36. Program accountability.**

15 (a) The board of the Rhode Island commerce corporation shall be responsible for
16 establishing accountability standards, reporting standards, and outcome measurements for each of
17 its programs to include, but not be limited to, the use of tax credits, loans, loan guarantees, and
18 other financial transactions managed or utilized by the corporation. Included in the standards shall
19 be a set of principles and guidelines to be followed by the board to include:

20 (1) A set of outcomes against which the board will measure each program’s and offering’s
21 effectiveness;

22 (2) A set of standards for risk analysis for all of the programs especially the loans and loan
23 guarantee programs; and

24 (3) A process for reporting out all loans, loan guarantees, and any other financial
25 commitments made through the corporation that includes the purpose of the loan, financial data as
26 to payment history, and other related information.

27 (b) The board shall annually prepare a report starting in January 2015 which shall be
28 submitted to the house and senate. The report shall summarize the above listed information on each
29 of its programs and offerings and contain recommendations for modification, elimination, or
30 continuation.

31 (c) The commerce corporation shall prepare a report beginning January 1, 2019, which
32 shall be submitted to the house and senate within a period of ~~thirty (30)~~ forty-five (45) days of the
33 close of each quarter. The report shall summarize the information listed in subsection (a) of this
34 section on each of its programs and offerings, including any modifications, adjustments, clawbacks,

1 reallocations, alterations, or other changes, made from the close of the prior fiscal quarter and
2 include comparison data to the reports submitted pursuant to §§ 42-64.20-9(b), 42-64.21-8(a) and
3 (c), 42-64.22-14(a), 42-64.23-5(d), 42-64.24-5(d), 42-64.25-12, 42-64.26-6, 42-64.27-4, 42-64.28-
4 9, 42-64.29-7(a), 42-64.31-3, 44-48.3-13(b) and (c), chapters 64.20, 64.21, 64.22, 64.23, 64.24,
5 64.25, 64.26, 64.27, 64.28, 64.29, 64.30, 64.31, 64.32 of title 42 and § 44-48.3-13.

6 (d) The board shall coordinate its efforts with the office of revenue analysis to not duplicate
7 information on the use of tax credits and other tax expenditures.

8 SECTION 27. Section 42-64.19-3 of the General Laws in Chapter 42-64.19 entitled
9 “Executive Office of Commerce” is hereby amended to read as follows:

10 **42-64.19-3. Executive office of commerce.**

11 (a) There is hereby established within the executive branch of state government an
12 executive office of commerce effective February 1, 2015, to serve as the principal agency of the
13 executive branch of state government for managing the promotion of commerce and the economy
14 within the state and shall have the following powers and duties in accordance with the following
15 schedule:

16 (1) On or about February 1, 2015, to operate functions from the department of business
17 regulation;

18 (2) On or about April 1, 2015, to operate various divisions and functions from the
19 department of administration;

20 (3) On or before September 1, 2015, to provide to the Senate and the House of
21 Representatives a comprehensive study and review of the roles, functions, and programs of the
22 department of administration and the department of labor and training to devise recommendations
23 and a business plan for the integration of these entities with the office of the secretary of commerce.
24 The governor may include such recommendations in the Fiscal Year 2017 budget proposal; and

25 (4) On or before July 1, 2021, to provide for the hiring of a deputy secretary of commerce
26 and housing who shall report directly to the secretary of commerce. On July 1, 2022, the deputy
27 secretary of commerce and housing shall succeed to the position of secretary of housing, and the
28 position of deputy secretary of commerce and housing shall cease to exist under this chapter. All
29 references in the general laws to the deputy secretary of commerce and housing shall be construed
30 to mean the secretary of housing. The secretary of housing shall be appointed by and report directly
31 to the governor and shall assume all powers, duties, and responsibilities formerly held by the deputy
32 secretary of commerce and housing. Until the formation of the new department of housing pursuant
33 to chapter 64.34 of this title, the secretary of housing shall reside within the executive office of
34 commerce for administrative purposes only. The secretary of housing shall:

1 (i) Prior to hiring, have completed and earned a minimum of a master's graduate degree in
2 the field of urban planning, economics, or a related field of study or possess a juris doctor law
3 degree. Preference shall be provided to candidates having earned an advanced degree consisting of
4 an L.L.M. law degree or Ph.D. in urban planning or economics. Qualified candidates must have
5 documented five (5) years' full-time experience employed in the administration of housing policy
6 and/or development;

7 (ii) Be responsible for overseeing all housing initiatives in the state of Rhode Island and
8 developing a housing plan, including, but not limited to, the development of affordable housing
9 opportunities to assist in building strong community efforts and revitalizing neighborhoods;

10 (iii) Coordinate with all agencies directly related to any housing initiatives and participate
11 in the promulgation of any regulation having an impact on housing including, but not limited to,
12 the Rhode Island housing and mortgage finance corporation, the coastal resources management
13 council (CRMC), and state departments including, but not limited to: the department of
14 environmental management (DEM), the department of business regulation (DBR), the department
15 of transportation (DOT) and statewide planning, and the Rhode Island housing resources
16 commission;

17 (iv) Coordinate with the housing resources commission to formulate an integrated housing
18 report to include findings and recommendations to the governor, speaker of the house, senate
19 president, each chamber's finance committee, and any committee whose purview is reasonably
20 related to, including, but not limited to, issues of housing, municipal government, and health on or
21 before ~~December~~ April 315, 20215, and annually thereafter ~~which.~~ This report shall include, but
22 not be limited to, the following:

23 (A) The total number of housing units in the state with per community counts, ~~including~~
24 ~~the number of Americans with Disabilities Act compliant special needs units;~~

25 (B) Every three years, beginning in 2026 and contingent upon funding for data collection,
26 an assessment of the suitability of existing housing stock in meeting accessibility needs of residents;

27 (BC) The occupancy and vacancy rate of the units referenced in subsection (a)(4)(iv)(A);

28 (CD) The change in the number of units referenced in subsection (a)(4)(iv)(A), for each of
29 the prior three (3) years in figures and as a percentage;

30 (DE) The number of net new units in development and number of units completed ~~since~~
31 ~~the prior report~~ in the previous calendar year;

32 (EF) For each municipality the number of single-family, two-family (2), and three-family
33 (3) units, and multi-unit housing delineated sufficiently to provide the lay reader a useful
34 description of current conditions, including a statewide sum of each unit type;

1 ~~(F) The total number of units by income type;~~

2 (G) ~~A projection of the number of status quo units~~ Every three years, beginning in 2026, a
3 projection of the number of units required to meet estimated population growth and based upon
4 household formation rates;

5 ~~(H) A projection of the number of units required to meet housing formation trends;~~

6 (H) A comparison of regional and other similarly situated state funding sources that
7 support housing development including a percentage of private, federal, and public support;

8 (J) A reporting of unit types by number of bedrooms for rental properties including an
9 accounting of all:

10 (I) Single-family units;

11 (II) Accessory dwelling units;

12 (III) Two-family (2) units;

13 (IV) Three-family (3) units;

14 (V) Multi-unit sufficiently delineated units;

15 (VI) Mixed use sufficiently delineated units; and

16 (VII) Occupancy and vacancy rates for the prior three (3) years;

17 ~~(K)~~ A reporting of unit types by ownership including an accounting of all:

18 (I) Single-family units;

19 (II) Accessory dwelling units;

20 (III) Two-family (2) units;

21 (IV) Three-family (3) units;

22 (V) Multi-unit sufficiently delineated units;

23 (VI) Mixed use sufficiently delineated units; and

24 (VII) Occupancy and vacancy rates for the prior three (3) years;

25 ~~(L)~~ A reporting of the number of applications submitted or filed for each community
26 according to unit type and an accounting of action taken with respect to each application to include,
27 approved, denied, appealed, approved upon appeal, and if approved, the justification for each
28 appeal approval;

29 (M) A reporting of permits for each community according to affordability level that were
30 sought, approved, denied, appealed, approved upon appeal, and if approved, the justification for
31 each approval;

32 (N) A reporting of affordability ~~by municipality~~ that shall include the following:

33 (I) The percent and number of units of extremely low-, very low-, low-, moderate-, fair-
34 market rate, and above moderate-income ~~market-rate units~~; including the average and median costs

1 of those units;

2 (II) The percent and number of units of extremely low-, very low-, low-, and moderate-
3 income housing units by municipality required to satisfy the ten percent (10%) requirement
4 pursuant to chapter 24 of title 45; including the average and median costs of those units;

5 (III) The percent and number of units for the affordability levels above moderate-income
6 housing, including a comparison to fair-market rent ~~and fair-market homeownership~~; including the
7 average and median costs of those units;

8 (IV) The percentage of cost burden by municipality with population equivalent;

9 (V) The percentage and number of home financing sources, including all private, federal,
10 state, or other public support; ~~and~~

11 (VI) The disparities in mortgage loan financing by race and ethnicity based on Home
12 Mortgage Disclosure Act data by available geographies;

13 (VII) The annual median gross rent ~~cost~~ growth for each of the previous five (5) years by
14 ~~unit type at each affordability level, by unit type~~ municipality; and

15 (VIII) The annual growth in median owner-occupied home values for each of the previous
16 five (5) years by municipality;

17 ~~(N)~~ A reporting of municipal healthy housing stock by unit type and number of bedrooms
18 and providing an assessment of the state's existing housing stock and enumerating any risks to the
19 public health from that housing stock, including, but not limited to: the presence of lead, mold, safe
20 drinking water, disease vectors (insects and vermin), and other conditions that are an identifiable
21 health detriment. Additionally, the report shall provide the percentage of the prevalence of health
22 risks by age of the stock for each community by unit type and number of bedrooms; and

23 ~~(O)~~ A recommendation shall be included with the report required under this section that
24 shall provide consideration to any and all populations, ethnicities, income levels, and other relevant
25 demographic criteria determined by the secretary, and with regard to any and all of the criteria
26 enumerated elsewhere in the report separately or in combination, provide recommendations to
27 resolve any issues that provide an impediment to the development of housing, including specific
28 data and evidence in support of the recommendation. All data and methodologies used to present
29 evidence are subject to review and approval of the chief of revenue analysis, and that approval shall
30 include an attestation of approval by the chief to be included in the report;

31 (P) Municipal governments shall provide the Department of Housing's requested data
32 relevant to this report on or before February 15, 2025 and annually thereafter.

33 (v) Have direct oversight over the office of housing and community development (OHCD)
34 and shall be responsible for coordinating with the secretary of commerce a shared staffing

1 arrangement until June 30, 2023, to carry out the provisions of this chapter;

2 (vi) On or before November 1, 2022, develop a housing organizational plan to be provided
3 to the general assembly that includes a review, analysis, and assessment of functions related to
4 housing of all state departments, quasi-public agencies, boards, and commissions. Provided,
5 further, the secretary, with the input from each department, agency, board, and commission, shall
6 include in the plan comprehensive options, including the advantages and disadvantages of each
7 option and recommendations relating to the functions and structure of the new department of
8 housing.

9 (vii) Establish rules and regulations as set forth in § 45-24-77.

10 (b) In this capacity, the office shall:

11 (1) Lead or assist state departments and coordinate business permitting processes in order
12 to:

13 (i) Improve the economy, efficiency, coordination, and quality of the business climate in
14 the state;

15 (ii) Design strategies and implement best practices that foster economic development and
16 growth of the state's economy;

17 (iii) Maximize and leverage funds from all available public and private sources, including
18 federal financial participation, grants, and awards;

19 (iv) Increase public confidence by conducting customer centric operations whereby
20 commercial enterprises are supported and provided programs and services that will grow and
21 nurture the Rhode Island economy; and

22 (v) Be the state's lead agency for economic development.

23 (c) The office shall include the office of regulatory reform and other administration
24 functions that promote, enhance, or regulate various service and functions in order to promote the
25 reform and improvement of the regulatory function of the state.

26 SECTION 28. Sections 42-72.8-2, 42-72.8-2.1, 42-72.8-3 and 42-72.8-4 of the General
27 Laws in Chapter 42-72.8 entitled "Department of Children, Youth and Families Higher Education
28 Incentive Grant" are hereby amended to read as follows:

29 **42-72.8-2. Administration of program.**

30 (a) ~~Each year the~~ The department annually shall notify, identify and ~~recommend from~~
31 ~~among~~ outreach to those youth in its legal custody, ~~or who were in the Department's legal custody~~
32 ~~on their eighteenth (18th) birthday,~~ beginning at age fourteen (14) and until the youth exits care,
33 who may satisfy the eligibility requirements prescribed in 42-72.8-2.1 ~~those students who may be~~
34 ~~eligible to apply for a~~ for the Higher Education Opportunity Incentive Grant. ~~The department of~~

1 ~~elementary and secondary education shall afford all appropriate assistance to the department in the~~
2 ~~identification of youth who may be eligible for such grants.~~ Each ~~selected~~ qualified applicant will
3 receive ~~grants~~ a grant, to the extent of available funding, to supplement federal, state, private and
4 institutional scholarships, grants and ~~loans~~ work-study opportunities awarded to the higher
5 education institution for the applicant in an amount not to exceed the full cost of attendance,
6 including but not limited to: tuition, fees, ~~and room and board charges~~ books, academic support,
7 transportation, food and housing: The department shall request from the higher education institution
8 the qualified applicant's unmet need calculated in accordance with federal and state laws and the
9 institution's policies. For the Workforce Development Incentive Grant, each qualified applicant
10 shall receive a grant, to the extent of available funding, in an amount not to exceed the full cost of
11 attendance, including but not limited to: training, fees, books, transportation, food, and housing
12 calculated by the department, in collaboration with the Community College of Rhode Island.
13 Payments pursuant to this chapter shall be disbursed in accordance with the requirements of the
14 higher education institution.

15 ~~(b) A grant period shall be limited to two (2) years of full-time study at the Community~~
16 ~~College of Rhode Island, four (4) years of full-time study at Rhode Island College, and the~~
17 ~~University of Rhode Island, and in no instance shall the grant period exceed a period of four (4)~~
18 ~~years. Grant recipients shall be enrolled full-time and shall continue to make satisfactory progress~~
19 ~~toward an academic certificate or degree as determined by the school in which they are enrolled;~~

20 ~~(c) The department shall make recommendations for grant awards from among those youth~~
21 ~~who:~~

22 ~~(1) Have not yet reached the age of eighteen (18) on the day of recommendation, are in~~
23 ~~the legal custody of the department on the day of recommendation and have remained in such~~
24 ~~custody for at least twenty-four (24) months prior to the day of recommendation; or, for former~~
25 ~~foster care, have reached the age of eighteen (18) prior to the date of recommendation, have not yet~~
26 ~~reached the age of twenty-one (21) and were in the custody of the department from their sixteenth~~
27 ~~(16th) to their eighteenth (18th) birthdays; and~~

28 ~~(2) Have graduated from high school or received the equivalent of a high school diploma~~
29 ~~not more than one year prior to the date of recommendation; and~~

30 ~~(3) Has not reached his/her twenty-first (21st) birthday; except that youth who are~~
31 ~~participating in this program on the date before his/her twenty-first (21st) birthday may remain~~
32 ~~eligible until his/her twenty-third (23rd) birthday, as long as he/she continues to be considered a~~
33 ~~full-time student by Community College of Rhode Island, Rhode Island College or University of~~
34 ~~Rhode Island, and is making satisfactory progress, as determined by the school in which he/she is~~

1 ~~enrolled, toward completion of his/her degree program.~~

2 **42-72.8-2.1. Eligibility.**

3 (a) To be eligible for a Higher Education Opportunity Incentive Grant, a youth:

4 (1) Must have been in foster care in Rhode Island through the department for at least six
5 (6) months on or after their fourteenth birthday. The six (6) months can be non-consecutive periods
6 of foster care placement or participation in the voluntary extension of care pursuant to §14-1-6;

7 (2) Must be no older than twenty-three (23) years of age prior to June 30 of the application
8 year;

9 (3) Must have graduated from high school or received a high school equivalency diploma;

10 (4) Must be admitted to, and must enroll, attend, and make satisfactory progress towards
11 the completion of a degreed program of study at the Community College of Rhode Island, Rhode
12 Island College or the University of Rhode Island on a full-time or part-time basis enrolled in no
13 less than six (6) credits per semester; and

14 (5) Must complete the FAFSA and any required FAFSA verification, or for persons who
15 are legally unable to complete the FAFSA, must complete a comparable form created by the
16 institution by the applicable deadline for each year in which the student seeks to receive funding
17 under the aforesaid incentive grant;

18 (b) To be eligible for a Workforce Development Incentive Grant, a youth:

19 (1) Must have been in foster care in Rhode Island through the department for at least six
20 (6) months on or after their fourteenth birthday. The six (6) months can be non-consecutive periods
21 of foster care placement or participation in the voluntary extension of care pursuant to §14-1-6;

22 (2) Must be no older than twenty-three (23) years of age prior to June 30 of the application
23 year;

24 (3) Must have graduated from high school or received a high school equivalency diploma;

25 and

26 (4) Must be enrolled and attend a workforce development program at the community
27 college of Rhode Island approved by the commissioner of postsecondary education;

28 (c) Youth shall only be eligible for one of the incentive grants per academic year.

29 (d) Youth who meet the eligibility requirements in subsection (a) or (b) and who are
30 adopted or placed in guardianship through the department after their sixteenth (16) birthday are
31 eligible to receive the incentive grant.

32 **42-72.8-3. Selection of grant recipients.**

33 (a) ~~There shall be a grant award selection committee which shall consist of a representative~~
34 ~~from each of the institutions of higher education appointed by their respective presidents, two (2)~~

1 ~~representatives from the department of children, youth and families appointed by the director, one~~
2 ~~representative from the department of elementary and secondary education appointed by the~~
3 ~~commissioner, and one representative from the office of higher education appointed by the~~
4 ~~commissioner and representatives of other organizations that the director of department of children,~~
5 ~~youth and families believes can help further the goals of the program.~~ Grant awards shall be made
6 by the department pursuant to its policies, procedures, rules and regulations.

7 (b) ~~Grant awards shall be made on the basis of scholastic record, aptitude, financial need~~
8 ~~and general interest in higher education. Recipients must comply with all application deadlines and~~
9 ~~criteria for admission to the institution to which the recipient is making application and, further,~~
10 ~~the recipient must have been granted admission by the admissions office of the institution.~~
11 Cumulative grant awards shall not exceed available appropriations in any fiscal year. The
12 department shall adopt policies, procedures, rules and or regulations, which are reasonably
13 necessary to implement the provisions of this chapter.

14 **42-72.8-4. Appropriation.**

15 The general assembly shall appropriate no less than the sum of ~~\$ 50,000 for the fiscal year~~
16 ~~ending June 30, 2000; \$ 100,000 for the fiscal year ending June 30, 2001; \$ 150,000 for the fiscal~~
17 ~~year ending June 30, 2002; and \$ 200,000 annually.~~ for the fiscal year ending June 30, 2003 and
18 ~~thereafter.~~ No later than September 1, 2024 and annually thereafter, the department shall provide
19 an annual report to the governor, the speaker of the house of representatives and the president of
20 the senate regarding the funds distributed pursuant to this chapter. The report shall include:

21 (a) the total number of applicants in relation to the total number of grants authorized by
22 the department by school and approved workforce development program;

23 (b) the average unmet need for each grant recipient by each school and approved workforce
24 development program;

25 (c) the average award amount by grant program; and

26 (d) the total amount of funding distributed to each grant program.

27 The department annually shall present the report and an update regarding the Higher Education
28 Opportunity Incentive Grant and Workforce Development Incentive Grant to the youth advisory
29 board and key partners.

30 SECTION 29. All sections in this Article shall take effect upon passage, except Section 18,
31 which shall take effect July 1, 2024.