

**ARTICLE 3**

RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. Section 13-7-15 of the General Laws in Chapter 13-7 entitled "Prisoner Made Goods" is hereby amended to read as follows:

**13-7-15. Business operations and budget.**

Correctional industries shall maintain an accurate and timely accounting of monies received from the sale of products or services of committed offenders. Monies accredited into the correctional industries fund shall be used for the purchase of materials, supervision, and other requirements necessary to support the production of goods and services. [Entities that place orders with correctional industries are required to pay correctional industries fifty percent \(50%\) of their quoted material costs once the items have been ordered.](#) All expenditures from the correctional industry fund shall be subject to the approval of the director of corrections or his or her designee, who may employ those funds to defray all operating expenses. All net profits for the fiscal year shall be reinvested into the correctional industries fund to support capital purchases, and the general expansion and development of correctional industries. All additional profits will revert to the general treasury.

SECTION 2. Chapter 13-7 of the General Laws entitled "Prisoner Made Goods" is hereby amended by adding thereto the following section:

**13-7-8.2. Requisition of goods by nonprofits.**

[The department of corrections may accept orders from any 501\(c\)\(3\) for any articles, services or materials similar to those produced at the adult correctional institutions.](#)

SECTION 3. 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 4. Section 23-1-9 of the General Laws in Chapter 23-1 entitled "Department of Health" is hereby repealed.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.**~~

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

5           SECTION 5. Section 23-1.1-3 of the General Laws in Chapter 23-1.1 entitled "Division of  
6 Occupational Health" is hereby repealed.

7           **23-1.1-3. Annual report.**

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

14           SECTION 6. Section 23-6.4-8 of the General Laws in Chapter 23-6.4 entitled "Life-Saving  
15 Allergy Medication — Stock Supply of Epinephrine Auto-Injectors — Emergency Administration"  
16 is hereby amended to read as follows:

17           **23-6.4-8. Reporting.**

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

23           SECTION 7. Section 23-12.7-3 of the General Laws in Chapter 23-12.7 entitled "The  
24 Breast Cancer Act" is hereby amended to read as follows:

25           **23-12.7-3. Program established.**

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

30           (b) The screening program shall:

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

32           (2) Pay for screening mammograms;

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

1 (4) Provide diagnostic tests as required to diagnose breast cancer;  
2 (5) Provide case management facilitating appropriate contact to breast surgeons, medical  
3 oncologists, and radiation oncologists; and

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

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

11 SECTION 8. Section 23-13.7-2 of the General Laws in Chapter 23-13.7 entitled "The  
12 Rhode Island Family Home-Visiting Act" is hereby amended to read as follows:

13 **23-13.7-2. Home-visiting system components.**

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

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

- 23 (1) Improved prenatal, maternal, infant, or child health outcomes;  
24 (2) Improved safety and reduced child maltreatment and injury;  
25 (3) Improved family economic security and self-sufficiency;  
26 (4) Enhanced early childhood development (social-emotional, language, cognitive,  
27 physical) to improve children's readiness to succeed in school.

28 (c) The Rhode Island department of health shall implement a system to identify and refer  
29 families prenatally, or as early after the birth of a child as possible, to voluntary, evidence-based,  
30 home-visiting programs. The referral system shall prioritize families for services based on risk  
31 factors known to impair child development, including:

- 32 (1) Adolescent parent(s);  
33 (2) History of prenatal drug or alcohol abuse;  
34 (3) History of child maltreatment, domestic abuse, or other types of violence;

- 1 (4) Incarcerated parent(s);
- 2 (5) Reduced parental cognitive functioning or significant disability;
- 3 (6) Insufficient financial resources to meet family needs;
- 4 (7) History of homelessness; or
- 5 (8) Other risk factors as determined by the department.

6 (d) ~~Beginning on or before October 1, 2016, and annually thereafter, the~~ The Rhode Island  
7 department of health shall issue a state home-visiting report due annually by March 1 of each year  
8 that outlines the components of the state's family home-visiting system that shall be made publicly  
9 available on the department's website. The report shall include:

- 10 (1) The number of families served by each evidence-based model; and
- 11 (2) Demographic data on families served; and
- 12 (3) Duration of participation of families; and
- 13 (4) Cross-departmental coordination; and
- 14 (5) Outcomes related to prenatal, maternal, infant and child health, child maltreatment,  
15 family economic security, and child development and school readiness; and
- 16 (6) An annual estimate of the number of children born to Rhode Island families who face  
17 significant risk factors known to impair child development, and a plan including the fiscal costs  
18 and benefits to gradually expand access to the existing evidence-based, family home-visiting  
19 programs in Rhode Island to all vulnerable families.

20 (e) State appropriations for this purpose shall be combined with federal dollars to fund the  
21 expansion of evidence-based, home-visiting programs, with the goal of offering the program to all  
22 the state's pregnant and parenting teens; families with a history of involvement with the child  
23 welfare system; and other vulnerable families.

24 SECTION 9. Section 23-18.16-4 of the General Laws in Chapter 23-18.16 entitled  
25 "Newspaper Recyclability" is hereby amended to read as follows:

26 **23-18.16-4. Reporting — Determination of compliance — Orders — Appeals.**

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

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

32 ~~(c)~~ (e) All publications will report on an annual basis their annual rate of purchase of post  
33 consumer materials to the department of environmental management. A person adversely affected  
34 or aggrieved by the issuance of an order under the provisions of this section may seek judicial

1 review of an order in the superior courts.

2 SECTION 10. Section 23-19.10-11 of the General Laws in Chapter 23-19.10 entitled  
3 "Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1986"  
4 is hereby repealed.

5 ~~**23-19.10-11. Report to the governor and the general assembly.**~~

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

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

12 SECTION 11. Section 23-20.11-4 of the General Laws in Chapter 23-20.11 entitled  
13 "Reduced Cigarette Ignition Propensity and Firefighter Protection" is hereby amended to read as  
14 follows:

15 **23-20.11-4. Standards for cigarette fire safety.**

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

21 (1) Testing of cigarettes shall be conducted in accordance with the American Society of  
22 Testing and Materials ("ASTM") standard E2187-04 "Standard Test Method for Measuring the  
23 Ignition Strength of Cigarettes."

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

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

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

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

33 (6) Laboratories conducting testing in accordance with this subsection shall implement a  
34 quality control and quality assurance program that includes a procedure to determine the

1 repeatability of the testing results. The repeatability value shall be no greater than nineteen  
2 hundredths (0.19).

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

5 (8) Testing performed or sponsored by the director to determine a cigarette's compliance  
6 with the performance standard required by this section shall be conducted in accordance with this  
7 section.

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

16 (c) The manufacturer or manufacturers of a cigarette that the director determines cannot be  
17 tested in accordance with the test method prescribed in subsection 23-20.11-4(a) shall propose a  
18 test method and performance standard for such cigarette to the director. Upon approval of the  
19 proposed test method and a determination by the director that the performance standard proposed  
20 by the manufacturer or manufacturers is equivalent to the performance standard prescribed in  
21 subsection 23-20.11-4(a), the manufacturer or manufacturers may employ such test method and  
22 performance standard to certify such cigarette pursuant to § 23-20.11-5 of this act. If the director  
23 determines that another state has enacted reduced cigarette ignition propensity standards that  
24 include a test method and performance standard that are the same as those contained in this section,  
25 and the director finds that the officials responsible for implementing those requirements have  
26 approved the proposed alternative test method and performance standard for a particular cigarette  
27 proposed by a manufacturer as meeting the reduced cigarette ignition propensity standards of that  
28 state's law or regulation under a legal provision comparable to this subsection, then the director  
29 shall authorize that manufacturer to employ the alternative test method and performance standard  
30 to certify that cigarette for sale in this state, unless the director demonstrates a reasonable basis why  
31 the alternative test should not be accepted under this chapter. All other applicable requirements of  
32 this section shall apply to such manufacturer or manufacturers.

33 (d) Each manufacturer shall maintain copies of the reports of all tests conducted on all  
34 cigarettes offered for sale for a period of three (3) years, and shall make copies of these reports

1 available to the director and the attorney general upon written request. Any manufacturer who fails  
2 to make copies of these reports available within sixty (60) days of receiving a written request shall  
3 be subject to a civil penalty not to exceed ten thousand dollars (\$10,000) for each day after the  
4 sixtieth (60th) day that the manufacturer does not make such copies available.

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

10 (f) ~~As of January 1, 2010, and at least every three (3) years thereafter, the director shall~~  
11 ~~review of the effectiveness of this section and report to the legislature the director's finding's and,~~  
12 ~~if appropriate, recommendations for legislation to improve the effectiveness of this section. The~~  
13 ~~report and legislative recommendations shall be submitted no later than January 1 of each three (3)~~  
14 ~~year period.~~

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

17 SECTION 12. Chapter 23-28.2 of the General Laws entitled "Office of State Fire Marshal"  
18 is hereby amended by adding thereto the following section:

19 **23-28.2-30. Deputy state fire marshals assigned to towns or fire districts.**

20 In the event any town or fire district does not have an assistant deputy state fire marshal  
21 appointed by the state fire marshal pursuant to § 23-28.2-9 to perform fire prevention, protection,  
22 inspection, and other duties under chapters 28.1 through 28.39 of title 23, the applicable town or  
23 fire district shall provide written notice to the state fire marshal within ten (10) business days of  
24 such absence. The notice shall include, at a minimum, the reason for the absence, the anticipated  
25 duration, and a stated plan for appointment of an assistant deputy state fire marshal to perform such  
26 services within the applicable town or fire district. Failure to provide such notice may result in the  
27 assessment of additional fees. During the absence, the state fire marshal is authorized to assign and  
28 appoint one or more deputy state fire marshals of the office of the state fire marshal to duty in the  
29 applicable town or fire district. Each deputy state fire marshal assigned to duty as aforesaid shall  
30 during the period of such duty continue to be a deputy state fire marshal of the office of the state  
31 fire marshal, but the salary and expenses of each deputy state fire marshal so assigned, or such  
32 prorated amount as determined by the state fire marshal, shall be reimbursed by the applicable town  
33 or fire district. The state fire marshal shall have full power at all times to withdraw any deputy state  
34 fire marshal assigned to duty in a town or fire district and assign another deputy state fire marshal

1 [to the deputy fire marshal's place or to discontinue such duty and to make no assignment to replace.](#)  
2 [The office of the state fire marshal may promulgate forms, procedures, and/or regulations as](#)  
3 [necessary to effectuate the provisions of this section.](#)

4 SECTION 13. Section 23-86-1 of the General Laws in Chapter 23-86 entitled "Women's  
5 Cardiovascular Screening and Risk Reduction Pilot Program" is hereby repealed.

6 ~~**23-86-1. Women's cardiovascular screening and risk reduction pilot program.**~~

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

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

18 ~~(c) The department shall prepare an annual report and submit it to the legislature by January~~  
19 ~~31 of each year summarizing the scope and reach of the pilot program. The final report shall include~~  
20 ~~a fiscal analysis and a recommendation outlining the benefits and costs of expanding the pilot~~  
21 ~~program throughout the state after the program has been in existence for three (3) years. The pilot~~  
22 ~~program shall expire July 1, 2014.~~

23 ~~(d) Implementation of the Women's Cardiovascular screening and risk reduction pilot~~  
24 ~~program shall be subject to appropriation.~~

25 SECTION 14. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
26 amended by adding thereto the following chapter:

27 CHAPTER 100

28 RHODE ISLAND HEALTHCARE WORKFORCE DATA COLLECTION ACT

29 **23-100-1. Short title.**

30 This chapter shall be known and may be cited as the "Rhode Island Healthcare Workforce  
31 Data Collection Act."

32 **23-100-2. Definitions.**

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

34 (2) "Healthcare professional" means physicians, physician assistants, dentists, registered



1 nurses, licensed practical nurses, advanced practice registered nurses, nursing assistants,  
2 psychologists, licensed clinical social workers, and mental health counselors and marriage and  
3 family therapists, and any other licensees as defined by the department.

4 (3) “Not currently working” means unemployed-not looking for a job, unemployed and  
5 looking for a job; on extended leave, retired, or other.

6 (4) “Principal specialty” means the specialty the healthcare professional spends the most  
7 time practicing.

8 **23-100-3. Healthcare workforce data collection authorized.**

9 The department is hereby authorized to collect healthcare workforce data on all healthcare  
10 professionals licensed by the department as part of the department’s licensure and license renewal  
11 process and to request all healthcare professionals to voluntarily provide the following healthcare  
12 workforce data elements as a part of licensure and licensure renewal:

13 (1) Principal specialty;

14 (2) Education level;

15 (3) Current practice status in Rhode Island including, but not limited to, clinical practice,  
16 medical administrative or legal services only, clinical teaching or clinical research only, not  
17 currently working in the medical field, status as a provider of telemedicine, and other practice status  
18 as determined by the department;

19 (4) Ethnicity;

20 (5) Race;

21 (6) Languages spoken other than English;

22 (7) Additional years planning to practice or anticipated retirement year;

23 (8) Total number of clinical/non-clinical hours per week providing services;

24 (9) Practice name(s), location(s), and contact information;

25 (10) Acceptance of Medicaid as a form of payment;

26 (11) Other data as defined by the department.

27 **23-100-4. Privacy.**

28 The department shall not make publicly available individual data acquired pursuant to §  
29 23-100-3. Individualized healthcare workforce data elements shall remain confidential and shall  
30 only be available as de-identified aggregate analysis to support healthcare planning, workforce  
31 analysis and other health program and policy recommendations. Publicly available data may  
32 include, but not be limited to:

33 (1) Aggregate de-identified data and information on current healthcare workforce capacity;

34 (2) Geographic distribution of healthcare professionals actively practicing;

1 [\(3\) Provider-to-population rates; and](#)

2 [\(4\) Projections of healthcare workforce need.](#)

3 **23-100-5. Rules and regulations.**

4 [The department shall promulgate rules and regulations pursuant to this chapter.](#)

5 SECTION 15. Section 37-2-13.1 of the General Laws in Chapter 37-2 entitled "State  
6 Purchases" is hereby amended to read as follows:

7 **37-2-13.1. Procurement regulations — Request for proposal.**

8 (a) No request for proposal shall change to a master-price agreement unless the request for  
9 proposal is cancelled and reissued as a master price agreement.

10 (b) No vendor, parent corporation, subsidiary, affiliate, or subcontractor of any state vendor  
11 may bid on a request for proposal if that person or entity has or had any contractual, financial,  
12 business, or beneficial interest with the state or with any official, officer, or agency in charge of the  
13 request or if they participated or were consulted with respect to the requirements, technical aspects,  
14 or any other part of the formation and promulgation of the request for proposals [except for in the](#)  
15 [situations outlined in subsection \(f\) of this section.](#)

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

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

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

26 [\(f\) Requests for information formally issued by the division of purchases and emergency](#)  
27 [procurements as defined in § 37-2-21 shall be exempt from subsection \(b\) of this section. Feasibility](#)  
28 [studies and preliminary evaluations shall also be exempt from subsection \(b\) of this section if the](#)  
29 [purchasing agent certifies in writing to the director of administration that a request for feasibility](#)  
30 [studies or preliminary evaluations resulted in no responsive bids. However, the division of](#)  
31 [purchases shall publicly disclose any final prior feasibility studies and/or evaluation reports](#)  
32 [completed in a subsequent procurement regarding a project.](#)

33 SECTION 16. Section 37-2-9.1 of the General Laws in Chapter 37-2 entitled "State  
34 Purchases" is hereby repealed.

1 **37-2-9.1. Bidder registration fee.**

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

10 SECTION 17. Chapter 37-14.2 of the General Laws entitled "The Micro Businesses Act"  
11 is hereby repealed in its entirety.

12 ~~CHAPTER 37-14.2~~

13 ~~The Micro Businesses Act~~

14 **37-14.2-1. Short title.**

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

16 **37-14.2-2. Purpose.**

17 The purpose of this chapter is to carry out the state's policy of supporting the fullest  
18 possible participation of micro businesses in the economic activity in the state of Rhode Island,  
19 including, but not limited to, state directed public construction programs and projects and in-state  
20 purchases of goods and services. The purpose of this chapter includes assisting micro businesses  
21 throughout the life of any contracts with the state of Rhode Island or its agencies.

22 **37-14.2-3. Definitions.**

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

25 (1) "Contract" means a mutually binding legal relationship, or any modification thereof,  
26 obligating the seller to furnish supplies or services, including construction, and the buyer to pay for  
27 them. As used in this chapter, a lease is a contract.

28 (2) "Contractor" means one who participates, through a contract or subcontract, in any  
29 procurement or program covered by this chapter and includes lessees and material suppliers.

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

34 (4) "MB coordinator" means the official designated to have overall responsibility for

1 ~~promoting, coordinating, documenting, and implementing efforts related to micro businesses.~~

2 ~~(5) "Registered" means those micro businesses that have provided their business name,~~  
3 ~~address, owner contact information, number of employees, and annual gross sales to the department~~  
4 ~~of administration.~~

5 ~~**37-14.2-4. Compilation and reporting of data on micro businesses.**~~

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

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

19 ~~(c) On or before January 1, 2017, and on or before the first day of January in all years~~  
20 ~~thereafter, the department of administration shall submit a report to the governor and general~~  
21 ~~assembly consisting of data concerning the registration of micro businesses in the state. The data~~  
22 ~~shall include, but not be limited to: the number of registered micro businesses; the distribution of~~  
23 ~~registered, micro businesses among the thirty nine (39) cities or towns in the state; the number of~~  
24 ~~registered, micro businesses that are also Rhode Island certified minority business enterprises; and~~  
25 ~~the number of registered, micro businesses that are also Rhode Island certified women business~~  
26 ~~enterprises.~~

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

31 SECTION 18. Section 41-5-23 of the General Laws in Chapter 41-5 entitled "Boxing and  
32 Wrestling" is hereby repealed.

33 ~~**41-5-23. Annual report to general assembly.**~~

34 ~~The division of gaming and athletics licensing shall make an annual report to the general~~

1 ~~assembly on or before the first Wednesday in February, together with any recommendations for~~  
2 ~~legislation, that it may deem desirable.~~

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

5 **42-17.1-2. Powers and duties.**

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

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

11 (2) To exercise all functions, powers, and duties heretofore vested in the department of  
12 agriculture and conservation, and in each of the divisions of the department, such as the promotion  
13 of agriculture and animal husbandry in their several branches, including the inspection and  
14 suppression of contagious diseases among animals; the regulation of the marketing of farm  
15 products; the inspection of orchards and nurseries; the protection of trees and shrubs from injurious  
16 insects and diseases; protection from forest fires; the inspection of apiaries and the suppression of  
17 contagious diseases among bees; the prevention of the sale of adulterated or misbranded  
18 agricultural seeds; promotion and encouragement of the work of farm bureaus, in cooperation with  
19 the University of Rhode Island, farmers' institutes, and the various organizations established for  
20 the purpose of developing an interest in agriculture; together with such other agencies and activities  
21 as the governor and the general assembly may, from time to time, place under the control of the  
22 department; and as heretofore vested by such of the following chapters and sections of the general  
23 laws as are presently applicable to the department of environmental management and that were  
24 previously applicable to the department of natural resources and the department of agriculture and  
25 conservation or to any of its divisions: chapters 1 through 22, inclusive, as amended, in title 2  
26 entitled "Agriculture and Forestry"; chapters 1 through 17, inclusive, as amended, in title 4 entitled  
27 "Animals and Animal Husbandry"; chapters 1 through 19, inclusive, as amended, in title 20 entitled  
28 "Fish and Wildlife"; chapters 1 through 32, inclusive, as amended, in title 21 entitled "Food and  
29 Drugs"; chapter 7 of title 23, as amended, entitled "Mosquito Abatement"; and by any other general  
30 or public law relating to the department of agriculture and conservation or to any of its divisions or  
31 bureaus;

32 (3) To exercise all the functions, powers, and duties heretofore vested in the division of  
33 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled  
34 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning

1 Prevention and Lifesaving”; and by any other general or public law relating to the division of parks  
2 and recreation;

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

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

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

19 (7) To cooperate with, advise, and guide conservation commissions of cities and towns  
20 created under chapter 35 of title 45 entitled “Conservation Commissions”, as enacted by chapter  
21 203 of the Public Laws, 1960;

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

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

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

33 (11) To provide for the maintenance of waterways and boating facilities, consistent with  
34 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and

1 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, ground water  
2 protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the upland  
3 beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the council  
4 pursuant to § 46-23-6(2); and (iv) Cooperating with the coastal resources management council in  
5 the development and implementation of comprehensive programs for dredging as provided for in  
6 §§ 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material management and disposal  
7 sites in accordance with the protocols established pursuant to § 46-6.1-5(a)(3) and the  
8 comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties granted herein  
9 shall be construed to abrogate the powers or duties granted to the coastal resources management  
10 council under chapter 23 of title 46, as amended;

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

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

30 (14) To establish minimum standards for the establishment and maintenance of salutary  
31 environmental conditions, including standards and methods for the assessment and the  
32 consideration of the cumulative effects on the environment of regulatory actions and decisions,  
33 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of potential  
34 cumulative effects that could adversely affect public health and/or impair ecological functioning;

1 (ii) Analysis of other matters relative to cumulative effects as the department may deem appropriate  
2 in fulfilling its duties, functions, and powers; which standards and methods shall only be applicable  
3 to ISDS systems in the town of Jamestown in areas that are dependent for water supply on private  
4 and public wells, unless broader use is approved by the general assembly. The department shall  
5 report to the general assembly not later than March 15, 2008, with regard to the development and  
6 application of the standards and methods in Jamestown;

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

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

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

14 (18) To designate, in writing, any person in any department of the state government or any  
15 official of a district, county, city, town, or other governmental unit, with that official's consent, to  
16 enforce any rule, regulation, or order promulgated and adopted by the director under any provision  
17 of law; provided, however, that enforcement of powers of the coastal resources management  
18 council shall be assigned only to employees of the department of environmental management,  
19 except by mutual agreement or as otherwise provided in chapter 23 of title 46;

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

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

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



1 provisions:

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

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

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

9 (I) For closely regulated industries;

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

11 (III) In emergency situations;

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

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

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

17 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the  
18 director in his or her discretion deems it advisable, an administrative search warrant, or its  
19 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose of  
20 conducting an administrative inspection. The warrant shall be issued in accordance with the  
21 applicable constitutional standards for the issuance of administrative search warrants. The  
22 administrative standard of probable cause, not the criminal standard of probable cause, shall apply  
23 to applications for administrative search warrants;

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

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

29 (III) An administrative warrant may authorize the review and copying of documents that  
30 are relevant to the purpose of the inspection. If documents must be seized for the purpose of  
31 copying, and the warrant authorizes the seizure, the person executing the warrant shall prepare an  
32 inventory of the documents taken. The time, place, and manner regarding the making of the  
33 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of the  
34 inventory shall be delivered to the person from whose possession or facility the documents were

1 taken. The seized documents shall be copied as soon as feasible under circumstances preserving  
2 their authenticity, then returned to the person from whose possession or facility the documents were  
3 taken;

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

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

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

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

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

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

34 (B) Any immediate-compliance order issued under this section without notice and prior

1 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for good  
2 cause shown, the order may be extended one additional period not exceeding forty-five (45) days;

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

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

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

17 (vi) Whenever a compliance order has become effective, whether automatically where no  
18 hearing has been requested, where an immediate compliance order has been issued, or upon  
19 decision following a hearing, the director may institute injunction proceedings in the superior court  
20 of the state for enforcement of the compliance order and for appropriate temporary relief, and in  
21 that proceeding, the correctness of a compliance order shall be presumed and the person attacking  
22 the order shall bear the burden of proving error in the compliance order, except that the director  
23 shall bear the burden of proving in the proceeding the correctness of an immediate compliance  
24 order. The remedy provided for in this section shall be cumulative and not exclusive and shall be  
25 in addition to remedies relating to the removal or abatement of nuisances or any other remedies  
26 provided by law;

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

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

34 (23) The following definitions shall apply in the interpretation of the provisions of this

1 chapter:

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

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

8 (iii) **Service:**

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

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

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

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

23 (25)(i) To apply for and accept grants and bequests of funds, with the approval of the  
24 director of administration, from other states, interstate agencies, and independent authorities, and  
25 private firms, individuals, and foundations, for the purpose of carrying out his or her lawful  
26 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt  
27 account created in the natural resources program for funds made available for that program’s  
28 purposes or in a restricted receipt account created in the environmental protection program for  
29 funds made available for that program’s purposes. All expenditures from the accounts shall be  
30 subject to appropriation by the general assembly, and shall be expended in accordance with the  
31 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the  
32 event that the trust account balance shows a surplus after the project as provided for in the grant or  
33 bequest has been completed, the director may utilize the appropriated unspecified or appropriated  
34 surplus funds for enhanced management of the department’s forest and outdoor public recreation

1 areas, or other projects or programs that promote the accessibility of recreational opportunities for  
2 Rhode Island residents and visitors;

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

6 (26) To establish fee schedules by regulation, with the approval of the governor, for the  
7 processing of applications and the performing of related activities in connection with the  
8 department's responsibilities pursuant to subsection (12); chapter 19.1 of title 23, as it relates to  
9 inspections performed by the department to determine compliance with chapter 19.1 and rules and  
10 regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to inspections  
11 performed by the department to determine compliance with chapter 18.9 and the rules and  
12 regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12 of  
13 title 46, insofar as it relates to water-quality certifications and related reviews performed pursuant  
14 to provisions of the federal Clean Water Act, 33 U.S.C. § 1251 et seq.; the regulation and  
15 administration of underground storage tanks and all other programs administered under chapter 12  
16 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  
17 they relate to any reviews and related activities performed under the provisions of the Groundwater  
18 Protection Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-  
19 added products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all  
20 enforcement, permitting and licensing matters to the administrative adjudication division for  
21 environmental matters. Two (2) fee ranges shall be required: for "Appeal of enforcement actions,"  
22 a range of fifty dollars (\$50) to one hundred dollars (\$100), and for "Appeal of application  
23 decisions," a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000). The monies  
24 from the administrative adjudication fees will be deposited as general revenues and the amounts  
25 appropriated shall be used for the costs associated with operating the administrative adjudication  
26 division.

27 There is hereby established an account within the general fund to be called the water and  
28 air protection program. The account shall consist of sums appropriated for water and air pollution  
29 control and waste-monitoring programs and the state controller is hereby authorized and directed  
30 to draw his or her orders upon the general treasurer for the payment of the sums, or portions thereof,  
31 as may be required, from time to time, upon receipt by him or her of properly authenticated  
32 vouchers. All amounts collected under the authority of this subsection (26) for the sewage-disposal-  
33 system program and freshwater wetlands program will be deposited as general revenues and the  
34 amounts appropriated shall be used for the purposes of administering and operating the programs.

1 The director shall submit to the house fiscal advisor and the senate fiscal advisor by January 15 of  
2 each year a detailed report on the amount of funds obtained from fines and fees and the uses made  
3 of the funds;

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

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

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

16 (ii) The term “public land trust” means any public instrumentality created by a Rhode  
17 Island municipality for the purposes stated herein and financed by means of public funds collected  
18 and appropriated by the municipality. The term “private land trust” means any group of five (5) or  
19 more private citizens of Rhode Island who shall incorporate under the laws of Rhode Island as a  
20 nonbusiness corporation for the purposes stated herein, or a national organization such as the nature  
21 conservancy. The main purpose of either a public or a private land trust shall be the protection,  
22 acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other natural features,  
23 areas, or open space for the purpose of managing or maintaining, or causing to be managed or  
24 maintained by others, the land, water, and other natural amenities in any undeveloped and relatively  
25 natural state in perpetuity. A private land trust must be granted exemption from federal income tax  
26 under Internal Revenue Code 501(c)(3) [26 U.S.C. § 501(c)(3)] within two (2) years of its  
27 incorporation in Rhode Island or it may not continue to function as a land trust in Rhode Island. A  
28 private land trust may not be incorporated for the exclusive purpose of acquiring or accepting  
29 property or rights in property from a single individual, family, corporation, business, partnership,  
30 or other entity. Membership in any private land trust must be open to any individual subscribing to  
31 the purposes of the land trust and agreeing to abide by its rules and regulations including payment  
32 of reasonable dues;

33 (iii)(A) Private land trusts will, in their articles of association or their bylaws, as  
34 appropriate, provide for the transfer to an organization, created for the same or similar purposes, of

1 the assets, lands and land rights, and interests held by the land trust in the event of termination or  
2 dissolution of the land trust;

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

10 (29) The director will contact in writing, not less often than once every two (2) years, each  
11 public or private land trust to ascertain: that all lands held by the land trust are recorded with the  
12 director; the current status and condition of each land holding; that any funds or other assets of the  
13 land trust held as endowment for specific lands have been properly audited at least once within the  
14 two-year (2) period; the name of the successor organization named in the public or private land  
15 trust's bylaws or articles of association; and any other information the director deems essential to  
16 the proper and continuous protection and management of land and interests or rights in land held  
17 by the land trust. In the event that the director determines that a public or private land trust holding  
18 land or interest in land appears to have become inactive, the director shall initiate proceedings to  
19 effect the termination of the land trust and the transfer of its lands, assets, land rights, and land  
20 interests to the successor organization named in the defaulting trust's bylaws or articles of  
21 association or to another organization created for the same or similar purposes. Should such a  
22 transfer not be possible, then the land trust, assets, and interest and rights in land will be held in  
23 trust by the state of Rhode Island and managed by the director for the purposes stated at the time  
24 of original acquisition by the trust. Any trust assets or interests other than land or rights in land  
25 accruing to the state under such circumstances will be held and managed as a separate fund for the  
26 benefit of the designated trust lands;

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

32 (31) To enforce, by such means as provided by law, the standards for the quality of air, and  
33 water, and the location, design, construction, and operation of all underground storage facilities  
34 used for storing petroleum products or hazardous materials; any order or notice issued by the

1 director relating to the location, design, construction, operation, or maintenance of an underground  
2 storage facility used for storing petroleum products or hazardous materials shall be eligible for  
3 recordation under chapter 13 of title 34. The director shall forward the order or notice to the city or  
4 town wherein the subject facility is located, and the order or notice shall be recorded in the general  
5 index by the appropriate municipal officer in the land-evidence records in the city or town wherein  
6 the subject facility is located. Any subsequent transferee of that facility shall be responsible for  
7 complying with the requirements of the order or notice. Upon satisfactory completion of the  
8 requirements of the order or notice, the director shall provide written notice of the same, which  
9 notice shall be eligible for recordation. The original, written notice shall be forwarded to the city  
10 or town wherein the subject facility is located, and the notice of satisfactory completion shall be  
11 recorded in the general index by the appropriate municipal official in the land-evidence records in  
12 the city or town wherein the subject facility is located. A copy of the written notice shall be  
13 forwarded to the owner of the subject facility within five (5) days of a request for it, and, in any  
14 event, shall be forwarded to the owner of the subject facility within thirty (30) days after correction;

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

18 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as  
19 appropriate and/or as necessary, in order to accomplish the important public purposes of the survey  
20 in gathering and maintaining data on Rhode Island natural history; making public presentations and  
21 reports on natural history topics; ranking species and natural communities; monitoring rare species  
22 and communities; consulting on open-space acquisitions and management plans; reviewing  
23 proposed federal and state actions and regulations with regard to their potential impact on natural  
24 communities; and seeking outside funding for wildlife management, land management, and  
25 research;

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

32 (35) In implementing the programs established pursuant to this chapter, to identify critical  
33 areas for improving service to customers doing business with the department, and to develop and  
34 implement strategies to improve performance and effectiveness in those areas. Key aspects of a



1 customer-service program shall include, but not necessarily be limited to, the following  
2 components:

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

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

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

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

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

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

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

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

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

34 (i) Extreme or unusual fuel or fuel additive supply circumstances exist in the state or the

1 New England region that prevent the distribution of an adequate supply of the fuel or fuel additive  
2 to consumers;

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

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

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

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

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

17 (iii) Once so designated, the director may adopt rules and regulations addressing  
18 restrictions on the quantities, types, or sizes of marine species which may be taken in any individual  
19 management area, the times during which marine species may be taken, the manner or manners in  
20 which marine species may be taken, the closure of such area to the taking of marine species, or any  
21 other specific restrictions as may be deemed necessary. Such rules shall be exempt from the  
22 requirements of §§ 42-35-2.7, 42-35-2.8, and 42-35-2.9.

23 (iv) The director, upon the designation of a management area, may place any stakes,  
24 bounds, buoys, or markers with the words "Rhode Island department of environmental  
25 management" plainly marked on them, as will approximate the management area. Failure to place  
26 or maintain the stakes, bounds, buoys, or markers shall not be admissible in any judicial or  
27 administrative proceeding.

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

30 SECTION 20. This Article shall take effect upon passage.

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