



1 (4) Breach of any provisions of this chapter; or  
2 (5) Operating in any manner inconsistent with the license, or in any manner consistent  
3 with another class license, without first coming before the board for a new license application.

4 (b) Any fine imposed pursuant to this section shall not exceed five hundred dollars (\$500)  
5 for the first offense and shall not exceed one thousand dollars (\$1,000) for each subsequent  
6 offense. For the purposes of this section, any offense committed by a licensee three (3) years after  
7 a previous offense shall be considered a first offense.

8 (c) In the event that a licensee is required to hire a police detail and the police refuse to  
9 place a detail at the location because a licensee has failed to pay outstanding police detail bills or  
10 to reach a payment plan agreement with the police department, the license board may prohibit the  
11 licensee from opening its place of business until such time as the police detail bills are paid or a  
12 payment plan agreement is reached.

13 (d) Upon any violation by a licensee under § 3-5-21, the local licensing board, at its sole  
14 discretion, may impose a limitation on the hours of operation of the licensee, regardless of the  
15 license type, and notwithstanding any prior approval of an application for a later closing time.

16 SECTION 3. Section 5-69-2 of the General Laws in Chapter 5-69 entitled "License  
17 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

18 **5-69-2. Definitions. [Effective January 1, 2017.]**

19 As used in this chapter:

20 (1) "ACDP" means an advanced chemical dependency professional certification as per  
21 the Rhode Island board for certification of chemical dependency professionals requirements.

22 (2) "ACDP II" means an advanced chemical dependency professional II certification as  
23 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.  
24 "ICRC/AODA".

25 (3) "Acudetox Specialist (ADS)" means an individual licensed as a chemical-dependency  
26 professional or clinical supervisor who holds a certificate of training that meets or exceeds the  
27 NADA training from a recognized agency.

28 (4) "Advertise" includes, but is not limited to, the issuing of, or causing to be distributed,  
29 any card, sign, or device to any person; or the causing, permitting, or allowing of any sign or  
30 marking on, or in, any building or structure, or in any newspaper or magazine or in any directory,  
31 or on radio or television, or by the use of any other means designed to secure public attention.

32 (5) "Approved, continuing education" means research and training programs, college and  
33 university courses, in-service training programs, seminars, and conferences designed to maintain  
34 and enhance the skills of substance-abuse counselors or clinical supervisors and which are

1 recognized by the ICRC/AODA member board.

2 (6) "Auricular acudetox" means the subcutaneous insertion of sterile, disposable,  
3 acupuncture needles in consistent, predetermined, bilateral locations on the ear in accordance  
4 with the NADA protocol.

5 (7) "CDCS" means chemical-dependency clinical supervisor.

6 (8) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any  
7 other similar religious counselor.

8 (9) "Continuum of care network" means public and private substance-abuse care agencies  
9 such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient- and  
10 day-treatment clinics, and community residences for substance abusers. The services employ, or  
11 refer to, medical, psychological, health, and counseling ~~professions-professionals~~ that who treat  
12 substance abuse and related concerns.

13 (10) "Department" means the Rhode Island department of health.

14 (11) "Director" means the director of the Rhode Island department of health.

15 (12) "Documented professional work experience" means the ICRC/AODA member  
16 board-approved form, completed by an employer or approved supervisor, verifying dates of  
17 employment and responsibilities.

18 (13) "Experience" means six thousand (6,000) hours of supervised practice of chemical-  
19 dependency counseling in a department of behavioral healthcare, developmental disabilities and  
20 hospitals licensed or ICRC/AODA member-board-approved facility during a sixty-month (60)  
21 period of time immediately preceding the date of application for licensure.

22 (14) "General supervision" means available by telephone, cellphone, or electronic means  
23 during business hours.

24 (15) "ICRC/AODA" means International Certification and Reciprocity  
25 Consortium/Alcohol and Other Drug Abuse.

26 (16) "Licensed, chemical-dependency clinical supervisor" means an individual licensed  
27 by the department of health to practice and supervise substance-abuse counseling and who meets  
28 the qualification established in this section.

29 (17) "Licensed, chemical-dependency professional" means an individual licensed by the  
30 department of health to practice substance-abuse counseling and who meets the qualifications  
31 established in this section.

32 (18) "Licensing board" or "board" means the board of licensing for chemical-dependency  
33 professionals.

34 (19) "Member Board" means the Rhode Island board for certification of chemical

1 dependency professionals.

2 (20) "National Acupuncture Detoxification Association" ("NADA") means a not-for-  
3 profit organization that provides a certificate of acudetox training.

4 (21) "Practice of substance-abuse counseling" means rendering, or offering to render,  
5 professional service for any fee, monetary or otherwise, documented to individuals, families, or  
6 groups. Those professional services include the application of the ICRC/AODA, specific  
7 knowledge, skills, counseling theory, and application of techniques to define goals and develop a  
8 treatment plan of action aimed toward the prevention, education, or treatment in the recovery  
9 process of substance abuse within the continuum-of-care service network. The practice further  
10 includes, but is not limited to, networking and making referrals to medical, social services,  
11 psychological, psychiatric, and/or legal resources when indicated.

12 (22) "Recognized education institution" means any educational institution, ~~which~~ that  
13 grants an associate, bachelor, masters, or doctoral degree and ~~which~~ that is recognized by the  
14 board, or by a nationally or regionally recognized educational or professional accrediting  
15 organization.

16 (23) "Substance abuse" means addictive (chronic or habitual) consumption, injection,  
17 inhalation, or behavior of/with a substance (such as alcohol and drugs), progressively injuring  
18 and afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

19 (24) "Supervision" means no less than one hour per week and consists of individual or  
20 group supervision with a clinician licensed or certified in substance-abuse counseling with  
21 education, supervisory experience, and ethics approved by the ICRC/AODA member.

22 SECTION 4. Section 12-25-17 of the General Laws in Chapter 12-25 entitled "Criminal  
23 Injuries Compensation" is hereby amended to read as follows:

24 **12-25-17. Definitions.**

25 As used in this chapter:

26 (1) "Administrator" means the program administrator of this chapter.

27 (2) "Child" means an unmarried person who is under eighteen (18) years of age and  
28 includes a stepchild or an adopted child.

29 (3) "Court" means the superior court.

30 (4) "Dependent" means a person wholly or partially dependent upon the income of the  
31 victim at the time of his or her death or would have been so dependent but for the incapacity due  
32 to the injury from which the death resulted. The term includes a child of the victim born after the  
33 death of the victim.

34 (5) "Office" means the office of the general treasurer.

1 (6) "Pecuniary loss" includes:

2 (i) For personal injury:

3 (A) Medical expenses (including psychiatric care) for which the victim is not  
4 compensated by any other source;

5 (B) Hospital expenses for which the victim is not compensated by any other source;

6 (C) Loss of past earnings for which the victim is not compensated by any other source;

7 (D) Loss of future earnings because of a disability resulting from the personal injury for  
8 which the victim is not compensated by any other source.

9 (ii) For death:

10 (A) Funeral and burial expenses for which the victim's estate is not compensated by any  
11 other source; and

12 (B) Loss of support to the dependents of the victim for which the dependents are not  
13 compensated by any other source.

14 (iii) Any other expenses actually and necessarily incurred as a result of the personal  
15 injury or death for which the victim or his or her estate is not compensated by any other source,  
16 but it does not include property damage.

17 (7) "Personal injury" means actual bodily harm, mental or nervous shock, and a  
18 pregnancy resulting from sexual attack.

19 (8) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child,  
20 grandchild, brother, sister, half-brother, half-sister, and a spouse's parents.

21 (9) "Resident" means any person who has his or her residence within the state of Rhode  
22 Island.

23 (10) "State" includes the District of Columbia, the fifty (50) states, and the United States'  
24 territories and possessions.

25 (11) "Treasurer" means the general treasurer of the state of Rhode Island or his or her  
26 designee.

27 (12) "Victim" means a person who is injured or killed by any act of a person or persons  
28 which is within the description of any of the offenses specified in § 12-25-20 and which act  
29 occurs in the state of Rhode Island. "Victim" also means a resident of the state of Rhode Island  
30 who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331 occurring outside the United  
31 States or within the United States as referred to in 42 U.S.C. § 10603b.

32 (13) "1972 Act" means the Criminal Injuries Compensation Act of 1972, established  
33 pursuant to former §§ 12-25-1 -- 12-25-12.1.

34 (14) "1996 Act" means the Criminal Injuries Compensation Act of 1996, established

1 pursuant to §§ 12-25-16 -- ~~12-25-30~~ 12-25-31.

2 SECTION 5. Section 12-32-5 of the General Laws in Chapter 12-32 entitled "Cell Phone  
3 Tracking" is hereby amended to read as follows:

4 **12-32-5. Reporting requirements.**

5 (a) By January 31 of each calendar year, each law-enforcement agency that **collects**  
6 **collected** any location information from electronic devices in the previous calendar year shall  
7 issue a report identifying the number of warrants issued for location information for an electronic  
8 device that were approved and denied in the previous year, including:

- 9 (1) The identity of the agency making the application; and  
10 (2) The offense specified in the warrant or application therefor; and  
11 (3) The number of warrants granted, in full or in part, and the number denied; and  
12 (4) The number and duration of any extensions of the warrant.

13 SECTION 6. Section 15-7-26 of the General Laws in Chapter 15-7 entitled "Adoption of  
14 Children" is hereby amended to read as follows:

15 **15-7-26. Notice to natural father.**

16 (a) If the court, after examination, determines that the natural father has not joined in a  
17 petition either for the termination of parental rights ~~of~~ or a petition for adoption or has not  
18 executed a waiver, then the court shall cause inquiry to be made of the mother, as the court in its  
19 discretion shall deem appropriate.

20 (b) (1) If, after the inquiry, the natural father is identified to the satisfaction of the court,  
21 he ~~or she~~ shall be given notice in accordance with § 15-7-8 or in any other manner that the court  
22 may direct. Proof of giving the notice shall be filed with the court before a petition for  
23 termination of parental rights or a petition for adoption is granted. If the natural father fails to  
24 appear, or if appearing fails to claim any rights to the child, the court shall enter an order  
25 terminating his ~~or her~~ rights with reference to the child. If the natural father, or a man  
26 representing himself ~~or herself~~ to be the natural father, claims rights to the child, the court shall  
27 proceed to determine his ~~or her~~ rights.

28 (2) If, after the inquiry, the court is able to identify the natural father but his ~~or her~~  
29 whereabouts are unknown, or if the court is unable to identify the natural father, the court, on the  
30 basis of all information available, shall determine whether there is a reasonable probability that  
31 publication of notice of the proceeding will lead to the ascertainment of his ~~or her~~ identity or  
32 whereabouts. If so, the court may order publication in accordance with § 15-7-9.

33 SECTION 7. Section 17-19-33 of the General Laws in Chapter 17-19 entitled "Conduct  
34 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

1           **17-19-33. Sealing of voting equipment -- Sealing and forwarding of results,**  
2 **programmed memory devices and keys.**

3           (a) The copies of the printout tape from the optical-scan precinct-count unit obtained  
4 pursuant to § 17-19-32 shall be distributed as follows:

5           (1) The first copy, which includes the opening of the polling place information,  
6 signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to  
7 the optical-scan precinct-count system, and the vote totals for each candidate, shall be attached to  
8 the return sheet as provided in § 17-19-11 and immediately delivered to the local board of  
9 canvassers where it is processed and delivered to the state board of elections through a procedure  
10 promulgated by the state board;

11           (2) A copy shall be made available to the public at the polling place;

12           (3) A copy shall be immediately delivered to the local board of canvassers attached to the  
13 return sheet as provided in § 17-19-11, together with the polling place supplies, including the key  
14 to the optical-scan precinct-count unit and other voting equipment and containers; and

15           (4) A copy shall be included with the voted ballots and packaged pursuant to this chapter.

16           (5) The certified paper or electronic voter list containing voters' signatures shall be  
17 secured separately and returned to the local board of canvassers.

18           (6) All completed official affidavits, forms, reports, and supplies shall be packaged and  
19 delivered to the local board for subsequent delivery to the state board.

20           (b) The warden shall:

21           (1) Remove all voted ballots from the compartment of the optical-scan precinct-count  
22 unit and package them in the container provided and labeled as voted ballots and stored pursuant  
23 to § 17-19-39.1;

24           (2) [Deleted by P.L. 2016, ch. 174, § 1 and P.L. 2016, ch. 190, § 1].

25           (3) Package all ballots from the emergency bin that have not been counted in the  
26 container provided and labeled as manual-count ballots; and ~~delivered~~ deliver to the local  
27 canvassing authority. Any ballots packaged and labeled as manual-count ballots shall remain  
28 sealed and delivered to the state board through a procedure promulgated by the state board.

29           (c) All ballots so packaged shall be immediately delivered to the local canvassing  
30 authority.

31           (d) [Deleted by P.L. 2016, ch. 174, § 1 and P.L. 2016, ch. 190, § 1].

32           SECTION 8. Section 23-24.9-3 of the General Laws in Chapter 23-24.9 entitled  
33 "Mercury Reduction and Education Act" is hereby amended to read as follows:

34           **23-24.9-3. Definitions. [Effective until January 1, 2020.]**

1 For the purpose of this chapter:

2 (1) "Component" means a mercury-added product ~~which~~that is incorporated into  
3 another product to form a fabricated mercury-added product, including, but not limited to,  
4 electrical switches and lamps.

5 (2) "Department" means the department of environmental management.

6 (3) "Director" means the director of the department of environmental management or any  
7 subordinate or subordinates to whom the director has delegated the powers and duties vested in  
8 him or her by this chapter.

9 (4) "Fabricated mercury-added product" means a product that consists of a combination  
10 of individual components that combine to make a single unit, including, but not limited to,  
11 mercury-added measuring devices, lamps, and switches to which mercury or a mercury  
12 compound is intentionally added in order to provide a specific characteristic, appearance, or  
13 quality, or to perform a specific function or for any other reason.

14 (5) "Formulated mercury-added product" means a product that includes, but is not limited  
15 to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals, and coating materials  
16 that are sold as a consistent mixture of chemicals to which mercury or a mercury compound is  
17 intentionally added in order to provide a specific characteristic, appearance, or quality, or to  
18 perform a specific function or for any other reason.

19 (6) "Healthcare facility" means any hospital, nursing home, ~~extended-care~~extended-  
20 care facility, ~~long-term-care~~long-term-care facility, clinical or medical laboratory, state or  
21 private health or mental institution, clinic, physician's office, or health maintenance organization.

22 (7) "Manufacturer" means any person, firm, association, partnership, corporation,  
23 governmental entity, organization, combination, or joint venture that produces a mercury-added  
24 product or an importer or domestic distributor of a mercury-added product produced in a foreign  
25 country. In the case of a multi-component, mercury-added product, the manufacturer is the last  
26 manufacturer to produce or assemble the product. If the multi-component product is produced in  
27 a foreign country, the manufacturer is the importer or domestic distributor. In the case of  
28 mercury-containing thermostats, the manufacturer is the original equipment manufacturer who or  
29 that sells or sold a mercury-containing thermostat under a brand or label ~~it~~ the manufacturer  
30 owns, or is or was licensed to use a mercury-containing thermostat produced by other suppliers.

31 (8) "Mercury-added button cell battery" means a button cell battery to which the  
32 manufacturer intentionally introduces mercury for the operation of the battery.

33 (9) "Mercury-added novelty" means a mercury-added product intended mainly for  
34 personal or household enjoyment or adornment. Mercury-added novelties include, but are not



1 limited to, items intended for use as figurines, adornments, toys, games, cards, ornaments, yard  
2 statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear),  
3 or similar products.

4 (10) "Mercury-added product" means a product, commodity, chemical, or a product with  
5 a component that contains mercury or a mercury compound intentionally added to the product,  
6 commodity, chemical, or component in order to provide a specific characteristic, appearance, or  
7 quality, or to perform a specific function or for any other reason. These products include  
8 formulated mercury-added products and fabricated mercury-added products.

9 (11) "Mercury fever thermometer" means a mercury-added product that is used for  
10 measuring body temperature.

11 (12) "Mercury-containing thermostat" means a product or device that uses a mercury  
12 switch to sense and control room temperature through communication with heating, ventilating,  
13 or air-conditions equipment. "Mercury-containing thermostat" includes thermostats used to sense  
14 and control room temperature in residential, commercial, industrial, and other buildings, but does  
15 not include a thermostat used to sense and control temperature as part of a manufacturing process.

16 (13) "Person" means an individual, trust, firm, joint stock company, corporation  
17 (including a government corporation), partnership, association, the federal government or any  
18 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
19 or any interstate body.

20 (14) "Thermostat retailer" means a person or entity who or that sells thermostats of any  
21 kind directly to homeowners or other nonprofessionals through any selling or distribution  
22 mechanism, including, but not limited to, sales using the internet or catalogues. A retailer may  
23 also be a wholesaler if it meets the definition of wholesaler.

24 (15) "Thermostat wholesaler" means a person or entity ~~that is~~ engaged in the  
25 distribution and wholesale sale of thermostats and other heating, ventilation, and air-conditioning  
26 components to contractors who install heating, ventilation, and air-conditioning components.

27 (16) "Contractor" means a person engaged in the business of installation, service, or  
28 removal of heating, ventilation, and air-conditioning components.

29 (17) "Qualified contractor" means a person engaged in the business of installation,  
30 service, or removal of heating, ventilation, and air-conditioning components who employs seven  
31 (7) or more service technicians or installers or who is located in an area outside of an urban area,  
32 as defined by the United States bureau of the census.

33 (18) "Local government collections" means collections completed by household  
34 hazardous waste facilities, solid waste management agencies, environmental management

1 agencies, or the department of health.

2 **23-24.9-3. Definitions. [Effective January 1, 2020.]**

3 For the purpose of this chapter:

4 (1) "Component" means a mercury-added product ~~which~~ that is incorporated into  
5 another product to form a fabricated mercury-added product, including, but not limited to,  
6 electrical switches and lamps.

7 (2) "Contractor" means a person engaged in the business of installation, service, or  
8 removal of heating, ventilation, and air-conditioning components.

9 (3) "Corporation" means the Rhode Island resource recovery corporation created and  
10 established pursuant to chapter 19 of title 23.

11 (4) "Covered entity" means any person who presents to a collection facility that is  
12 included in an approved plan:

13 (i) Any number of compact fluorescent mercury-containing lamps; or

14 (ii) Ten (10) or fewer mercury-containing lamps that are not compact fluorescent lamps  
15 and are not from a large-use application.

16 (5) "Department" means the department of environmental management.

17 (6) "Director" means the director of the department of environmental management or any  
18 subordinate or subordinates to whom the director has delegated the powers and duties vested in  
19 him or her by this chapter.

20 (7) "Fabricated mercury-added product" means a product that consists of a combination  
21 of individual components that combine to make a single unit, including, but not limited to,  
22 mercury-added measuring devices, lamps, and switches to which mercury, or a mercury  
23 compound, is intentionally added in order to provide a specific characteristic, appearance, or  
24 quality, or to perform a specific function, or for any other reason.

25 (8) "Formulated mercury-added product" means a product that includes, but is not limited  
26 to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals, and coating materials  
27 that are sold as a consistent mixture of chemicals to which mercury, or a mercury compound, is  
28 intentionally added in order to provide a specific characteristic, appearance, or quality, or to  
29 perform a specific function, or for any other reason.

30 (9) "Healthcare facility" means any hospital, nursing home, extended-care facility, long-  
31 term care facility, clinical or medical laboratory, state or private health or mental institution,  
32 clinic, physician's office, or health maintenance organization.

33 (10) "Local government collections" means collections completed by household  
34 hazardous-waste facilities, solid-waste management agencies, environmental management

1 agencies, or the department of health.

2 (11) "Manufacturer" means any person, firm, association, partnership, corporation,  
3 governmental entity, organization, combination, or joint venture that produces a mercury-added  
4 product or an importer or domestic distributor of a mercury-added product produced in a foreign  
5 country. In the case of a multi-component mercury-added product, the manufacturer is the last  
6 manufacturer to produce or assemble the product. If the multi-component product is produced in  
7 a foreign country, the manufacturer is the importer or domestic distributor. In the case of  
8 mercury-containing thermostats, the manufacturer is the original equipment manufacturer who or  
9 that sells or sold a mercury-containing thermostat under a brand or label ~~it~~ the manufacturer  
10 owns, or is or was licensed to use a mercury-containing thermostat produced by other suppliers.

11 (12) In the case of mercury-containing lamps, the manufacturer is a person or entity who  
12 or that:

13 (i) Manufactures or manufactured a mercury-containing lamp under his, her, or its own  
14 brand or label for sale in the state;

15 (ii) Sells in the state under its own brand or label a mercury-containing lamp produced by  
16 another supplier;

17 (iii) Owns a brand that he, she or it licenses, or licensed to another person or entity for  
18 use on a mercury-containing lamp sold in the state;

19 (iv) Imports into the United States for sale in the state a mercury-containing lamp  
20 manufactured by a person or entity without a presence in the United States;

21 (v) Manufactures a mercury-containing lamp for sale in the state without affixing a brand  
22 name; or

23 (vi) Assumes the responsibilities, obligation, and liabilities of a manufacturer as defined  
24 under paragraphs (i) through (v) of this subsection.

25 (13) "Mercury-added button cell battery" means a button cell battery to which the  
26 manufacturer intentionally introduces mercury for the operation of the battery.

27 (14) "Mercury-added novelty" means a mercury-added product intended mainly for  
28 personal or household enjoyment or adornment. Mercury-added novelties include, but are not  
29 limited to, items intended for use as figurines, adornments, toys, games, cards, ornaments, yard  
30 statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear),  
31 or similar products.

32 (15) "Mercury-added product" means a product, commodity, chemical, or a product with  
33 a component that contains mercury or a mercury compound intentionally added to the product,  
34 commodity, chemical, or component in order to provide a specific characteristic, appearance, or

1 quality, or to perform a specific function or for any other reason. These products include  
2 formulated mercury-added products and fabricated mercury-added products.

3 (16) "Mercury-containing lamp" means a general-purpose lamp to which mercury is  
4 intentionally added during the manufacturing process. "Mercury-containing lamp" does not mean  
5 a lamp used for medical, disinfection, treatment, or industrial purposes.

6 (17) "Mercury-containing thermostat" means a product or device that uses a mercury  
7 switch to sense and control room temperature through communication with heating, ventilating,  
8 or air-conditioning equipment. "Mercury-containing thermostat" includes thermostats used to  
9 sense and control room temperature in residential, commercial, industrial, and other buildings, but  
10 does not include a thermostat used to sense and control temperature as part of a manufacturing  
11 process.

12 (18) "Mercury fever thermometer" means a mercury-added product that is used for  
13 measuring body temperature.

14 (19) "Person" means an individual, trust, firm, joint stock company, corporation  
15 (including a government corporation), partnership, association, the federal government or any  
16 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
17 or any interstate body.

18 (20) "Qualified contractor" means a person or entity engaged in the business of  
19 installation, service, or removal of heating, ventilation, and air-conditioning components who or  
20 that employs seven (7) or more service technicians or installers or who or that is located in an  
21 area outside of an urban area, as defined by the United States bureau of the census.

22 (21) "Thermostat retailer" means a person or entity who or that sells thermostats of any  
23 kind directly to homeowners or other nonprofessionals through any selling or distribution  
24 mechanism, including, but not limited to, sales using the internet or catalogues. A retailer may  
25 also be a wholesaler if it meets the definition of wholesaler.

26 (22) "Thermostat wholesaler" means a person or entity who or that is engaged in the  
27 distribution and wholesale sale of thermostats and other heating, ventilation, and air-conditioning  
28 components to contractors who install heating, ventilation, and air-conditioning components.

29 SECTION 9. Section 27-1.2-5 of the General Laws in Chapter 27-1.2 entitled "Corporate  
30 Governance Annual Disclosure" is hereby amended to read as follows:

31 **27-1.2-5. Contents of corporate governance annual disclosure. [Effective January 1,**  
32 **2017.]**

33 (a) The insurer or insurance group shall have discretion over the responses to the CGAD  
34 inquiries, provided the CGAD shall contain the material information necessary to permit the

1 commissioner to obtain an understanding of the insurer's or group's corporate governance  
2 structure, policies, and practices. The commissioner may request additional information that ~~they~~  
3 ~~deem~~ the commissioner deems material and necessary to provide the commissioner with a clear  
4 understanding of the corporate governance policies; the reporting or information system; or  
5 controls implementing those policies.

6 (b) Notwithstanding subsection (a), the CGAD shall be prepared consistent with the  
7 corporate governance annual disclosure regulation adopted by the division of insurance and  
8 supporting information shall be maintained and made available upon examination or upon request  
9 of the commissioner.

10 SECTION 10. Section 34-25.2-6 of the General Laws in Chapter 34-25.2 entitled "Rhode  
11 Island Home Loan Protection Act" is hereby amended to read as follows:

12 **34-25.2-6. Limitations and prohibited practices regarding high-cost home loans.**

13 A high-cost home loan shall be subject to the following additional limitations and  
14 prohibited practices:

15 (a) In connection with a high-cost home loan, no creditor shall directly or indirectly  
16 finance any points or fees which total is greater than five percent (5%) ~~or~~ of the total loan amount  
17 ~~or~~ or eight hundred dollars (\$800) whichever is greater.

18 (b) No prepayment fees or penalties shall be included in the loan documents for a high-  
19 cost home loan.

20 (c) No high-cost home loan may contain a scheduled payment that is more than twice as  
21 large as the average of earlier scheduled payments. This provision does not apply when the  
22 payment schedule is adjusted to the seasonal or irregular income of the borrower.

23 (d) No high-cost home loan may include payment terms under which the outstanding  
24 principal balance or accrued interest will increase at any time over the course of the loan because  
25 the regularly scheduled periodic payments do not cover the full amount of interest due.

26 (e) No high-cost home loan may contain a provision that increases the interest rate after  
27 default. This provision does not apply to interest rate changes in a ~~variable rate~~ variable rate  
28 loan otherwise consistent with the provisions of the loan documents, provided the change in the  
29 interest rate is not triggered by the event of default or the acceleration of the indebtedness.

30 (f) No high-cost home loan may include terms under which more than two (2) periodic  
31 payments required under the loan are consolidated and paid in advance from the loan proceeds  
32 provided to the borrower.

33 (g) A creditor may not make a high-cost home loan without first receiving certification  
34 from a counselor with a third-party nonprofit organization approved by the United States

1 Department of Housing and Urban Development that the borrower has received counseling on the  
2 advisability of the loan transaction.

3 (h) A high-cost home loan shall not be extended to a borrower unless a reasonable  
4 creditor would believe at the time the loan is closed that one or more of the borrowers will be able  
5 to make the scheduled payments associated with the loan based upon a consideration of his or her  
6 current and expected income, current obligations, employment status, and other financial  
7 resources, other than the borrower's equity in the collateral that secures the repayment of the loan.  
8 There is a rebuttable presumption that the borrower is able to make the scheduled payments to  
9 repay the obligation if, at the time the loan is consummated, said borrower's total monthly debts,  
10 including amounts under the loan, do not exceed fifty percent (50%) of said borrower's monthly  
11 gross income as verified by tax returns, payroll receipts, and other third-party income verification.

12 (i) A creditor may not pay a contractor under a home-improvement contract from the  
13 proceeds of a high-cost home loan, unless:

14 (1) The creditor is presented with a signed and dated completion certificate showing that  
15 the home improvements have been completed; and

16 (2) The instrument is payable to the borrower or jointly to the borrower and the  
17 contractor, or, at the election of the borrower, through a third-party escrow agent in accordance  
18 with terms established in a written agreement signed by the borrower, the creditor, and the  
19 contractor prior to the disbursement.

20 (j) A creditor may not charge a borrower any fees or other charges to modify, renew,  
21 extend, or amend a high-cost home loan or to defer any payment due under the terms of a high-  
22 cost home loan.

23 (k) A creditor shall not make available a high-cost home loan that provides for a late  
24 payment fee except as follows:

25 (1) The late payment fee shall not be in excess of three percent (3%) of the amount of the  
26 payment past due.

27 (2) The late payment fee shall only be assessed for a payment past due for fifteen (15)  
28 days or more or ten (10) days or more in cases of bi-weekly mortgage payment arrangement.

29 (3) The late payment fee shall not be imposed more than once with respect to a single late  
30 payment. If a late payment fee is deducted from a payment made on the loan, and the deduction  
31 causes a subsequent default on a subsequent payment, no late payment fee may be imposed for  
32 the default.

33 (4) A creditor shall treat each payment as posted on the same business day as it was  
34 received.

1 (l) All high-cost home loan documents that create a debt or pledge property as collateral  
2 shall contain the following notice on the first page in a conspicuous manner: "Notice: This a high-  
3 cost home loan subject to special rules under state law. Purchasers or assignees of this high-cost  
4 home loan may be liable for all claims and defenses by the borrower with respect to the home  
5 loan."

6 SECTION 11. Section 39-1-27.12 of the General Laws in Chapter 39-1 entitled "Public  
7 Utilities Commission" is hereby amended to read as follows:

8 **39-1-27.12. Low-Income Home-Energy Assistance Program Enhancement Plan.**

9 (a) The Low-Income Home-Energy Assistance Program Enhancement Plan (hereinafter  
10 "LIHEAP Enhancement Plan") is hereby created to supplement the federal Low-Income Home-  
11 Energy Assistance Program ("LIHEAP") funding being received by customers of Rhode Island  
12 electric- and gas-distribution companies.

13 (b) Within a period of time sufficient to accomplish the purposes of this section, but not  
14 longer than ninety (90) days after the effective date of this chapter, the department of human  
15 services shall develop a recommended monthly "LIHEAP enhancement charge" rate for the  
16 following year and make a filing with the commission pursuant to this chapter recommending  
17 rates. Thereafter annually, but no later than October 15 of each year, the department shall make  
18 filings with the commission to recommend the LIHEAP enhancement charge rates for each class  
19 of electric- and natural-gas distribution company customer for the following year.

20 (c) A LIHEAP enhancement charge approved by the commission shall have the following  
21 limitations:

22 (1) For electric-distribution company customers, the charge shall not be more than ten  
23 dollars (\$10.00) per year.

24 (2) For natural-gas-distribution company customers, the charge shall not be more than ten  
25 dollars (\$10.00) per year.

26 (3) The total projected annual revenue for the LIHEAP enhancement plan through  
27 charges to all electric- and natural-gas-distribution company customers shall not exceed seven  
28 million five hundred thousand dollars (\$7,500,000) and shall not be below six million five  
29 hundred thousand dollars (\$6,500,000).

30 A minimum of five percent (5%) shall be allocated to provide assistance to customers  
31 who are seeking LIHEAP certification for the sole purpose of entering into an arrearage plan as  
32 defined in § 39-2-1(d)(2) between April 15 and September 30 of each year. Such customers must  
33 be a homeless family or individual ~~who is~~ transitioning from a shelter into housing and ~~provide~~  
34 who have provided documentation acceptable to the department of human services. Any funds

1 remaining at the end of the fiscal year shall be available for the upcoming winter season.

2 (d) The commission shall open a docket, to consider for approval, LIHEAP enhancement  
3 charge rates proposed by the department. In reviewing the recommended rates, the commission  
4 shall give due consideration to the recommendations of the department and the standards set forth  
5 in subsection (c). The commission shall issue a decision within sixty (60) days after said  
6 recommendations and report are filed with the commission establishing the enhancement plan  
7 charge rates.

8 (e) The electric- or gas-distribution company shall use the funds collected through this  
9 enhancement plan charge to provide a credit to customers' accounts that are receiving federal  
10 LIHEAP assistance payments in a manner determined by the department of human services. The  
11 department of human services shall designate to the gas- or electric-distribution company the  
12 qualifying customer accounts and the amounts to be credited to those customer accounts,  
13 provided that the total amount to be credited to those accounts shall be fully funded by, and not  
14 exceed, the total amount collected through the enhancement plan charge. The electric- or gas-  
15 distribution company's added administrative expenses to process the credit assignments provided  
16 to it by the department of human services will be recoverable either from the LIHEAP  
17 enhancement charge or through a separate charge approved by the public utilities commission.

18 (f) As used in this section, "electric- and natural-gas-distribution company" means a  
19 company as defined in subsection 39-1-2(12), but not including the Block Island Power Company  
20 or the Pascoag Utility District.

21 SECTION 12. Section 39-2-1 of the General Laws in Chapter 39-2 entitled "Duties of  
22 Utilities and Carriers" is hereby amended to read as follows:

23 **39-2-1. Reasonable and adequate services -- Reasonable and just charges.**

24 (a) Every public utility is required to furnish safe, reasonable, and adequate services and  
25 facilities. The rate, toll, or charge, or any joint rate made, exacted, demanded, or collected by any  
26 public utility for the conveyance or transportation of any persons or property, including sewage,  
27 between points within the state; or for any heat, light, water, or power produced, transmitted,  
28 distributed, delivered, or furnished; or for any telephone or telegraph message conveyed; or for  
29 any service rendered or to be rendered in connection therewith, shall be reasonable and just, and  
30 every unjust or unreasonable charge for the service is prohibited and declared unlawful, and no  
31 public utility providing heat, light, water, or power produced, transmitted, distributed, delivered,  
32 or furnished shall terminate the service or deprive any home or building, or whatsoever, of  
33 service if the reason therefor is nonpayment of the service without first notifying the user of the  
34 service, or the owner, or owners, of the building as recorded with the utility of the impending



1 service termination by written notice at least ten (10) days prior to the effective date of the  
2 proposed termination of service.

3 (1) Effective immediately, following the issuance of a decision by the commission under  
4 ~~39-1-27.2(d)~~ § 39-1-27.12(d), the utility shall collect a LIHEAP enhancement charge from all  
5 utility customers, for the funding of the LIHEAP Enhancement Fund.

6 (b) Any existing rules and regulations dealing with the termination of utility service and  
7 establishing reasonable methods of debt collection promulgated by the commission pursuant to  
8 this chapter and the provisions of § 39-1.1-3 including, but not limited to, any rules and  
9 regulations dealing with deposit and deferred-payment arrangements, winter moratorium and  
10 medical emergency protections, and customer dispute resolution procedures, shall be applicable  
11 to any public utility ~~which~~ that distributes electricity.

12 (c) The commission shall promulgate such further rules and regulations as are necessary  
13 to protect consumers following the introduction of competition in the electric industry and ~~which~~  
14 that are consistent with this chapter and the provisions of § 39-1.1-3. In promulgating such rules  
15 and regulations, the commission shall confer with the retail electric licensing commission and  
16 shall give reasonable consideration to any and all recommendations of the retail electric licensing  
17 commission.

18 (d) (1) On or before August 15, 2011, the commission shall administer such rules and  
19 regulations, as may be necessary, to implement the purpose of subdivision (2) of this subsection  
20 and to provide for the restoration of electric and/or gas service to low-income home energy  
21 assistance program (LIHEAP)-eligible households, as this eligibility is defined in the current  
22 LIHEAP state plan for Rhode Island filed with the U.S. Department of Health and Human  
23 Services.

24 (2) Effective no later than September 1, 2016, notwithstanding the provisions of part V  
25 sections 4(E)(1)(B) and (C) of the public utilities commission rules and regulations governing the  
26 termination of residential electric-, gas-, and water-utility service, a LIHEAP-eligible customer,  
27 as defined above in this section, who has been terminated from gas and/or electric service or is  
28 recognized, pursuant to a rule or decision by the division, as being scheduled for actual shut-off  
29 of service on a specific date, shall not be deprived electric and/or gas utility service provided the  
30 following conditions are met:

31 (i) The customer has an account balance of at least three hundred dollars (\$300) that is  
32 more than sixty (60) days past due;

33 (ii) The customer is eligible for the federal low-income home-energy assistance program  
34 and the account is enrolled in the utility low-income rate if offered;

1 (iii) If utility service has been terminated, the customer shall make an initial payment of  
2 twenty-five percent (25%) of the unpaid balance, unless the commission has enacted emergency  
3 regulations in which case the customer shall pay the down payment required by the emergency  
4 regulations;

5 (iv) The customer agrees to participate in energy efficiency programs;

6 (v) The customer applies for other available energy-assistance programs, including fuel  
7 assistance and weatherization;

8 (vi) The customer agrees to make at least twelve (12) monthly payments in an amount  
9 determined by the utility and based on the customer's average monthly usage of the previous year,  
10 and the customer's actual or anticipated fuel assistance, if known. The electric- and/or gas-utility  
11 company shall review the payment plan every three (3) months and may adjust said plan based on  
12 the following: the amount of or change in fuel assistance; the customer moves, actual usage  
13 differs from estimated usage; and/or significant changes in the company's energy costs or rates  
14 from the time of anticipated enrollment;

15 (vii) With each payment, a portion of the customer's outstanding account balance shall be  
16 forgiven in an amount equal to the total past-due balance divided by the number of months in the  
17 customer agreement;

18 (viii) Up to one thousand five hundred dollars (\$1,500) shall be forgiven in a twelve-  
19 month (12) period. If the outstanding account balance is greater than one thousand five hundred  
20 dollars (\$1,500), the length of the agreement may, at the request of the customer, be extended for  
21 more than twelve (12) months to accommodate the total outstanding balance, provided that the  
22 customer is current with payments at the conclusion of the previous twelve-month (12) period;

23 (ix) The customer agrees to remain current with payments. For purposes of this  
24 subsection, remaining current shall mean that the customer: (A) Misses no more than two (2)  
25 payments in a twelve-month (12) period covered by the agreement; and (B) That the amount due  
26 under the agreement is paid in full, by the conclusion of the twelve-month (12) period of the  
27 agreement;

28 (x) Failure to comply with the payment provisions set forth in this subsection shall be  
29 grounds for the customer to be removed from the repayment program established by this  
30 subsection and the balance due on the unpaid balance shall be due and payable in full, in  
31 accordance with the rules of the commission governing the termination of residential electric-,  
32 gas-, and water-utility service, provided, that any arrearage already forgiven under subsection  
33 (d)(2)(ii) of this section shall remain forgiven and be written off by the utility. The amount of the  
34 arrearage, so forgiven, shall be recovered by the electric and/or gas company through an annual

1 reconciling factor approved by the commission;

2 (xi) The commission may promulgate rules and regulations to implement this section that  
3 ensure efficient administration of the program in a non-discriminatory manner consistent with the  
4 goal of providing assistance to customers who are willing and able to meet their obligations to the  
5 utility under this program;

6 (xii) Each public utility that provides gas or electric service to residential ratepayers shall  
7 file tariffs implementing the requirements of this section on a date to be determined by the  
8 commission which shall allow for the program to be in place no later than October 1, 2016; and

9 (xiii) After two (2) years from the date of completion of the plan or removal from the  
10 plan for failure to remain current with payments and upon recommendation from a community  
11 action partnership agency, a customer shall be eligible to enroll in a subsequent arrearage  
12 forgiveness plan.

13 (xiv) A customer, who completes the schedule of payments pursuant to this subsection,  
14 shall have the balance of any arrearage forgiven, and the customer's obligation to the gas and/or  
15 electric company for such unpaid balance shall be deemed to be fully satisfied. The amount of the  
16 arrearage, so forgiven, shall be treated as bad debt for purposes of cost recovery by the gas or the  
17 electric company up to the amount allowed in the gas and/or electric company's most recent  
18 general rate filing. In the event the gas or electric company's bad debt for a calendar year exceeds  
19 the amount allowed in the most recent general-rate filing for the same period, the gas or electric  
20 company shall be entitled to recovery of those write-offs that were the result of the arrearage  
21 forgiveness plan set forth in this section.

22 (3) A customer terminated from service under the provisions of subdivision (d)(1) or  
23 (d)(2) shall be eligible for restoration of service in accordance with the applicable provisions of  
24 part V section 4(E)(1)(C), or its successor provision, of the public utilities commission rules and  
25 regulations governing the termination of residential electric, gas, and water service.

26 (e) The commission shall complete a comprehensive review of all utility- and energy-  
27 related programs and policies impacting protected classes and low-income ratepayers. In  
28 conducting its review, the commission shall consult with the division, the attorney general, the  
29 utility, the department of human services, the ratepayers advisory board established by § 39-1-  
30 37.1, community-based organizations, a homeless advisory group, and community action  
31 agencies, each of whom shall cooperate with meetings scheduled by the commission and any  
32 requests for information received by the commission by providing responses within twenty-one  
33 (21) days from issuance. The commission shall submit a report of its findings and  
34 recommendations to the governor and the general assembly no later than November 1, 2018. No

1 later than November 15, 2017, and annually thereafter, the commission shall submit to the  
2 governor, the senate president, and the speaker of the house a report on the effectiveness of the  
3 customer arrearage program which shall include a cost-benefit analysis and recommendations to  
4 improve effectiveness of the arrearage program.

5 SECTION 13. Section 42-11.2-3 of the General Laws in Chapter 42-11.2 entitled  
6 "Affordable Housing Opportunity" is hereby amended to read as follows:

7 **42-11.2-3. Definitions.**

8 Terms used in this chapter shall be defined as follows, unless another meaning is  
9 expressed or clearly apparent from the language or context:

10 (1) "Eligible owner" means any of the following entities, provided that it shall have the  
11 legal right to lease or sub-lease existing, newly constructed, or substantially rehabilitated dwelling  
12 units.

13 **(i) A mutual housing association, a nonprofit housing development corporation, a**  
14 **limited equity housing cooperative, a limited partnership in which a nonprofit housing**  
15 **development corporation is the general partner, or a limited partnership in which a**  
16 **corporation wholly owned by a nonprofit housing development corporation is the general**  
17 **partner.**

18 **(ii) Any other person or entity the department elects to contract with.**

19 (2) "Fair market rent" means the fair rental amount for a dwelling unit, as established by  
20 the executive department pursuant to § 42-11.2-9.

21 ~~**(i) A mutual housing association, a nonprofit housing development corporation, a**~~  
22 ~~**limited equity housing cooperative, a limited partnership in which a nonprofit housing**~~  
23 ~~**development corporation is the general partner, or a limited partnership in which a**~~  
24 ~~**corporation wholly owned by a nonprofit housing development corporation is the general**~~  
25 ~~**partner.**~~

26 ~~**(ii) Any other person or entity the department elects to contract with.**~~

27 (3) "Housing costs" means an amount equal to the fair market rent for an assisted unit,  
28 plus a utility allowance for that unit as determined by the executive department.

29 (4) "Limited equity housing cooperative" means a cooperative housing association or  
30 corporation organized and operated primarily for the benefit of low and moderate income  
31 persons, and whose equity, after allowance for maximum transfer value of its stock, is  
32 permanently dedicated to providing housing to persons of low or moderate income or to a  
33 charitable purpose.

34 (5) "Low-income family" means an individual or family whose total income does not

1 exceed sixty percent (60%) of the median family income adjusted by family size for the area of  
2 the state in which the family lives, as determined annually by the U.S. Department of Housing  
3 and Urban Development.

4 (6) "Mutual housing association" means a nonprofit corporation, incorporated pursuant to  
5 chapter 6 of title 7 and having articles of incorporation approved by the executive director of the  
6 Rhode Island housing and mortgage finance corporation, having as one of its purposes the  
7 prevention and elimination of neighborhood deterioration and the preservation of neighborhood  
8 stability by affording community and resident involvement in the provision of high-quality, long-  
9 term housing for low and moderate income families in which residents: (i) participate in the  
10 ongoing operation and management of that housing; (ii) have the right to continue residing in the  
11 housing for as long as they comply with the terms of their occupancy agreement; and (iii) do not  
12 possess an equity or ownership interest in the housing.

13 (7) "Nonprofit housing development corporation" means a nonprofit corporation, which  
14 has applied under 42 U.S.C. § 501(c)(3) for approval as a § 501(c)(3) corporation with the  
15 Internal Revenue Service, or been so approved, and which is organized and operated with one of  
16 its principal purposes being to provide housing for low and moderate income persons.

17 (8) "Utility allowance" means an amount established by the executive department  
18 pursuant to § 42-11.2-10.

19 SECTION 14. Section 42-17.1-2 of the General Laws in Chapter 16-77.4 entitled  
20 "Department of Environmental Management" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 management council shall be assigned only to employees of the department of environmental  
2 management, except by mutual agreement or as otherwise provided in chapter 23 of title 46;

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

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

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

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

22 (ii) (A) All administrative inspections shall be conducted pursuant to administrative  
23 guidelines promulgated by the department in accordance with chapter 35 of title 42;

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

26 (I) For closely regulated industries;

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

28 (III) In emergency situations;

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

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

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

34 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the

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

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

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

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

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

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

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

32 (21) To give notice of an alleged violation of law to the person responsible therefor  
33 whenever the director determines that there are reasonable grounds to believe that there is a  
34 violation of any provision of law within his or her jurisdiction or of any rule or regulation adopted

1 pursuant to authority granted to him or her, unless other notice and hearing procedure is  
2 specifically provided by that law. Nothing in this chapter shall limit the authority of the attorney  
3 general to prosecute offenders as required by law;

4 (i) The notice shall provide for a time within which the alleged violation shall be  
5 remedied, and shall inform the person to whom it is directed that a written request for a hearing  
6 on the alleged violation may be filed with the director within ten (10) days after service of the  
7 notice. The notice will be deemed properly served upon a person if a copy thereof is served him  
8 or her personally; or sent by registered or certified mail to his or her last known address; or if he  
9 or she is served with notice by any other method of service now or hereafter authorized in a civil  
10 action under the laws of this state. If no written request for a hearing is made to the director  
11 within ten (10) days of the service of notice, the notice shall automatically become a compliance  
12 order;

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

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

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

26 (iv) If a person upon whom a notice of violation has been served under the provisions of  
27 this section or if a person aggrieved by any such notice of violation requests a hearing before the  
28 director within ten (10) days of the service of notice of violation, the director shall set a time and  
29 place for the hearing, and shall give the person requesting that hearing at least five (5) days  
30 written notice thereof. After the hearing, the director may make findings of fact and shall sustain,  
31 modify, or withdraw the notice of violation. If the director sustains or modifies the notice, that  
32 decision shall be deemed a compliance order and shall be served upon the person responsible in  
33 any manner provided for the service of the notice in this section;

34 (v) The compliance order shall state a time within which the violation shall be remedied,

1 and the original time specified in the notice of violation shall be extended to the time set in the  
2 order;

3 (vi) Whenever a compliance order has become effective, whether automatically where no  
4 hearing has been requested, where an immediate compliance order has been issued, or upon  
5 decision following a hearing, the director may institute injunction proceedings in the superior  
6 court of the state for enforcement of the compliance order and for appropriate temporary relief,  
7 and in that proceeding, the correctness of a compliance order shall be presumed and the person  
8 attacking the order shall bear the burden of proving error in the compliance order, except that the  
9 director shall bear the burden of proving in the proceeding the correctness of an immediate  
10 compliance order. The remedy provided for in this section shall be cumulative and not exclusive  
11 and shall be in addition to remedies relating to the removal or abatement of nuisances or any  
12 other remedies provided by law;

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

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

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

23 (i) Director: The term "director" shall mean the director of environmental management of  
24 the state of Rhode Island or his or her duly authorized agent;

25 (ii) Person: The term "person" shall include any individual, group of individuals, firm,  
26 corporation, association, partnership, or private or public entity, including a district, county, city,  
27 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual  
28 having active and general supervision of the properties of such corporation;

29 (iii) Service: (A) Service upon a corporation under this section shall be deemed to include  
30 service upon both the corporation and upon the person having active and general supervision of  
31 the properties of such corporation;

32 (B) For purposes of calculating the time within which a claim for a hearing is made  
33 pursuant to subdivision (21)(i), service shall be deemed to be the date of receipt of such notice or  
34 three (3) days from the date of mailing of said notice, whichever shall first occur.

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

6 (ii) Additionally, the director of the department of environmental management shall take  
7 such additional steps, including, but not limited to, matters related to funding as may be necessary  
8 to establish such other additional recreational facilities and areas as are deemed to be in the public  
9 interest.

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

24 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by  
25 October 1 of each year, a detailed report on the amount of funds received and the uses made of  
26 such funds.

27 (26) To establish fee schedules by regulation, with the approval of the governor, for the  
28 processing of applications and the performing of related activities in connection with the  
29 department's responsibilities pursuant to subdivision (12); chapter 19.1 of title 23, as it relates to  
30 inspections performed by the department to determine compliance with chapter 19.1 and rules  
31 and regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to  
32 inspections performed by the department to determine compliance with chapter 18.9 and the rules  
33 and regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12  
34 of title 46, insofar as it relates to water-quality certifications and related reviews performed

1 pursuant to provisions of the federal Clean Water Act; the regulation and administration of  
2 underground storage tanks and all other programs administered under chapter 12 of title 46 and §  
3 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46, insofar as they relate to  
4 any reviews and related activities performed under the provisions of the Groundwater Protection  
5 Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-added  
6 products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all  
7 enforcement, permitting and licensing matters to the administrative adjudication division for  
8 environmental matters. Two (2) fee ranges shall be required: for "Appeal of enforcement  
9 actions", a range of fifty dollars (\$50) to one hundred dollars (\$100), and for "Appeal of  
10 application decisions", a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000).  
11 The monies from the administrative adjudication fees will be deposited as general revenues and  
12 the amounts appropriated shall be used for the costs associated with operating the administrative  
13 adjudication division.

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

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

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

31         (i) The director may promulgate and enforce rules and regulations to provide for the  
32 orderly and consistent protection, management, continuity of ownership and purpose, and  
33 centralized records-keeping for lands, water, and open spaces owned in fee or controlled in full or  
34 in part through other interests, rights, or devices such as conservation easements or restrictions,

1 by private and public land trusts in Rhode Island. The director may charge a reasonable fee for  
2 filing of each document submitted by a land trust;

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

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

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

31 (29) The director will contact in writing, not less often than once every two (2) years,  
32 each public or private land trust to ascertain: that all lands held by the land trust are recorded with  
33 the director; the current status and condition of each land holding; that any funds or other assets  
34 of the land trust held as endowment for specific lands have been properly audited at least once

1 within the two-year (2) period; the name of the successor organization named in the public or  
2 private land trust's bylaws or articles of association; and any other information the director deems  
3 essential to the proper and continuous protection and management of land and interests or rights  
4 in land held by the land trust. In the event that the director determines that a public or private land  
5 trust holding land or interest in land appears to have become inactive, he or she shall initiate  
6 proceedings to effect the termination of the land trust and the transfer of its lands, assets, land  
7 rights, and land interests to the successor organization named in the defaulting trust's bylaws or  
8 articles of association or to another organization created for the same or similar purposes. Should  
9 such a transfer not be possible, then the land trust, assets, and interest and rights in land will be  
10 held in trust by the state of Rhode Island and managed by the director for the purposes stated at  
11 the time of original acquisition by the trust. Any trust assets or interests other than land or rights  
12 in land accruing to the state under such circumstances will be held and managed as a separate  
13 fund for the benefit of the designated trust lands;

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

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



1 request for it, and, in any event, shall be forwarded to the owner of the subject facility within  
2 thirty (30) days after correction;

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

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

14 (34) To promote the effective stewardship of lakes and ponds, including collaboration  
15 with associations of lakefront property owners on planning and management actions that will  
16 prevent and mitigate water quality degradation, the loss of native habitat due to infestation of  
17 non-native species, and nuisance conditions that result from excessive growth of algal or non-  
18 native plant species. By January 31, 2012, the director shall prepare and submit a report to the  
19 governor and general assembly that, based upon available information, provides: (a) An  
20 assessment of lake conditions including a description of the presence and extent of aquatic  
21 invasive species in lakes and ponds; (b) Recommendations for improving the control and  
22 management of aquatic invasives species in lakes and ponds; and (c) An assessment of the  
23 feasibility of instituting a boat-sticker program for the purpose of generating funds to support  
24 implementation actions to control aquatic invasive species in the freshwaters of the state; and

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

30 (a) Maintenance of an organizational unit within the department with the express purpose  
31 of providing technical assistance to customers and helping customers comply with environmental  
32 regulations and requirements;

33 (b) Maintenance of an employee-training program to promote customer service across the  
34 department;

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

5 (d) Creation of a centralized location for the acceptance of permit applications and other  
6 submissions to the department;

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

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

16 (g) Exploration of the use of performance-based regulations coupled with adequate  
17 inspection and oversight, as an alternative to requiring applications or submissions for approval  
18 prior to initiation of projects. The department shall work with the office of regulatory reform to  
19 evaluate the potential for adopting alternative compliance approaches and provide a report to the  
20 governor and the general assembly by May 1, 2015.

## 21 ARTICLE II--STATUTORY REENACTMENT

22 SECTION 15. Section 19-7-1 of the General Laws in Chapter 19-7 entitled "Interstate  
23 Banking, Interstate Branching and Bank Holding Company Mergers and Acquisitions" is hereby  
24 amended to read as follows:

### 25 **19-7-1. Definitions.**

26 (a) For the purposes of this chapter, the term or terms:

27 (1) "Bank," ~~"bank holding~~ bank-holding company," "company," "subsidiary," and  
28 "control" have the meanings set forth in the Federal Bank Holding Company Act of 1956, 12  
29 U.S.C. § 1841 et seq., except that "bank" shall also ~~includes~~ include financial institutions, as  
30 defined in this title, and other forms of federally insured deposit-taking institutions, ~~and bank~~  
31 ~~holding~~ Bank-holding companies shall include ~~thrift holding~~ thrift-holding companies as set  
32 forth in the Home Owners' Loan Act, 12 U.S.C. § 1461 et seq., whether organized with or without  
33 capital stock.

34 (2) "Out-of-state bank" means a bank whose principal office is located in any other state.

1 (3) "Out-of-state ~~bank-holding~~ bank-holding company" means a holding company for  
2 which the operations of its bank subsidiaries are principally conducted in any other state.

3 (4) "Rhode Island ~~bank-holding~~ bank-holding company" means a ~~bank-holding~~ bank-  
4 holding company that controls a financial institution, provided that an out-of-state bank or ~~bank~~  
5 ~~holding~~ bank-holding company that acquired control of one or more financial institutions shall  
6 not be deemed to be a Rhode Island ~~bank-holding~~ bank-holding company, unless operations of  
7 its bank subsidiaries are principally conducted in this state.

8 (b) For the purposes of this chapter, the state in which operations of a ~~bank-holding~~  
9 bank-holding company's bank subsidiaries are principally conducted is the state in which total  
10 deposits of all of its bank subsidiaries are the largest.

11 SECTION 16. Section 20-1-9 of the General Laws in Chapter 20-1 entitled "General  
12 Provisions" is hereby amended to read as follows:

13 **20-1-9. Operation of patrol boats.**

14 The general assembly shall annually appropriate any sum that it may deem necessary to  
15 patrol and police the shellfish grounds; check the licenses of fishermen; protect the scallop  
16 areas; collect animal specimens; ~~and~~ execute special work incidental to the lobster and other  
17 shellfisheries; and enforce the provisions of chapter 22 of title 46, this sum to be expended under  
18 the direction of the director of the department of environmental management for the purpose of  
19 maintaining and operating patrol boats and their crews. The controller is hereby authorized and  
20 directed to draw orders upon the general treasurer for the payment of the sum, or sums, as may be  
21 required from time to time, upon the receipt by the controller of proper vouchers approved by the  
22 director.

23 SECTION 17. Sections 20-2-3 and 20-2-27.1 of the General Laws in Chapter 20-2  
24 entitled "Licensing" are hereby amended to read as follows:

25 **20-2-3. Record of licenses issued -- Accounting for fees.**

26 Every city and town clerk or agent appointed under this chapter shall record all licenses  
27 issued under this chapter in books kept for that purpose, one coupon of which shall be retained in  
28 his or her record. The books shall be supplied by the department; shall remain the property of the  
29 state; shall be open to public inspection during the usual office hours of the clerk or appointee;  
30 and shall be subject at all times to audit and inspection by the director, by the director of  
31 administration, or by the agents of either; ~~and, each~~ Each of these clerks or appointees shall, on  
32 the first Monday of every month, pay to the department all moneys received by the clerk or  
33 appointee for the registrations issued during the month preceding, except for recording fee,  
34 together with a receipted bill for fees retained in accordance with § 20-2-4, and shall, within thirty

1 (30) days succeeding January first of each year, return to the department all registration books  
2 and unused and void certificates. The director shall pay the money received to the general  
3 treasurer with a list of the number and kind of registrations recorded by each city and town clerk  
4 or agent during the month.

5 **20-2-27.1. Rhode Island party and charter boat license.**

6 (a) All party and charter boats carrying recreational passengers to take, or attempt to take,  
7 marine fish upon the navigable state and coastal waters of Rhode Island shall be required to  
8 obtain a Rhode Island party and charter boat license. The licenses shall be issued by the  
9 department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed party  
10 and charter boats shall be required to display a party and charter boat decal provided by the  
11 department. To obtain a license, the owner of a qualified vessel must submit:

12 (1) A current copy of the operator's ~~U.S.C.G.~~ United States Coast Guard license to  
13 carry passengers for hire;

14 (2) A current copy of the vessel's "Certificate of Documentation" certifying that the  
15 vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's  
16 state registration;

17 (3) Proof that the operator and crew are currently enrolled in a random drug testing  
18 program that complies with the federal government's 46\_CFR § 16.101 et seq. "Drug Testing  
19 Program" regulations; and

20 (4) A signed, license-application form certifying that the vessel is, and will be, operated  
21 in compliance with all state and federal safety regulations for the vessel.

22 (b) Rhode Island party and charter boat licenses shall expire on the last day of February  
23 every other year, with the first expiration date being in February 2001.

24 SECTION 18. Section 20-2.2-2 of the General Laws in Chapter 20-2.2 entitled  
25 "Recreational Saltwater Fishing License" is hereby amended to read as follows:

26 **20-2.2-2. Purposes.**

27 The purposes of this chapter are to:

28 (1) Enable recreational fisherman to fish legally in the marine waters of Rhode Island,  
29 and in all offshore federal waters, via a state-based recreational fishing licensing program,  
30 established in accordance with the requirements set forth by the federal Magnuson-Stevens  
31 Fishery Conservation and Management Act (16 U.S.C. § ~~1601~~ 1801 et seq.);

32 (2) Establish a state-based licensing program that will: provide Rhode Island recreational  
33 fisherman, including residents and non-resident visitors, with a convenient and inexpensive  
34 licensing process; support and contribute to more accurate state-based fishing and resource

1 assessments; and provide for fair and effective management programs that optimize benefits and  
2 opportunities for Rhode Island recreational fisherman; and

3 (3) Establish a dedicated funding vehicle to support improved coastal access  
4 opportunities for recreational fisherman along the Rhode Island shoreline.

5 SECTION 19. Section 20-4-13 of the General Laws in Chapter 20-4 entitled  
6 "Commercial Fisheries" is hereby amended to read as follows:

7 **20-4-13. Commercial gill net fishery -- License or permit required.**

8 It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in  
9 the public waters of the state without first obtaining a license or permit as provided in § ~~20-2-26.1~~  
10 20-2.1-5(2)(ii)(C) Any person violating the provisions of this section shall, upon conviction, be  
11 punished by a fine not exceeding five hundred dollars (\$500) or imprisoned for not more than one  
12 year, or both.

13 SECTION 20. Sections 20-6-10 and 20-6-11 of the General Laws in Chapter 20-6  
14 entitled "Shellfish" are hereby amended to read as follows:

15 **20-6-10. Allowance of shellfish taking under license.**

16 (a) Unless otherwise specified by regulation of the marine fisheries council, a holder of a  
17 commercial shellfishing license may take and/or possess, in any one day, up to twelve (12)  
18 bushels of quahaugs, twelve (12) bushels of ~~soft shell~~ soft-shell clams, and three (3) bushels of  
19 oysters.

20 (b) A holder of a non-resident shellfishing license may take in any one day not more than  
21 one peck each of oysters, quahaugs, soft-shell clams, surf clams, or mussels. Any person taking  
22 more than these allowances in any one day shall be fined upon conviction one hundred dollars  
23 (\$100) for each bushel or part of a bushel exceeding the prescribed quantity or be imprisoned ~~for~~  
24 not exceeding thirty (30) days, or both.

25 **20-6-11. Minimum size of shellfish -- Penalty.**

26 (a) No person shall take and/or possess any quahogs less than one inch (1") shell  
27 thickness (hinge width). In addition, no person shall take and/or possess ~~soft shell~~ soft-shell  
28 clams, taken from the free and common ~~soft shell~~ soft-shell clam fisheries, of a diameter less  
29 than one and one half inches (1 1/2") taking the maximum shell diameter, or any oysters, taken  
30 from the free and common oyster fisheries, measuring less than three inches (3") measured  
31 parallel to the long axis of the oyster, unless greater minimum sizes are established by the  
32 director, in consultation with the marine fisheries council. Any person who takes and/or possesses  
33 shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not  
34 less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15)

1 shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the  
2 minimum size commingled and/or otherwise stored or contained with shellfish of not less than the  
3 minimum size, where the percentage of the less than minimum size shellfish is not less than ten  
4 percent (10%) of the total piece count of the commingled and/or otherwise stored or contained  
5 package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire  
6 commingled and/or otherwise stored or contained package, shipment, or container, in accordance  
7 with the provisions of §§ 20-1-8~~(e) and (f)~~ (5) and (6) and 20-1-8.1.

8 (b) Notwithstanding the provisions of subsection (a) above, the director of the department  
9 of environmental management is authorized to promulgate regulations establishing a special  
10 exemption permit that would exempt ~~Department of Health licensed~~ department of health-  
11 licensed food processing facilities from the ~~one-inch (1") minimum size~~ one-inch-minimum  
12 (1") size restriction governing bay quahogs. The exemption permit may only apply to frozen,  
13 packaged, cultured bay quahog products shipped into Rhode Island for redistribution outside of  
14 the state. The regulations shall prescribe the procedures to apply for the exemption permit and the  
15 standards to be employed by the director in his or her consideration of the application. The  
16 regulations shall prescribe rules governing the conduct and operation of the facility and may  
17 include restrictions on product forms, sizes, possession requirements, and other provisions in  
18 order to maintain the protection of the quahog resource and enforcement of the provisions of this  
19 chapter.

20 SECTION 21. Section 20-8.1-3 of the General Laws in Chapter 20-8.1 entitled "Shellfish  
21 Grounds" is hereby amended to read as follows:

22 **20-8.1-3. Investigation of shellfish grounds -- Notice of polluted areas.**

23 The director shall investigate the sanitary condition of the waters overlying shellfish  
24 grounds. Those waters that are found to be in an unsatisfactory sanitary condition for the taking  
25 of shellfish for human consumption shall be declared to be polluted areas. The director shall give  
26 annual notice as to those areas of the waters of the state that he or she has declared to be polluted  
27 by advertising this action in at least one public newspaper published in the city of Providence.  
28 The director shall provide notice with each shellfish license issued or reissued after December 31,  
29 1994, that it is the obligation of each licensee to inquire by calling a dedicated telephone line, or  
30 dedicated teletext phone for persons who are deaf, hard of hearing, or ~~speech-impaired~~ speech-  
31 impaired (TTY) line maintained by the department of environmental management prior to taking  
32 any shellfish in the waters of the state that are conditionally approved waters. The director shall  
33 arrange for notice to be provided on the telephone and TTY telephone lines as to those  
34 conditionally approved waters of the state ~~which that~~ the director declares to be polluted ~~and in~~

1 from which no shellfish may be taken.

2 SECTION 22. Sections 20-10-3.1 and 20-10-17 of the General Laws in Chapter 20-10  
3 entitled "Aquaculture" are hereby amended to read as follows:

4 **20-10-3.1. Sales and use tax exemption.**

5 Any person engaging in aquaculture shall be eligible for the tax exemption in § 44-18-  
6 30(~~33-32~~) provided that the requirements set forth in that section are met.

7 **20-10-17. Arrest, seizure, and prosecution of violators.**

8 (a) Any police officer authorized to make arrests, the director, and conservation officers  
9 appointed under the authority of § ~~20-1-10~~ 20-1-6 shall be empowered:

10 (1) To enforce all laws, rules, and regulations relating to this chapter;

11 (2) To execute all warrants and search warrants for the violation of laws, rules, and  
12 regulations relating to this chapter;

13 (3) To serve subpoenas issued for the trial of all offenses hereunder;

14 (4) To arrest, without a warrant and on view, any person found violating any law, rule, or  
15 regulation relating to this chapter; take that person before a court having jurisdiction for trials;  
16 detain that person in custody at the expense of the state until arraignment; and to make and  
17 execute complaints within any district; to the justice or clerk of the court; against any person for  
18 any of the offenses enumerated under this chapter, committed within the district.

19 (b) The director, and the director's deputies and assistants, may, by virtue of their  
20 respective offices, make complaints of any violation of this chapter, and they shall not be required  
21 to give recognizance or to furnish surety for costs or be liable for costs on those complaints.

22 SECTION 23. Section 20-38-5 of the General Laws in Chapter 20-38 entitled "The  
23 Rhode Island Seafood Marketing Collaborative of 2011" is hereby amended to read as follows:

24 **20-38-5. Powers and duties.**

25 The collaborative shall support and work collaboratively with the Rhode Island fishing  
26 community to promote the marketing and sustainability of Rhode Island seafood, including but  
27 not limited to:

28 (1) ~~Identify~~ Identifying regulatory restrictions preventing and/or inhibiting local seafood  
29 marketing initiatives and ~~identify~~ identifying opportunities to remove those regulatory  
30 restrictions;

31 (2) ~~Identify~~ Identifying and ~~facilitate~~ facilitating opportunities to increase consumer  
32 demand for local seafood;

33 (3) ~~Identify~~ Identifying and ~~facilitate~~ facilitating opportunities to establish agreements  
34 with local fishermen and seafood dealers for potential seafood marketplace expansion;

1           (4) ~~Review~~ Reviewing and ~~identify~~ identifying existing studies, pilot programs and  
2 initiatives of this state and other states regarding seafood-marketing practices;

3           (5) ~~Provide~~ Providing educational opportunities for consumers and the fishing  
4 community regarding local seafood issues and initiatives;

5           (6) ~~Identify~~ Identifying funding sources available to the fishing community to support  
6 seafood marketing;

7           (7) ~~Respond~~ Responding to requests for information from the legislature and ~~comment~~  
8 commenting on proposed legislation;

9           (8) ~~Issue~~ Issuing recommendations necessary to achieve these goals;

10          (9) ~~Identify~~ Identifying opportunities for potential funding to support Rhode Island  
11 seafood marketing efforts and initiatives.

12          SECTION 24. This act shall take effect upon passage.

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LC000790  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO 2017 STATUTORY CONSTRUCTION BILL -- LAW REVISION  
SUBMISSION

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1           This act would make a number of technical amendments to the general laws, prepared at  
2 the recommendation of the Law revision Office. Article I of the act includes the statutory  
3 construction bill. Article II of the act contains reenactments of selected general laws.

4           Article I of this act would take effect on December 31, 2017. The remaining portions of  
5 this act would take effect upon passage.

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