

ARTICLE 3 AS AMENDED

RELATING TO GOVERNMENT REFORM

SECTION 1. Sections 1-6-1 and 1-6-3 of the General Laws in Chapter 1-6 entitled "Warwick Airport Parking District" are hereby amended to read as follows:

1-6-1. Definitions.

As used in this chapter:

(1) "Administrator" means the state tax administrator.

(2) "District" means the Warwick airport parking district, being the district that runs from a point on Main Avenue in the city of Warwick at the southerly boundary of T.F. Green state airport, and westerly along Main Avenue to a point one-third (1/3) mile west of the intersection of Main Avenue with Post Road; turning thence northerly running along a line parallel to and one-third (1/3) mile west of Post Road to a point one mile north of the line of Airport Road; thence turning east running along a line parallel to and one-third (1/3) mile north of the line of Airport Road to Warwick Avenue; thence turning south along Warwick Avenue to Airport Road; thence turning west along Airport Road to the boundary of T.F. Green state airport; thence running southerly along the boundary of T.F. Green state airport to the point of beginning. If any parking facility (including entrances, driveways, or private access roads) is constructed partly within the district as so defined, the entire facility shall be treated as though within the district.

(3) "Operator" means any person providing transient parking within the district.

(4) "Permit fee" means the fee payable annually by an operator to the tax administrator in an amount equal to ten dollars (\$10.00) for each space made, or to be made, available by the operator for transient parking during the period of a permit's effectiveness, but not more than two hundred fifty dollars (\$250) for each permit.

(5) "Transient parking" means any parking for motor vehicles at a lot, garage, or other parking facility within the district for which a fee is collected by the operator, but excludes:

- (i) Parking for which the fee is charged and paid on a monthly or less frequent basis;
(ii) Parking for any employee of the operator of the facility;
(iii) Parking provided by any hotel or motel for registered guests;
(iv) Parking provided by validation or having a validated rate, where the person providing

the validation does not maintain a place of business at T.F. Green state airport.

1 (6) "Transient parking receipts" means the gross receipts collected by an operator
2 (excluding the surcharge imposed by this chapter) in consideration of the provision of transient
3 parking.

4 **1-6-3. Permits for parking operations in district.**

5 (a) Every person desiring to provide transient parking in the district shall file with the tax
6 administrator an application for a permit for each place of business where transient parking will be
7 provided. The application shall be in a form, include information, and bear any signatures that the
8 tax administrator may require. ~~There shall be no fee for this permit. At the time of making an~~
9 ~~application, the applicant shall pay to the tax administrator the permit fee.~~ Every permit issued
10 under this chapter shall expire on June 30 of each year. Every permit holder desiring to renew a
11 permit shall annually, on or before February 1 of each year, apply for renewal of its permit ~~and file~~
12 ~~with it the appropriate permit fee.~~ The renewal permit shall be valid for the period of July 1 of that
13 calendar year through June 30 of the subsequent calendar year, unless sooner canceled, suspended,
14 or revoked. Upon receipt of the required application ~~and permit fee~~, the tax administrator shall issue
15 to the applicant a permit. Provided, that if the applicant, at the time of making the application, owes
16 any fee, surcharge, penalty, or interest imposed under the authority of this chapter, the applicant
17 shall pay the amount owed. ~~An operator whose permit has been previously suspended or revoked~~
18 ~~shall pay to the tax administrator a permit fee for the renewal or issuance of a permit.~~

19 (b) Whenever any person fails to comply with any provision of this chapter, the tax
20 administrator upon hearing, after giving the person at least five (5) days notice in writing,
21 specifying the time and place of hearing and requiring the person to show cause why his or her
22 permit or permits should not be revoked, may revoke or suspend any one or more of the permits
23 held by the person. The notice may be served personally or by mail. The tax administrator shall not
24 issue a new permit after the revocation of a permit unless the administrator is satisfied that the
25 former holder of the permit will comply with the provisions of the ordinance.

26 (c) The superior court of this state has jurisdiction to restrain and enjoin any person from
27 engaging in business as an operator of a transient parking facility in the district without a parking
28 operator's permit or permits or after a transient parking facility operator's permit has been
29 suspended or revoked. The tax administrator may institute proceedings to prevent and restrain
30 violations of this chapter. In any proceeding instituted under this section, proof that a person
31 continues to operate a transient parking facility from the location to which a revoked parking
32 operator's permit was assigned, is prima facie evidence that the person is engaging in business as a
33 parking operator without a parking operator's permit.

34 (d) Permit fees collected under the authority of this section shall be deposited into the

1 general fund of the state.

2 SECTION 2. Section 11-18-12 of the General Laws in Chapter 11-18 entitled "Fraud and
3 False Dealing" is hereby amended to read as follows:

4 **11-18-12. Injunction of false advertising.**

5 (a) Except as provided in subsection (b) of this section, when ~~When~~ it appears to the
6 director of business regulation of the state of Rhode Island that any person, firm, corporation, or
7 association is violating any of the provisions of § 11-18-10, the director of business regulation may
8 cause to be instituted an action, commenced in the name of the director of business regulation in
9 his or her capacity as director of business regulation, to enjoin the violation in the superior court
10 and the court shall have jurisdiction to enjoin and/or restrain any person, firm, corporation or
11 association from violating any of the provisions of § 11-18-10 without regard to whether criminal
12 proceedings have been or may be instituted.

13 (b) When it appears to the director of labor and training of the state of Rhode Island that
14 any person, firm, corporation, or association is violating any of the provisions of § 11-18-10 with
15 respect to the offer or sale of liquid fuels, lubricating oils or other similar products, the director of
16 labor and training may cause to be instituted an action, commenced in the name of the director of
17 labor and training in his or her capacity as director of labor and training, to enjoin the violation in
18 the superior court and the court shall have jurisdiction to enjoin and/or restrain any person, firm,
19 corporation, or association from violating any of the provisions of § 11-18-10 with respect to the
20 offer or sale of liquid fuels, lubricating oils or other similar products without regard to whether
21 criminal proceedings have been or may be instituted.

22 SECTION 3. Section 31-36.1-3 of the General Laws in Chapter 31-36.1 entitled "Fuel Use
23 Reporting Law" is hereby amended to read as follows:

24 **31-36.1-3. Motor carrier license and identification -- Temporary licenses.**

25 (a) Each carrier operating a qualified motor vehicle in two (2) or more jurisdictions shall
26 apply to the administrator for a motor carrier fuel use license upon forms approved by the
27 administrator and there shall be no fee for this license ~~be shall upon application, pay a license fee~~
28 ~~of ten dollars (\$10.00)~~. The license shall remain in effect until surrendered or revoked under the
29 provisions of § 31-36.1-4. The tax administrator shall, in addition, provide identification devices in
30 the quantity requested to each licensed motor carrier. One such device must be displayed on the
31 exterior portion of each side of the cab of each qualified motor vehicle. ~~The fee for such~~
32 ~~identification device shall be ten dollars (\$10.00) per qualified motor vehicle~~. Identification devices
33 shall be issued each year by the administrator and shall be displayed on or before March 1.

34 (b) The administrator may refuse to issue a license if the application for it:

1 (1) Is filed by a motor carrier whose license at any time theretofore has been revoked by
2 the administrator.

3 (2) Contains any misrepresentation, misstatement, or omission of material information
4 required by the application.

5 (3) Is filed by some other motor carrier as a subterfuge of the real motor carrier in interest
6 whose license or registration previously has been revoked for cause by the administrator.

7 (4) Is filed by any motor carrier who is delinquent in the payment of any fee, tax, penalty,
8 or other amount due the administrator for its account.

9 The finding may be made by the administrator after granting the applicant a hearing of
10 which the applicant shall be given ten (10) days notice in writing, and in which the applicant shall
11 have the right to appear in person or by counsel and present testimony.

12 (c) Temporary license. Upon application to the administrator ~~and payment of a fee of ten~~
13 ~~dollars (\$10.00)~~, an unlicensed motor carrier may obtain a temporary license which will authorize
14 one qualified motor vehicle to be operated on the highways of this state, for a period not to exceed
15 ten (10) days, without compliance with the fees imposed in this section, the tax imposed in § 31-
16 36.1-5, and the bond required in § 31-36.1-6. [There shall be no fee for this license.](#)

17 (d) The administrator may adopt rules and regulations specifying the conditions under
18 which temporary licenses will be issued and providing for their issuance.

19 SECTION 4. Sections 31-37-10 and 31-37-21 of the General Laws in Chapter 31-37
20 entitled "Retail Sale of Gasoline" are hereby amended to read as follows:

21 **31-37-10. Term of licenses -- Fee.**

22 (a) Any license issued by the tax administrator to an owner for the operation of a retail
23 filling station, or to a peddler of gasoline, shall, from the date of the issuance of the license, be and
24 remain in full force and effect until or unless:

25 (1) Suspended or revoked by the tax administrator,

26 (2) The business with respect to which the license was issued shall change ownership, or

27 (3) The owner or peddler shall cease to transact the business for which the license was
28 issued.

29 (b) In any of which cases the license shall expire and terminate, and its holder shall
30 immediately return the license to the tax administrator. [There shall be no fee for this license.](#)

31 ~~The charge or fee for the license shall be five dollars (\$5.00).~~

32 **31-37-21. Enforcement.**

33 The tax administrator shall enforce the provisions of this chapter and chapter 36 of this
34 title, except that the director of ~~business regulation~~ [labor and training](#) shall enforce the provisions

1 of §§ 31-37-11 -- 31-37-17 and §§ 11-18-13 -- 11-18-18. The department of ~~business regulation~~
2 [labor and training](#) shall cause any violation subject to its jurisdiction under this chapter to be
3 referred to law enforcement officials in the city or town where the violation has or is occurring for
4 prosecution.

5 SECTION 5. Effective September 1, 2019, Section 36-3-5 of the General Laws in Chapter
6 36-3 entitled "Division of Personnel Administration" is hereby amended to read as follows:

7 **36-3-5. Powers and duties of the administrator.**

8 In addition to the duties imposed upon the personnel administrator elsewhere in the law
9 and the personnel rules, it shall be the duty of the personnel administrator:

10 (1) As executive head of the division of personnel administration, to direct, supervise,
11 develop, and authorize all personnel related administrative and technical activities including
12 personnel administration and personnel management.

13 (2) To prepare and recommend to the director of administration such rules as are deemed
14 necessary to carry out the provisions of the law.

15 (3) To supervise the operation of the classification plan and to recommend to the director
16 amendments and additions thereto.

17 (4) To supervise the operation of the pay plan and to recommend to the director
18 amendments and additions thereto.

19 (5) To establish and supervise the maintenance of employment lists, promotion lists, and
20 reemployment lists; to develop recruitment procedures, monitor agency recruitment processes for
21 compliance with the statutes and policies, and make available to state agencies qualified candidates
22 as vacancies occur; direct and supervise equal opportunity programs; manage employee benefit
23 plans including the coordination of health insurance, prescription/vision care, group life insurance,
24 dental care, prepaid legal services, deferred compensation and cancer programs, and any other
25 programs established by the legislature related to employee benefits; and to manage career awards
26 programs and state and local enforcement firefighters incentive training programs.

27 (6) To perform any other lawful act which he or she may consider necessary or desirable
28 to carry out the purposes and provisions of this chapter, and chapter 4 of this title, and the rules and
29 to conduct innovative demonstration projects to improve state personnel management.

30 [\(7\) To facilitate and/or coordinate state and national background checks for applicants](#)
31 [and/or employees in state positions with access to federal tax information, as defined in § 36-3-](#)
32 [16\(a\)\(6\).](#)

33 SECTION 6. Effective September 1, 2019, Chapter 36-3 of the General Laws entitled
34 "Division of Personnel Administration" is hereby amended by adding thereto the following section:

1 **36-3-16. Authority to conduct state and national background checks for applicants**
2 **and employees in state positions with access to federal tax information.**

3 (a) Definitions. As used in this section, the following terms are hereby defined as follows:

4 (1) “Access,” shall mean the direct use, contact, handling or viewing of federal tax
5 information, as defined herein, in paper or electronic form, regardless of the frequency, likelihood
6 or extent of such access.

7 (2) “Agency” or “state agency,” shall mean a Rhode Island state agency within the
8 executive branch.

9 (3) “Agency head,” shall mean the director or designee of a state agency holding the
10 position with access (as defined herein).

11 (4) “Applicant for employment,” shall mean an individual who has applied for or may be
12 offered employment, transfer or promotional opportunities with a state agency, including
13 employment as a full-time or part-time employee, intern, temporary or seasonal employee, or
14 volunteer, in a position with access (as defined herein).

15 (5) “Current agency employee,” shall mean a full-time or part-time state employee, intern,
16 temporary or seasonal employee or volunteer in a position with access (as defined herein).

17 (6) “Federal tax information” or “FTI” shall mean:

18 i) Federal tax returns or information created or derived from federal tax returns that is in
19 an agency’s possession or control, which is covered by the confidentiality protections of the Internal
20 Revenue Code and subject to 26 U.S.C. section 6103 (p)(4) safeguarding requirements, including
21 oversight by the Internal Revenue Service (“IRS”); and received directly from the IRS or obtained
22 through an authorized secondary source, such as the Social Security Administration (SSA), Federal
23 Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS), Centers for
24 Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS pursuant to
25 an Internal Revenue Code (“IRC”) 6103(p)(2)(B) agreement; and

26 (ii) FTI shall expressly not include federal tax returns or information created or derived
27 from federal tax returns received from taxpayers or other third-parties.

28 (7) “Law enforcement authorized agency” shall mean a government entity authorized to
29 conduct national background checks using the federal bureau of investigation’s fingerprinting
30 national background check system.

31 (b) The personnel administrator or designee shall require to be obtained a state and national
32 fingerprint-based criminal background check initially and at least every ten years, as authorized by
33 Public Law 92-544, to determine the suitability of an applicant for employment prior to hiring or a
34 current agency employee, if the position applied for or held requires or includes access to FTI.

1 (c) An applicant for employment or current agency employee who refuses to comply with
2 the fingerprint-based background check requirements shall be considered unsuitable for serving in
3 a position requiring or involving, or which may require or involve, access to FTI.

4 (d) The national fingerprint-based criminal background check shall be facilitated through
5 the office of the attorney general or another law enforcement authorized agency and forwarded to
6 the federal bureau of investigation for a national criminal history check, according to the policies,
7 procedures, and/or regulations established by the office of the attorney general or another law
8 enforcement authorized agency.

9 (1) For current agency employees, the agency shall pay the applicable fee charged through
10 the office attorney general or other law enforcement authorized agency to conduct state and national
11 background checks. However, applicants for employment shall be required to pay the fee charged
12 through the office attorney general or other law enforcement authorized agency.

13 (2) Fingerprint submissions may be retained by the federal bureau of Investigation and the
14 office of the attorney general or other law enforcement authorized agency to assist the personnel
15 administrator authorized pursuant to this section to ensure the continued suitability of an applicant
16 for employment or a current agency employee for access to FTI.

17 (3) The office of the attorney general or other law enforcement authorized agency may
18 disseminate the results of the state and national criminal background checks to the personnel
19 administrator or designee of the personnel administrator.

20 (4) Notwithstanding any law to the contrary, solely for the purposes of this chapter, the
21 personnel administrator, agency head and authorized staff of an agency may receive criminal
22 offender record information to the extent required by federal law and the results of checks of
23 national criminal history information databases under Public Law 92-544.

24 (5) Upon receipt of the results of state and national criminal background checks, the
25 personnel administrator, agency head and other authorized staff shall treat the information as non-
26 public and exempt from disclosure in accordance with the Rhode Island Access to Public Records
27 Act, R.I. Gen. Laws 38-2-2(4)(A)(I)(b). Information acquired by any agency in the background
28 check process pursuant to this section shall be used solely for the purposes of making a
29 determination as to the suitability of a particular current employee or applicant for employment for
30 and assignment to duties in a position that requires or includes, or may require or include, access
31 to FTI.

32 (e) If the office of the attorney general or other law enforcement authorized agency receives
33 criminal record information from the state or national fingerprint-based criminal background
34 checks that includes no disposition or is otherwise incomplete, the office of the attorney general or

1 other law enforcement authorized agency shall notify the personnel administrator and the subject
2 person. The applicant for employment or the current agency employee shall be responsible for
3 resolving any issues in other jurisdictions causing an incomplete background check. Within fifteen
4 (15) business days from being notified, the applicant for employment or current agency employee
5 must resolve any incomplete background check. For the purposes of this chapter, the personnel
6 administrator, in his or her sole discretion, may extend the amount of time to resolve an incomplete
7 report. Once resolved, the applicant's suitability for employment in a position requiring or
8 involving, or which may require or involve, access to FTI shall be determined in accordance with
9 subsection (f).

10 (1) In the event that an applicant for employment fails to resolve an issue with an
11 incomplete background check by the deadline stated herein, the person shall no longer be
12 considered for employment to the position with access.

13 (2) In the event that a current agency employee fails to resolve an issue with an incomplete
14 background check by the deadline provided herein, along with any extension, the employee may
15 be terminated or discharged from employment; provided, however, that a current agency employee
16 may be placed on administrative leave or reassigned to a position that does not require access to
17 FTI if that position is available and subject to the business needs of the agency at the discretion of
18 the personnel administrator and agency head. Any such employment action shall be subject to same
19 appeal or grievance procedures as normally authorized.

20 (f) The personnel administrator or designee shall review the results to determine the
21 suitability of the applicant for employment or current agency employee, based on criteria
22 established through regulation, to serve in a position requiring or involving, or which may require
23 or involve, access to FTI. In making such a determination of suitability, the personnel administrator
24 or designee may consult with the agency head and consider mitigating factors relevant to the current
25 agency employee's employment and the nature of any disqualifying offense.

26 (1) In the event that an applicant for employment receives a final determination that the
27 person is unsuitable, the person shall no longer be considered for employment into a position with
28 access.

29 (2) A current employee may appeal a determination of unsuitability to the personnel
30 administrator. While the appeal is pending, the employee may be placed on administrative leave in
31 the discretion of the personnel administrator. A final determination of unsuitability after appeal
32 may result in termination or discharge from employment; provided, however, that subject to the
33 discretion of the personnel administrator and the agency head, a current agency employee may be
34 reassigned to a position that does not require access to FTI if that position is available and subject

1 to the business needs of the agency. Any such employment action shall be subject to further appeal
2 or grievance procedures as normally authorized.

3 (g) Nothing in this section shall limit or preclude an agency’s right to carry on a background
4 investigation of an applicant for employment or a current agency employee using other authorized
5 means.

6 (h) The Department of Administration is hereby authorized to promulgate and adopt
7 regulations necessary to carry out this section.

8 (i) The judicial branch is hereby authorized to comply with the provisions herein related to
9 employees with access to FTL.

10 SECTION 7. Effective September 1, 2019, Chapter 37-2 of the General Laws entitled
11 "State Purchases" is hereby amended by adding thereto the following section:

12 **37-2-81. Authority to conduct state and national background checks for vendors with**
13 **access to federal tax information.**

14 (a) Definitions. As used in this section, the following terms shall be defined as follows:

15 (1) “Access,” shall mean the direct and indirect use, contact, handling or viewing of federal
16 tax information, as defined herein, in paper or electronic form, regardless of the frequency,
17 likelihood or extent of such access or whether the access is intentional or inadvertent.

18 (2) “Agency” or “state agency,” shall mean a Rhode Island state department within the
19 executive branch.

20 (3) “Agency head” shall mean the director or designee of a state department for which the
21 vendor is providing services.

22 (4) “Division” shall mean the division of purchases.

23 (5) “Federal tax information” or “FTI” shall mean:

24 (i) Federal tax returns or information created or derived from federal tax returns that is in
25 an agency’s possession or control, which is covered by the confidentiality protections of the Internal
26 Revenue Code and subject to 26 U.S.C. section 6103 (p)(4) safeguarding requirements, including
27 oversight by the Internal Revenue Service (“IRS”); and is received directly from the IRS or
28 obtained through an authorized secondary source, such as the Social Security Administration
29 (SSA), Federal Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS),
30 Centers for Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS
31 pursuant to an Internal Revenue Code (“IRC”) 6103(p)(2)(B) agreement; and

32 (ii) Shall not include federal tax returns or information created or derived from federal tax
33 returns received directly from taxpayers or other third-parties.

34 (6) “Vendor” shall mean any individual, firm, corporation, partnership or other corporate

1 entity, including employees, subcontractors, who are performing services for the state and has
2 access, as defined herein, to FTI.

3 (b) The agency head shall require a vendor to complete a state and national fingerprint-
4 based criminal background check, as authorized by Public Law 92-544, to determine the suitability
5 of a vendor's employees and subcontractors if the services to the state requires or includes, or may
6 require or include, access to FTI. This requirement for a vendor shall be incorporated by reference
7 into the vendor's agreement with the state. No new vendor employee or subcontractor who has or
8 may have access to FTI shall perform services for the State until the person is deemed suitable by
9 the agency head. Existing vendor employees and subcontractors, as of the effective date of this
10 statute, shall complete the background check requirement within a reasonable time as approved by
11 the agency head.

12 (c) The national fingerprint-based criminal background check shall be facilitated through
13 the Rhode Island office of the attorney general or other law enforcement authorized agency, using
14 the same criteria established under § 36-3-16 for applicants and current state employees. The
15 information shall be forwarded to the Federal Bureau of Investigation (FBI) for a national criminal
16 history check, according to the policies, procedures, and/or regulations established by the office of
17 the attorney general or other law enforcement authorized agency. The office of the attorney general
18 or other law enforcement authorized agency may disseminate the results of the national criminal
19 background checks to the Department of Administration and/or the agency head where the services
20 are being provided.

21 (d) Reciprocity. Nothing herein shall prevent the agency head, at his or her discretion, from
22 accepting a recent national fingerprint-based criminal background check for a vendor related to FTI
23 access conducted in another suitable jurisdiction.

24 (e) The agency head may receive criminal offender record information to the extent
25 required by federal law and the results of checks of national criminal history information databases
26 under Public Law 92-544. Upon receipt of the results of state and national criminal background
27 checks, the agency head shall treat the information as non-public and exempt from disclosure in
28 accordance with the Rhode Island Access to Public Records Act, R.I. Gen. Laws 38-2-2(4)(B).
29 Information acquired by any agency in the background check process pursuant to this section shall
30 be used solely for the purpose of making a determination as to the suitability of a vendor in a
31 position which requires or includes, or may require or include, access to FTI.

32 (f) The state shall not be responsible for any fees charged through the office attorney
33 general, other law enforcement authorized agency or other jurisdiction to conduct the state and
34 national background check for vendor.

1 (g) A vendor who refuses to comply with the fingerprint-based background check
2 requirement shall be considered unsuitable for services requiring or involving, or which may
3 require or involve, access to FTL. Refusal to comply by the vendor may result in termination of the
4 contract with the State and/or other procurement sanctions if appropriate. Nothing herein shall
5 prevent the vendor from replacing an employee or subcontractor who refuses to comply with this
6 requirement, subject to written approval by the agency head.

7 (h) Upon receipt of the results of a state and national criminal background check for the
8 vendor the agency head shall review the results and determine the suitability of the person with
9 regard to service in a position requiring or involving, or which may require or involve, access to
10 FTL. In making a determination of suitability, the agency head may consider mitigating factors
11 relevant to the vendor's scope of work and the nature of any disqualifying offense. Unsuitability of
12 a vendor may result in termination of the contract with the State and/or a requirement that the
13 vendor to replace the employee or subcontractor, with a suitable person, subject to written approval
14 by the agency head.

15 (i) If the office of the attorney general or other law enforcement authorized agency receives
16 criminal record information from the state or national fingerprint-based criminal background
17 checks that includes no disposition or is otherwise incomplete, the subject person shall be
18 responsible for resolving any issues in other jurisdictions causing an incomplete background check.
19 The vendor shall immediately notify the state in writing the name and circumstances of any
20 employees or subcontractors who have received an incomplete background check. Failure to
21 establish suitability of a vendor employee, subcontractor or other agent may result in termination
22 of the contract with the State and/or a requirement that the vendor to replace the employee,
23 subcontractor or other agent with a suitable person, subject to written approval by the agency head.

24 (j) Nothing in this section shall limit or preclude an agency's right to carry on a background
25 investigation of a vendor using other authorized means.

26 (k) The department of administration is hereby authorized to promulgate and adopt
27 regulations necessary to carry out this section.

28 (l) The judicial branch is hereby authorized to comply with the provisions herein related to
29 vendors working on behalf of the judiciary receiving access to FTL.

30 SECTION 8. Effective September 1, 2019, sections 40-13.2-2, 40-13.2-4 and 40-13.2-5 in
31 Chapter 40-13.2 entitled "Certification of Child Care and Youth Serving Agency Workers" are
32 hereby amended to read as follows:

33 **40-13.2-2. Qualification for childcare employment.**

34 Notwithstanding any other provisions of law to the contrary, any person seeking to operate

1 or seeking employment in any facility which is, or is required to be, licensed or registered with the
2 department [of children youth and families, the department of human services](#), or seeking
3 employment at the training school for youth if that employment involves supervisory or disciplinary
4 power over a child or children or involves routine contact with a child or children without the
5 presence of other employees, shall undergo an employment background check, a CANTS (child
6 abuse and neglect tracking system) check of substantiated complaints, and criminal records check
7 as provided for in this chapter. The director of the department of children, youth, and families [and](#)
8 [the director of the department of human services](#) may by rule identify those positions requiring
9 background checks, CANTS checks and criminal records checks.

10 **40-13.2-4. Criminal records check -- Operators of child care facilities which must be**
11 **licensed or registered with the department.**

12 Any person seeking to operate a facility, that is, or is required to be, licensed or registered
13 with the department [of human services or the department of children, youth and families](#), shall
14 apply to the Rhode Island bureau of criminal identification, [attorney general's office](#), or the
15 department of children, youth and families [or the state or local police department](#), for a nationwide,
16 criminal-records check. The check will conform to the applicable federal standards, including the
17 taking of fingerprints to identify the applicant, and any expense associated with providing the
18 criminal-records check shall be paid by the applicant and/or requesting agency. The director [of the](#)
19 [department of human services or the department of children, youth and families](#) will determine by
20 rule those items of information appearing on a criminal-records check, which constitute
21 disqualifying information because that information would indicate that the employment could
22 endanger the health or welfare of a child or children. Upon the discovery of any disqualifying
23 information with respect to a proposed operator, the Rhode Island bureau of criminal identification
24 will inform the director [of the department of human services or the department of children, youth](#)
25 [and families](#), in writing, of the nature of the disqualifying information.

26 **40-13.2-5. Criminal-records check – Employees of child day care, day care centers,**
27 **family day care homes, group family day care homes, child placing agencies and residential**
28 **child-care facilities which must be licensed by the department.**

29 (a) Any person seeking employment [in a “child day care” program, a “family day care](#)
30 [home”, “group family day care home”, or in a “child day care center” as defined in section 42-12.5-](#)
31 [2 of the general laws](#), if that employment involves supervisory or disciplinary power over a child
32 or children or involves routine contact with a child or children without the presence of other
33 employees, ~~in any facility that is, or is required to be, licensed or registered with the department,~~
34 or [any adult household member of any operator of a “family day-care home” and “group family](#)

1 day-care home.”; or seeking that employment or to volunteer at the training school for youth, shall,
2 after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of
3 criminal identification of the state police or the local police department, or the office of the attorney
4 general, or the department of children, youth and families, for a nationwide, criminal-records check.
5 The check will conform to applicable federal standards including the taking of fingerprints to
6 identify the applicant. Further, any person seeking employment in a “child day care” program, in a
7 “child day care center”, and/or in a “child day care provider” as defined in section 42-12.5-2 of the
8 general laws, if that employment involves supervisory or disciplinary power over a child or children
9 or involves routine contact with a child or children without the presence of other employees shall
10 apply to the bureau of criminal identification of the state police or the local police department or
11 the office of the attorney general to conduct all necessary criminal background checks as required
12 by the Child Care and Development Block Grant of 2014 (CCDBG), Pub. L. 113-186. The
13 criminal record checks as required by this section shall be conducted for every five (5) years of
14 continuous child care employment from the date of the previous criminal background check.

15 (b) Any person seeking employment in a “child placing agency” as defined in section 42-
16 72.1-2 of the general laws, if that employment involves supervisory or disciplinary power over a
17 child or children or involves routine contact with a child or children without the presence of other
18 employees, shall, after acceptance by the employer of the affidavit required by § 40-13.2-3, apply
19 to the bureau of criminal identification of the state police or the local police department, or the
20 office of the attorney general or the department of children, youth and families, for a nationwide,
21 criminal-records check. The check will conform to applicable federal standards including the taking
22 of fingerprints to identify the applicant.

23 (c) Any person seeking employment in a “child caring agency”, “children’s behavioral
24 health program”, or in a “foster and adoptive home” as defined in section 42-72.1-2 of the general
25 laws, that is, or is required to be, licensed or registered with the department of children, youth and
26 families, shall, after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to
27 the bureau of criminal identification of the state police or the local police department, or the office
28 of the attorney general, or the department of children, youth and families, for a nationwide,
29 criminal-records check. The check will conform to applicable federal standards including the taking
30 of fingerprints to identify the applicant.

31 ~~(b)~~(d) Upon the discovery of any disqualifying information as defined in accordance with
32 the rule promulgated by the director, the bureau of criminal identification of the state police or the
33 local police department or the office of the attorney general or the department of children, youth
34 and families will inform the applicant, in writing, of the nature of the disqualifying information. In

1 addition, the bureau of criminal identification of the state police or [the office of the attorney general,](#)
2 [or department of children, youth and families, or](#) the local police department will inform the
3 relevant employer, in writing, without disclosing the nature of the disqualifying information, that
4 an item of disqualifying information has been discovered.

5 ~~(e)~~(e) In those situations in which no disqualifying information has been found, the bureau
6 of criminal identification of the state police or the local police department [or the office of the](#)
7 [attorney general, or the department of children, youth and families](#) will inform both the applicant
8 and the employer, in writing, ~~of this fact~~ [that no disqualifying information has been found.](#)

9 ~~(d) The employer will maintain on file, subject to inspection by the department, evidence~~
10 ~~that criminal records checks have been initiated on all employees seeking employment after August~~
11 ~~1, 1985, and the results of the checks.~~

12 ~~(f)~~(e) Failure to ~~maintain that evidence on file~~ [show proof that the employer has initiated](#)
13 [requests for background checks required by this section](#) will be prima facie grounds to revoke the
14 license or registration of the operator of the facility.

15 ~~(g)~~~~(f)~~ It will be the responsibility of the bureau of criminal identification of the state
16 police [or the office of the attorney general,](#) or the local police department, or the department of
17 children, youth and families, to conduct the nationwide, criminal-records check pursuant to this
18 section. The nationwide, criminal-records check will be provided to the applicant for employment
19 ~~without charge.~~ [Any expense associated for providing the criminal-records check shall be paid by](#)
20 [the applicant and/or the requesting agency.](#)

21 SECTION 9. Section 42-56-10 of the General Laws in Chapter 42-56 entitled "Corrections
22 Department" is hereby amended to read as follows:

23 **42-56-10. Powers of the director.**

24 In addition to exercising the powers and performing the duties, which are otherwise given
25 to him or her by law, the director of the department of corrections shall:

26 (1) Designate, establish, maintain, and administer those state correctional facilities that he
27 or she deems necessary, and may discontinue the use of those state correctional facilities that he or
28 she deems appropriate for that action;

29 (2) Maintain security, safety, and order at all state correctional facilities, utilize the
30 resources of the department to prevent escapes from any state correctional facility, take all
31 necessary precautions to prevent the occurrence or spread of any disorder, riot, or insurrection of
32 any state correctional facility, including, but not limited to, the development, planning, and
33 coordination of emergency riot procedures, and take suitable measures for the restoration of order;

34 (3) Establish and enforce standards for all state correctional facilities;

- 1 (4) Supervise and/or approve the administration by the assistant directors of the
2 department;
- 3 (5) Manage, direct, and supervise the operations of the department;
- 4 (6) Direct employees in the performance of their official duties;
- 5 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,
6 or take other necessary disciplinary action;
- 7 (8) Maintain the efficiency of the operations of the department;
- 8 (9) Determine the methods, means, and personnel by which those operations of the
9 department are to be conducted;
- 10 (10) Relieve employees from duties because of lack of work or for other legitimate reasons;
- 11 (11) Establish, maintain, and administer programs, including, but not limited to, education,
12 training, and employment, of persons committed to the custody of the department, designed as far
13 as practicable to prepare and assist each person to assume the responsibilities and exercise the rights
14 of a citizen of this state;
- 15 (12) Establish a system of classification of persons committed to the custody of the
16 department for the purpose of developing programs for each person in order to effectively develop
17 an individualized program for each sentenced inmate that will address each offender's individual
18 treatment and rehabilitative needs, the department of corrections is authorized to receive, with the
19 express consent of the inmate, and upon request to the department of children, youth and families,
20 the offender's juvenile arrest and/or adjudication records. Information related to the juvenile's
21 family members and other third parties, excluding law enforcement personnel, shall be redacted
22 from the records provided prior to their release to the department. The records will be disclosed to
23 only those department personnel directly responsible for, and only for the purpose of, developing
24 the individualized program for the offender.
- 25 (13) Determine at the time of commitment, and from time to time thereafter, the custody
26 requirements and program needs of each person committed to the custody of the department and
27 assign or transfer those persons to appropriate facilities and programs;
- 28 (14) Establish training programs for employees of the department, [including the use of an](#)
29 [application system for the Department's Correctional Officer Training Academy that leverages](#)
30 [other law enforcement entity recruiting and the establishment of any fee associated with such](#)
31 [system, provided that a state application process compliant with § 28-6.3-1 also be provided.](#)
- 32 (15) Investigate grievances and inquire into alleged misconduct within the department;
- 33 (16) Maintain adequate records of persons committed to the custody of the department;
- 34 (17) Establish and maintain programs of research, statistics, and planning, and conduct

1 studies relating to correctional programs and responsibilities of the department;

2 (18) Utilize, as far as practicable, the services and resources of specialized community
3 agencies and other local community groups in the development of programs, recruitment of
4 volunteers, and dissemination of information regarding the work and needs of the department;

5 (19) Make and enter into any contracts and agreements necessary or incidental to the
6 performance of the duties and execution of the powers of the department, including, but not limited
7 to, contracts to render services to committed offenders, and to provide for training or education for
8 correctional officers and staff;

9 (20) Seek to develop civic interest in the work of the department and educate the public to
10 the needs and goals of the corrections process;

11 (21) Expend annually in the exercise of his or her powers, performance of his or her duties,
12 and for the necessary operations of the department those sums that may be appropriated by the
13 general assembly; and

14 (22) Make and promulgate necessary rules and regulations incident to the exercise of his
15 or her powers and the performance of his or her duties, including, but not limited to, rules and
16 regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services,
17 communication, and visiting privileges, classification, education, training, employment, care, and
18 custody for all persons committed to correctional facilities.

19 (23) Make and promulgate regulations to provide:

20 (a) Written notice to licensed nursing facilities, licensed assisted living residences, and
21 housing for the elderly whenever a person seeking to reside in one of these facilities or residences
22 is being released on parole for any of the following offenses: murder, voluntary manslaughter,
23 involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree
24 sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit
25 specified felonies (murder, robbery, rape, or burglary), felony assault, patient abuse, neglect or
26 mistreatment of patients, burglary, first degree arson, felony larceny or robbery;

27 (b) A risk assessment process to identify and recommend safety or security measures
28 necessary for the protection of other residents or clients including whether the parolee should be
29 prohibited from residing in any such facility or residence or segregated from other residents or
30 clients to protect the security and safety of other residents;

31 (c) The written notice to licensed nursing facilities, assisted living residences, or housing
32 for the elderly shall include charge information and disposition about the offense for which the
33 resident or client has been paroled, contact information for the resident's or client's parole
34 supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and

1 security measures. A copy of the written notice shall be provided to the parolee; and

2 (d) A process for notifying the appropriate state regulatory agency and the state long-term
3 care ombudsman whenever notice as required in subdivision 42-56-10(23)(a) above has been given.

4 (24) Notwithstanding the enumeration of the powers of the director as set forth in this
5 section, and notwithstanding any other provision of the general laws, the validity and enforceability
6 of the provisions of a collective bargaining agreement shall not be contested, affected, or
7 diminished, nor shall any arbitration award be vacated, remanded or set aside on the basis of an
8 alleged conflict with this section or with any other provision of the general laws.

9 SECTION 10. Chapter 44-1 of the General Laws entitled "State Tax Officials" is hereby
10 amended by adding thereto the following section:

11 **44-1-40. Tax Administrator to prepare list of licensed taxpayers - Notice - Public**
12 **inspection.**

13 (a) Notwithstanding any other provision of law, the tax administrator may, on a periodic
14 basis;

15 (1) Prepare and publish for public distribution a list of entities and their active licenses
16 administered under Title 44.

17 (2) Prepare and publish for public distribution a list of entities and licenses for the current
18 year, as administered by a city or town under Chapter 5 of Title 3 of the Rhode Island General
19 Laws.

20 (3) Prepare and publish for public distribution a list of entities and licenses for the
21 upcoming year, as administered by a city or town under Chapter 5 of Title 3 of the Rhode Island
22 General Laws.

23 (4) Each list may contain the license type, name, and address of each registered entity with
24 a license.

25 (b) The tax administrator shall not list any taxpayers that do not have an active license.

26 (c) Any such list prepared by the tax division shall be available to the public for inspection
27 by any person and may be published by the tax administrator on the tax division website.

28 SECTION 11. Section 44-5.2-4 of the General Laws in Chapter 44-5.2 entitled "Powers
29 and Duties of Fire Districts in the Town of Coventry" is hereby repealed.

30 ~~**44-5.2-4. Compliance.**~~

31 ~~Unless otherwise provided, the division of municipal finance in the department of revenue~~
32 ~~shall monitor fire district compliance with this chapter and issue periodic reports to the general~~
33 ~~assembly on compliance.~~

34 SECTION 12. Section 45-19-1 of the General Laws in chapter 45-19 entitled "Relief of

1 Injured and Deceased Fire Fighters and Police Officers” is hereby amended to read as follows:

2 **45-19-1. Salary payment during line of duty illness or injury.**

3 (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever any
4 police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
5 deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially
6 incapacitated by reason of injuries received or sickness contracted in the performance of his or her
7 duties or due to their rendering of emergency assistance within the physical boundaries of the state
8 of Rhode Island at any occurrence involving the protection or rescue of human life which
9 necessitates that they respond in a professional capacity when they would normally be considered
10 by their employer to be officially off-duty, the respective city, town, fire district, state of Rhode
11 Island or Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue
12 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall,
13 during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire
14 marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which
15 the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
16 deputy fire marshal, would be entitled had he or she not been incapacitated, and shall pay the
17 medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital services,
18 medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire
19 district, the state of Rhode Island or Rhode Island Airport Corporation provides the police officer,
20 fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal,
21 with insurance coverage for the related treatment, services, or equipment, then the city, town, fire
22 district, the state of Rhode Island or Rhode Island Airport Corporation is only obligated to pay the
23 difference between the maximum amount allowable under the insurance coverage and the actual
24 cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of
25 Rhode Island or Rhode Island Airport Corporation shall pay all similar expenses incurred by a
26 member who has been placed on a disability pension and suffers a recurrence of the injury or illness
27 that dictated his or her disability retirement, subject to the provisions of subsection (j) herein.

28 (b) As used in this section, "police officer" means and includes any chief or other member
29 of the police department of any city or town regularly employed at a fixed salary or wage and any
30 deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
31 environmental police officer or criminal investigator of the department of environmental
32 management, or airport police officer.

33 (c) As used in this section, "fire fighter" means and includes any chief or other member of
34 the fire department or rescue personnel of any city, town, or fire district, and any person employed

1 as a member of the fire department of the town of North Smithfield, or fire department or district
2 in any city or town.

3 (d) As used in this section, "crash rescue crewperson" means and includes any chief or
4 other member of the emergency crash rescue section, division of airports, or department of
5 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

6 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
7 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
8 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
9 23.

10 (f) Any person employed by the state of Rhode Island, except for sworn employees of the
11 Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall
12 be subject to the provisions of chapters 29 – 38 of title 28 for all case management procedures and
13 dispute resolution for all benefits.

14 (g) In order to receive the benefits provided for under this section, a police officer or
15 firefighter must prove to their employer that he or she had reasonable grounds to believe that there
16 was an emergency which required an immediate need for their assistance for the protection or
17 rescue of human life.

18 (h) Any claims to the benefits provided for under this section resulting from the rendering
19 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
20 rescue of human life while off-duty, shall first require those covered by this section to submit a
21 sworn declaration to their employer attesting to the date, time, place and nature of the event
22 involving the protection or rescue of human life causing the professional assistance to be rendered
23 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
24 declarations shall also be required from any available witness to the alleged emergency involving
25 the protection or rescue of human life.

26 (i) All declarations required under this section shall contain the following language:

27 "Under penalty of perjury, I declare and affirm that I have examined this declaration,
28 including any accompanying schedules and statements, and that all statements contained herein are
29 true and correct."

30 (j) Any person, not employed by the state of Rhode Island, receiving injured on-duty
31 benefits pursuant to this section, and subject to the jurisdiction of the state retirement board for
32 accidental retirement disability, for an injury occurring on or after July 1, 2011, shall apply for an
33 accidental disability retirement allowance from the state retirement board not later than the later of
34 eighteen (18) months after the date of the person's injury that resulted in said person's injured on

1 duty status or sixty (60) days from the date on which the treating physician certifies that the person
2 has reached maximum medical improvement. Nothing herein shall be construed to limit or alter
3 any and all rights of the parties with respect to independent medical examination or otherwise, as
4 set forth in the applicable collective bargaining agreement. Notwithstanding the forgoing, any
5 person receiving injured on duty benefits as the result of a static and incapacitating injury whose
6 permanent nature is readily obvious and ascertainable shall be required to apply for an accidental
7 disability retirement allowance within sixty (60) days from the date on which the treating physician
8 certifies that the person's injury is permanent, or sixty (60) days from the date on which such
9 determination of permanency is made in accordance with the independent medical examination
10 procedures as set forth in the applicable collective bargaining agreement.

11 (1) If a person with injured on duty status fails to apply for an accidental disability
12 retirement allowance from the state retirement board within the time frame set forth above, that
13 person's injured on duty payment shall terminate. Further, any person suffering a static and
14 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
15 disability benefit allowance as set forth in subsection (j) shall have his or her injured on duty
16 payment terminated.

17 (2) A person who so applies shall continue to receive injured on duty payments, and the
18 right to continue to receive IOD payments of a person who so applies shall terminate in the event
19 of a final ruling of the workers compensation court allowing accidental disability benefits. Nothing
20 herein shall be construed to limit or alter any and all rights of the parties with respect to independent
21 medical examination or otherwise, as set forth in the applicable collective bargaining agreement.

22 (k) Any person employed by the state of Rhode Island who is currently receiving injured
23 on-duty benefits or any person employed by the state of Rhode Island who in the future is entitled
24 to injured on-duty benefits pursuant to chapter 19, and subject to the jurisdiction of the state
25 retirement board for accidental retirement disability, shall apply for an accidental disability
26 retirement allowance from the state retirement board not later than sixty (60) days from the date on
27 which a treating physician or an independent medical examiner certifies that the person has reached
28 maximum medical improvement, and in any event not later than eighteen (18) months after the date
29 of the person's injury that resulted in said person being on injured on-duty. Nothing herein shall be
30 construed to limit or alter any and all rights of the parties with respect to independent medical
31 examination or otherwise, as set forth in the applicable collective bargaining agreement.
32 Notwithstanding the forgoing, any person receiving injured on duty benefits as the result of a static
33 and incapacitating injury whose permanent nature is readily obvious and ascertainable shall be
34 required to apply for an accidental disability retirement allowance within sixty (60) days from the

1 date on which a treating physician or an independent medical examiner certifies that the person's
2 injury is permanent, or sixty (60) days from the date on which such determination of permanency
3 is made in accordance with the independent medical examination procedures as set forth in the
4 applicable collective bargaining agreement.

5 (1) If a person employed by the state of Rhode Island with injured on duty status fails to
6 apply for an accidental disability retirement allowance from the state retirement board within the
7 time frame set forth in subsection (k) above, that person's injured on duty payment shall terminate.
8 Further, any person employed by the state of Rhode Island suffering a static and incapacitating
9 injury as set forth in subsection (k) above and who fails to apply for an accidental disability benefit
10 allowance as set forth in subsection (k) shall have his or her injured on duty payment terminated.

11 (2) A person employed by the state of Rhode Island who so applies shall continue to receive
12 injured on duty payments, and the right to continue to receive injured on-duty payments of a person
13 who so applies shall terminate upon final adjudication by the state retirement board approving or
14 denying either ordinary or accidental disability payments and, notwithstanding 45-31.2-9, this
15 termination of injured on duty benefits shall not be stayed.

16 (3)(a) Notwithstanding any other provision of law, all persons employed by the state of
17 Rhode Island entitled to benefits under this section who were injured prior to July 1, 2019 and who
18 have been receiving injured on duty benefits pursuant to this section for a period of eighteen (18)
19 months or longer as of July 1, 2019 shall have up to ninety (90) days from July 1, 2019 to apply for
20 an accidental disability retirement benefit allowance. Any person employed by the state of Rhode
21 Island receiving injured on-duty benefits for a period less than eighteen (18) months as of July 1,
22 2019 shall apply for an accidental disability retirement benefit allowance within eighteen (18)
23 months of the date of injury that resulted in said person receiving injured on-duty pay, provided
24 however, said person shall have a minimum of ninety (90) days to apply.

25 Applications for disability retirement received by the state retirement board by any person
26 employed by the State of Rhode Island receiving injured on-duty payments that shall be deemed
27 untimely pursuant to §36-10-14(b) shall have ninety (90) days from July 1, 2019 to apply for an
28 accidental disability retirement benefit allowance. Failure to apply for an accidental disability
29 retirement benefit allowance within the timeframe set forth herein shall result in the termination of
30 injured on duty benefits.

31 (b) Any person employed by the state of Rhode Island receiving injured on-duty payments
32 who has been issued a final adjudication of the state retirement board on an application for an
33 ordinary or accidental disability benefit, either approving or denying said application, shall have
34 his/her injured on-duty payments terminated.

1 (4) If awarded an accidental disability pension, any person employed by the state of Rhode
2 Island covered under this section shall receive benefits consistent with § 36-10-15.

3 SECTION 13. Sections 5 through 8 of this article shall take effect September 1, 2019. The
4 remaining sections of this article shall take effect upon passage.