

2012 -- H 7485

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

Introduced By: Representative Arthur Handy

Date Introduced: February 09, 2012

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Purpose and findings. – The general assembly finds and declares:

2 (1) The ability of the department of environmental management to comply with statutory
3 requirements that establish protocols and procedures to govern its programs is critical to ensuring
4 the optimal performance of the department and its programs;

5 (2) Statutes governing the department of environmental management and its programs are
6 outdated or are no longer applicable to the functions and mission of the department.

7 (3) It is essential that the state ensure the department of environmental management's
8 activities, functions, programs, and services meet the needs of Rhode Island citizens and are
9 effective and efficient in achieving the department's mission.

10 SECTION 2. Section 5-51-2 of the General Laws in Chapter 5-51 entitled "Rhode Island
11 State Board of Examiners of Landscape Architects" is hereby amended to read as follows:

12 **5-51-2. Board -- Creation -- Composition -- Appointment, terms, and qualifications**
13 **of members -- Duties -- Compensation. --** (a) (1) There is established a state board of landscape
14 architects which consists of seven (7) members.

15 (2) On May 19, 1975, the governor shall appoint one member to serve until the first day
16 of February, 1976, or until his or her successor is appointed and qualified; one member to serve
17 until the first day of February, 1977, or until his or her successor is appointed and qualified; one
18 member to serve until the first day of February, 1978, or until his or her successor is appointed

1 and qualified; one member to serve until the first day of February, 1979, or until his or her
2 successor is appointed and qualified; and one member to serve until February, 1980, or until his
3 or her successor is appointed and qualified.

4 (3) Upon completion of the original term the terms of members identified in subdivision
5 (2) of this subsection shall be for five (5) years.

6 (4) One member of the board shall be from the general public; ~~and one member shall be~~
7 ~~from the state department of environmental management. Those members.~~ This member shall
8 serve for terms of five (5) years.

9 (5) ~~Three (3) members~~ Four (4) members of the board shall be landscape architects
10 whose residences and principal places of business shall be within this state, who have been
11 actively engaged in the practice of landscape architecture within this state. The original
12 appointees to the board do not need to be registered but engaged in the practice of landscape
13 architecture for a minimum of four (4) years.

14 (6) The governor may remove any member from office for misconduct, incapacity or
15 neglect of duty.

16 (b) During the month of July of each year, the board shall elect from its members a
17 chairperson and a vice chairperson.

18 (c) The secretary of the board shall keep a true and complete record of all proceedings of
19 the board and shall aid in the enforcement of this chapter.

20 (d) The board may make all necessary regulations and bylaws not inconsistent with this
21 chapter.

22 (e) In carrying into effect the provisions of this chapter, the board may subpoena
23 witnesses and compel their attendance and may require the production of books, papers, and
24 documents in any proceeding involving the revocation of registration, or practicing or offering to
25 practice without registration.

26 (1) Any member of the board may administer oaths or affirmations to witnesses
27 appearing before the board.

28 (2) If any person fails to appear in response to that process, or if, having appeared in
29 obedience to the process, he or she refuses to answer any pertinent questions put to him or her by
30 any member of the board or its counsel, he or she, upon presentation of those facts to the superior
31 court, shall be subject to any fines and penalties that might be imposed by this court if that failure
32 or refusal occurred in any civil action pending in that court.

33 (f) The board may establish a procedure for complaints concerning any licensed or
34 certified landscape architects.

1 (g) The board shall establish procedures and programs in conjunction with the
2 department of environmental management and may annually publish a report of its activities,
3 operations, and recommendations.

4 (h) Members of the board shall not be compensated for meetings attended.

5 SECTION 3. Chapter 42-110 of the General Laws entitled "Chemical Purchasing Act" is
6 hereby repealed in its entirety.

7 ~~CHAPTER 42-110~~

8 ~~Chemical Purchasing Act~~

9 ~~**42-110-1. Short title.** -- This act shall be known as the "Chemical Purchasing Act".~~

10 ~~**42-110-2. Definitions.** -- (a) "Chemical purchasing license" means a license for~~
11 ~~purchasing defined chemicals which is issued when the department has determined the applicant~~
12 ~~has a valid waste water pretreatment system, as evidenced by a copy of the pre-treatment permit~~
13 ~~issued by and a copy of a current certificate of approval and operability issued by the~~
14 ~~municipality or other entity whose sewage works potentially receives the effluent from the~~
15 ~~applicant's pretreatment system.~~

16 ~~(b) "Defined chemicals" means and includes cyanide as potassium cyanide or sodium~~
17 ~~cyanide, nickel sulfate or nickel chloride and soaps and cleaning agents used in association with~~
18 ~~the processes described in subsection (d).~~

19 ~~(c) "Department" as used in this chapter means the department of environmental~~
20 ~~management.~~

21 ~~(d) "Metal finishing" as used in this chapter includes those persons, firms, or~~
22 ~~corporations that are subject to pretreatment standards established by the local sewer authority,~~
23 ~~Rhode Island department of environmental management and/or the United States Environmental~~
24 ~~Protection Agency and who conduct one or more of the following processes: electroplating,~~
25 ~~electroless plating, coatings, anodizing, etching and chemical milling, barrel finishing or tumbling~~
26 ~~which includes vibratory and related wet process mass finishing, burnishing, cleaning, or printed~~
27 ~~circuit board manufacturing.~~

28 ~~(e) "Valid waste water pretreatment plant" means that the person, firm, or corporation~~
29 ~~has a pretreatment capability which meets the standards established by the local sewer authority,~~
30 ~~Rhode Island department of environmental management and/or United States Environmental~~
31 ~~Protection Agency in its regulation entitled "categorical pretreatment for the electroplating and~~
32 ~~metal finishing category", and holds a valid industrial waste water discharge permit.~~

33 ~~**42-110-3. Chemical purchasing license.** -- No person, firm, or corporation shall enter~~
34 ~~into, engage in, or work at the business of metal finishing without first obtaining a chemical~~

1 ~~purchasing license issued by the department which shall permit the licensee to purchase, receive~~
2 ~~or use defined chemicals.~~

3 ~~**42-110-4. Rules.** --- The department shall establish rules for the administration of the~~
4 ~~chemical purchasing license.~~

5 ~~**42-110-5. License fees.** --- A fee of two hundred dollars (\$200) shall be paid by each~~
6 ~~applicant for a chemical purchasing license. The license is valid for one year and may be renewed~~
7 ~~annually by the department for a fee of two hundred dollars (\$200). A restricted fund within the~~
8 ~~general fund called the "chemical purchase license fund" is created to receive all license and~~
9 ~~renewal fees under this chapter. All moneys placed in the fund shall be made available~~
10 ~~immediately, and are specifically appropriated to the department of environmental management~~
11 ~~or its successor agency for the purposes of this chapter, including administrative costs.~~

12 ~~**42-110-6. Preservation of application.** --- Applications for licenses under the provisions~~
13 ~~of this chapter shall be preserved for at least three (3) years after which time they may, at the~~
14 ~~discretion of the department, be destroyed.~~

15 ~~**42-110-7. Licenses not transferable.** --- No license issued under the provisions of this~~
16 ~~chapter is assignable or transferable. Licenses issued under this chapter may, after a hearing, be~~
17 ~~suspended or revoked upon failure or refusal of the licensee to comply with the rules and~~
18 ~~requirements of the department or for other sufficient cause.~~

19 ~~**42-110-8. Penalties.** --- Any person who violates the provisions of this chapter, or who in~~
20 ~~concert with others acts to violate the provisions of this chapter, by purchasing or receiving~~
21 ~~defined chemicals for metal finishing purposes without a license, is subject to a civil penalty of~~
22 ~~not more than ten thousand dollars (\$10,000) for each day during which the violation occurs, and~~
23 ~~loss of license for one year.~~

24 ~~**42-110-9. Application.** --- This chapter does not require chemical distributors, chemical~~
25 ~~manufacturers, or refiners to obtain a chemical purchasing license.~~

26 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF
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1 This act would promote the efficient function of the department of environmental
2 management by removing the department of environmental management from membership on the
3 state board of examiners of landscape architects and repealing the chemical purchasing act
4 regarding the administration of chemical purchasing licenses.

5 This act would take effect upon passage.

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