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ARTICLE 3

RELATING TO GOVERNMENT REFORM

SECTION 1. Sections 5-65-5, 5-65-7 and 5-65-9 of the General Laws in Chapter 5-65 entitled "Contractors' Registration and Licensing Board" are hereby amended as follows:

5-65-5. Registered application.

(a) A person who wishes to register as a contractor shall submit an application, ~~under oath,~~ upon a form prescribed by the board. The application shall include:

(1) Workers' compensation insurance account number, or company name if a number has not yet been obtained, if applicable;

(2) Unemployment insurance account number if applicable;

(3) State withholding tax account number if applicable;

(4) Federal employer identification number, if applicable, or if self-employed and participating in a retirement plan;

(5) The individual(s) name and business address and residential address of:

(i) Each partner or venturer, if the applicant is a partnership or joint venture;

(ii) The owner, if the applicant is an individual proprietorship;

(iii) The corporation officers and a copy of corporate papers filed with the Rhode Island secretary of state's office, if the applicant is a corporation;

(iv) Post office boxes are not acceptable as the only address.

(6) A ~~signed affidavit subject to the penalties of perjury of a~~ statement as to whether or not the applicant has previously applied for registration, or is or was an officer, partner, or venturer of an applicant who previously applied for registration and if so, the name of the corporation, partnership, or venture.

(7) Valid insurance certificate for the type of work being performed.

(b) A person may be prohibited from registering or renewing registration as a contractor under the provisions of this chapter or his or her registration may be revoked or suspended if he or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or administrative agency against him or her relating to their work as a contractor, and provided, further, that ~~an affidavit subject to the penalties of perjury~~ a statement shall be provided to the board attesting to the information herein.

1 (c) Failure to provide or falsified information on an application, or any document required
2 by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000) and/or
3 revocation of the registration.

4 (d) Applicant must be at least eighteen (18) years of age.

5 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)
6 hours of continuing education units which will be required to be maintained by residential
7 contractors as a condition of registration as determined by the board pursuant to established
8 regulations.

9 (f) ~~An affidavit~~ A certification in a form issued by the board shall be completed upon
10 registration or license or renewal to assure contractors are aware of certain provisions of this law
11 and shall be signed by the registrant before a registration can be issued or renewed.

12 **5-65-7. Insurance required of contractors.**

13 (a) Throughout the period of registration, the contractor shall have in effect public liability
14 and property damage insurance covering the work of that contractor which shall be subject to this
15 chapter in not less than the following amount: five hundred thousand dollars (\$500,000) combined
16 single limit, bodily injury and property damage.

17 (b) In addition, all contractors shall have in effect worker's compensation insurance as
18 required under chapter 29 of title 28. Failure to maintain required insurance shall not preclude
19 claims from being filed against a contractor.

20 (c) The contractor shall provide satisfactory evidence to the board at the time of registration
21 and renewal that the insurance required by subsection (a) of this section has been procured and is
22 in effect. Failure to maintain insurance shall invalidate registration and may result in a fine to the
23 registrant and/or suspension or revocation of the registration.

24 **5-65-9. Registration fee.**

25 (a) Each applicant shall pay to the board:

26 (1) For original registration or renewal of registration, a fee of two hundred dollars (\$200).

27 (2) A fee for all changes in the registration, as prescribed by the board, other than those
28 due to clerical errors.

29 (b) All fees and fines collected by the board shall be deposited as general revenues to
30 support the activities set forth in this chapter until June 30, 2008. Beginning July 1, 2008, all fees
31 and fines collected by the board shall be deposited into a restricted receipt account for the exclusive
32 use of supporting programs established by this chapter.

33 (c) On or before January 15, 2018, and annually thereafter, the board shall file a report with
34 the speaker of the house and the president of the senate, with copies to the chairpersons of the house

1 and senate finance committees, detailing:

2 (1) The total number of fines issued, broken down by category, including the number of
3 fines issued for a first violation and the number of fines issued for a subsequent violation;

4 (2) The total dollar amount of fines levied;

5 (3) The total amount of fees, fines, and penalties collected and deposited for the most
6 recently completed fiscal year; and

7 (4) The account balance as of the date of the report.

8 (d) Each year, the ~~executive director~~ [department of business regulation](#) shall prepare a
9 proposed budget to support the programs approved by the board. The proposed budget shall be
10 submitted to the board for its review. A final budget request shall be submitted to the legislature as
11 part of the capital projects and property management annual request.

12 (e) New or renewal registrations may be filed online or with a third-party approved by the
13 board, with the additional cost incurred to be borne by the registrant.

14 SECTION 2. Sections 5-84-1, 5-84-2, 5-84-3, 5-84-5, 5-84-6 and 5-84-7 of the General
15 Laws in Chapter 5-84 entitled "Division of Design Professionals" are hereby amended as follows:

16 The title of Chapter 5-84 of the General Laws entitled "Division of Design Professionals"
17 is hereby changed to "Division of Building, Design and Fire Professionals."

18 **5-84-1. Short title.**

19 This chapter shall be known and may be cited as "The Division of ~~Design~~ [Building, Design](#)
20 [and Fire](#) Professionals Act."

21 **5-84-2. Division of ~~design~~ building, design and fire professionals.**

22 There has been created within the department of business regulation, a division known as
23 the division of ~~design~~ [building, design and fire](#) professionals.

24 **5-84-3. Division membership.**

25 The division consists of the membership of the [office of the state fire marshal, the fire](#)
26 [safety code board of review and appeal, the office of the state building commissioner, the](#) board of
27 registration for professional engineers, board of registration for professional land surveyors, board
28 of examination and registration of architects, ~~and~~ the board of examiners of landscape architects
29 [and the contractors' registration and licensing board.](#)

30 **5-84-5. Imposition of fines for unregistered activity.**

31 (a) In addition to any other provision of law, if a person or business practices or offers to
32 practice architecture, engineering, land surveying, or landscape architecture in the state without
33 being registered or authorized to practice as required by law, the boards within the division may
34 recommend that the director of the department of business regulations [or the director's designee](#)

1 issue an order imposing a fine; provided, however, that this section shall not apply to issues between
2 the boards referred to in subsection (a) of this section as to the scope of a board registrant's authority
3 to engage in work relating to another board's jurisdiction or to issues relating to ISDS designers
4 licensed by the department of environmental management.

5 (b) A fine ordered under this section may not exceed two thousand five hundred dollars
6 (\$2,500) for each offense. In recommending a fine, the board shall set the amount of the penalty
7 imposed under this section after taking into account factors, including the seriousness of the
8 violation, the economic benefit resulting from the violation, the history of violations, and other
9 matters the board considers appropriate.

10 (c) Before recommending that a fine be order under this section, the board shall provide
11 the person or business written notice and the opportunity to request, with thirty (30) days of
12 issuance of notice by the board, a hearing on the record.

13 (d) A person or business aggrieved by the ordering of a fine under this section may file an
14 appeal with the superior court for judicial review of the ordering of a fine.

15 (e) If a person of business fails to pay the fine within thirty (30) days after entry of an order
16 under (a) of this section, or if the order is stayed pending an appeal, within ten (10) days after the
17 court enters a final judgment in favor of the department of an order appealed under (d) of this
18 section, the director may commence a civil action to recover the amount of the fine.

19 **5-84-6. Cease and Desist Authority.**

20 If the director has reason to believe that any person, firm, corporation, or association is
21 conducting any activity under the jurisdiction of the division of ~~design~~ building, design and fire
22 professionals including professional engineering, professional land surveying, architecture, and/or
23 landscape architecture without obtaining a license or registration, or who after the denial,
24 suspension, or revocation of a license or registration is conducting that business, the director or the
25 director's designee may, either on his or her own initiative or upon recommendation of the
26 appropriate board, issue an order to that person, firm, corporation, or association commanding them
27 to appear before the department at a hearing to be held not sooner than ten (10) days nor later than
28 twenty (20) days after issuance of that order to show cause why the director or the director's
29 designee should not issue an order to that person to cease and desist from the violation of the
30 provisions of this chapter and/or chapters 1, 8, 8.1, 51 and/or ~~54~~ 65 of title 5. That order to show
31 cause may be served on any person, firm, corporation, or association named by any person in the
32 same manner that a summons in a civil action may be served, or by mailing a copy of the order,
33 certified mail, return receipt requested, to that person at any address at which that person has done
34 business or at which that person lives. If during that hearing the director or the director's designee

1 is satisfied that the person is in fact violating any provision of this chapter, the director [or the](#)
2 [director's designee](#) may order that person, in writing, to cease and desist from that violation and/or
3 impose an appropriate fine under § 5-84-5 or other applicable law and/or refer the matter to the
4 attorney general for appropriate action under chapters 1, 8, 8.1, [51](#) and/or ~~54~~ [65](#) of title 5. All these
5 hearings are governed in accordance with the administrative procedures act. If that person fails to
6 comply with an order of the department after being afforded a hearing, the superior court for
7 Providence county has jurisdiction upon complaint of the department to restrain and enjoin that
8 person from violating chapters 1, 8, 8.1, [51](#), [65](#) and/or 84 of title 5.

9 **5-84-7. Electronic applications for certificates of authorization.**

10 All applications to the division of ~~design~~ [building, design and fire](#) professionals for
11 certificates of authorization shall be submitted electronically through the department's electronic-
12 licensing system, unless special permission to apply in paper format is requested by the applicant
13 and granted by the director [or the director's designee](#).

14 SECTION 3. Sections 23-27.3-100.1.3, 23-27.3-107.3, 23-27.3-107.4 and 23-27.3-108.2
15 of the General Laws in Chapter 23-27.3 entitled "State Building Code" are hereby amended as
16 follows:

17 **23-27.3-100.1.3. Creation of the state building code standards committee.**

18 (a) There is created as an agency of state government a state building code standards
19 committee who shall adopt, promulgate, and administer a state building code for the purpose of
20 regulating the design, construction, and use of buildings or structures previously erected, in
21 accordance with a rehabilitation building and fire code for existing buildings and structures
22 developed pursuant to chapter 29.1 of this title, and to make any amendments to them as they, from
23 time to time, deem necessary or desirable, the building code to include any code, rule, or regulation
24 incorporated in the code by reference.

25 (b) A standing subcommittee is made part of the state building code standards committee
26 to promulgate and administer a state housing and property maintenance code for the purpose of
27 establishing minimum requirements and standards and to regulate the occupancy and use of existing
28 premises, structures, buildings, equipment, and facilities, and to make amendments to them as
29 deemed necessary.

30 (c) A joint committee, with membership as set forth in § 23-29.1-2(a) from the state
31 building code standards committee, shall develop and recommend for adoption and promulgation,
32 a rehabilitation building and fire code for existing buildings and structures, which code shall include
33 building code elements to be administered by the state building code standards committee as the
34 authority having jurisdiction over the elements.

1 [\(d\) The state building code standards committee shall be housed within the office of the](#)
2 [state building commissioner.](#)

3 **23-27.3-107.3. Appointment of personnel by state building commissioner.**

4 (a) The state building commissioner may appoint such other personnel as shall be necessary
5 for the administration of the code. In the absence of a local building official or an alternate, as
6 detailed in § 23-27.3-107.2, the commissioner shall assume the responsibility of the local building
7 official and inspectors as required by § 23-27.3-107.4 and shall designate one of the following
8 agents to enforce the code:

9 (1) A member of the commissioner's staff who meets the qualifications of § 23-27.3-107.5
10 and is certified in accordance with § 23-27.3-107.6.

11 (2) An architect or engineer contracted by the commissioner through the department of
12 ~~administration~~ [business regulation](#).

13 (3) A building official who is selected from a list of previously certified officials or
14 inspectors.

15 (b) The salary and operating expenses for services provided in accordance with subsection
16 (a)(1), (2), or (3) shall be reimbursed to the state by the city or town receiving the services and shall
17 be deposited as general revenues. The attorney general shall be informed of any failure of the
18 appropriate local authority to appoint a local building official to enforce the code in accordance
19 with §§ 23-27.3-107.1 or 23-27.3-107.2.

20 **23-27.3-107.4. Qualifications and duties of the state building commissioner.**

21 (a) The state building commissioner shall serve as the executive secretary to the state
22 building code standards committee. In addition to the state building commissioner's other duties as
23 set forth in this chapter, the state building commissioner shall assume the authority for the purpose
24 of enforcing the provisions of the state building code in a municipality where there is no local
25 building official.

26 (b) The state building commissioner shall be a member of the classified service, and for
27 administrative purposes shall be assigned a position in the department of ~~administration~~ [business](#)
28 [regulation](#). Qualifications for the position of the state building commissioner shall be established
29 in accordance with provisions of the classified service of the state, and shall include the provision
30 that the qualifications include at least ten (10) years' experience in building or building regulations
31 generally, and that the commissioner be an architect or professional engineer licensed in the state
32 or a certified building official presently or previously employed by a municipality and having at
33 least ten (10) years' experience in the building construction or inspection field.

34 **23-27.3-108.2. State building commissioner's duties.**

1 (a) This code shall be enforced by the state building commissioner as to any structures or
2 buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction
3 of the state or any of its departments, commissions, agencies, or authorities established by an act
4 of the general assembly, and as to any structures or buildings or parts thereof that are built upon
5 any land owned by or under the jurisdiction of the state.

6 (b) Permit fees for the projects shall be established by the committee. The fees shall be
7 deposited as general revenues.

8 (c)(1) The local cities and towns shall charge each permit applicant an additional .1 (.001)
9 percent (levy) of the total construction cost for each permit issued. The levy shall be limited to a
10 maximum of fifty dollars (\$50.00) for each of the permits issued for one and two (2) family
11 dwellings. This additional levy shall be transmitted monthly to the building commission at the
12 department of ~~administration~~ [business regulation](#), and shall be used to staff and support the
13 purchase or lease and operation of a web-accessible service and/r system to be utilized by the state
14 and municipalities for uniform, statewide electronic plan review, permit management and
15 inspection system and other programs described in this chapter. The fee levy shall be deposited as
16 general revenues.

17 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
18 process for electronic plan review, permit management and inspection.

19 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
20 office of regulatory reform, shall implement the standard statewide process for electronic plan
21 review, permit management and inspection. In addition, the building commissioner shall develop
22 a technology and implementation plan for a standard web-accessible service and/r system to be
23 utilized by the state and municipalities for uniform, statewide electronic plan review, permit
24 management and inspection.

25 (d) The building commissioner shall, upon request by any state contractor described in §
26 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
27 controller that the payment conditions contained in § 37-2-38.1 have been met.

28 (e) The building commissioner shall coordinate the development and implementation of
29 this section with the state fire marshal to assist with the implementation of § 23-28.2-6.

30 (f) The building commissioner shall submit, in coordination with the state fire marshal, a
31 report to the governor and general assembly on or before April 1, 2013 and each April 1st thereafter,
32 providing the status of the web-accessible service and/or system implementation and any
33 recommendations for process or system improvement.

34 SECTION 4. Sections 23-28.2-1, 23-28.2-5, 23-28.2-7, 23-28.2-14, 23-28.2-22, 23-28.2-

1 23, 23-28.2-28 and 23-28.2-29 of Chapter 23-28.2 of the General Laws entitled “Division of Fire
2 Safety” are hereby amended as follows:

3 **23-28.2-1. Establishment of ~~division and~~ office of the state fire marshal.**

4 There shall be ~~a division~~ an office of the state fire marshal within the department of ~~public~~
5 ~~safety~~ business regulations’ division of building, design and fire professionals, the head of which
6 ~~division~~ office shall be the state fire marshal. The state fire marshal shall be appointed by the
7 governor with the advice and consent of the senate and shall serve for a period of five (5) years.
8 During the term the state fire marshal may be removed from office by the governor for just cause.
9 All authority, powers, duties and responsibilities previously vested in the division of fire safety are
10 hereby transferred to the ~~division~~ office of the state fire marshal.

11 **23-28.2-5. Bomb disposal unit.**

12 (a) Within the ~~division~~ office of the state fire marshal, there shall be a bomb disposal unit
13 (bomb squad), accredited by the FBI as a bomb squad, whose duties it will be to handle and dispose
14 of all hazardous devices suspect to be explosive or incendiary in construction which includes any
15 weapons of mass destruction (WMD) that may be explosive or chemical in construction.

16 (b) The State Fire Marshal shall appoint a bomb technician to supervise the operations of
17 this unit and the technician must be certified by the FBI as a bomb technician. The bomb technician
18 must ensure that all bomb technicians are trained and maintain certification, the bomb squad
19 maintains accreditation, and ensures that all equipment belonging to the bomb squad is maintained
20 and in operating condition at all times. The bomb technician must also provide to cities and towns
21 and local businesses or any other organizations procedures in bomb threats, and procedures where
22 explosive devices or suspect devices are located.

23 (c) The State Fire Marshal shall appoint from the local communities volunteer assistant
24 deputy state fire marshals, as bomb squad members only, to assist in carrying on the responsibilities
25 of this unit. The volunteers, who must be available for immediate response when called upon, be
26 available to participate in training sessions, shall be approved by their local fire or police chief, and
27 must have their chief sign an agreement (memorandum of understanding) which provides for their
28 release during emergencies and training and assumes liability for any injuries that may occur to
29 them. All bomb squad members shall operate only under the direction of the State Bomb Squad
30 Commander or senior ranking Deputy State Fire Marshal who is certified as a bomb technician.
31 The bomb squad may also request assistance from the local fire and police authorities when
32 handling any explosive or incendiary device, WMD or post incident investigations.

33 **23-28.2-7. Office of state fire marshal.**

34 The state fire marshal shall be provided adequate offices ~~by the director of administration.~~

1 [through the department of business regulation.](#)

2 **23-28.2-14. Enforcement.**

3 (a) Within the [division office of the state fire marshal](#), there shall be an enforcement unit
4 responsible for the initiation of criminal prosecution of or civil proceedings against any person(s)
5 in violation of the state Fire Safety Code or failure to comply with an order to abate conditions that
6 constitute a violation of the Fire Safety Code, chapters 28.1 – 28.39 of this title, and any rules or
7 regulations added thereunder and/or the general public laws of the state as they relate to fires, fire
8 prevention, fire inspections, and fire investigations. This unit will consist of the state fire marshal,
9 chief deputy state fire marshal, chief of technical services, explosive technician, assistant explosive
10 technicians, and the arson investigative staff, each of whom must satisfactorily complete at the
11 Rhode Island state police training academy an appropriate course of training in law enforcement or
12 must have previously completed a comparable course. To fulfill their responsibilities, this unit shall
13 have and may exercise in any part of the state all powers of sheriffs, deputy sheriffs, town sergeants,
14 chiefs of police, police officers, and constables.

15 (b) The State Fire Marshal shall have the power to implement a system of enforcement to
16 achieve compliance with the fire safety code, which shall include inspections as provided for in §
17 23-28.2-20, the issuance of formal notices of violation in accordance with § 23-28.2-20.1, and the
18 issuance of citations in a form approved by the State Fire Marshal and the Chief Judge of the District
19 Court. The State Fire Marshal, and his or her designee(s) as outlined in this chapter, may use the
20 above systems of enforcement individually or in any combination to enforce the State Fire Safety
21 Code.

22 (c) The State Fire Marshal and all persons designated specifically in writing by the State
23 Fire Marshal shall have the power to issue the citations referenced in this chapter.

24 (d) The following categories of violation of the Fire Safety Code that can be identified
25 through inspection shall be considered criminal violations of the Fire Safety Code and be subject
26 to the above issuance of citations:

27 (1) Impediments to Egress:

28 (A) Exit doors locked so as to prevent egress.

29 (B) Blocked means of egress (other than locking and includes any portion of the exit access,
30 exit or exit discharge).

31 (C) Marking of exits or the routes to exits has become obstructed and is not clearly visible.

32 (D) Artificial lighting needed for orderly evacuation is not functioning properly (this
33 section does not include emergency lighting).

34 (2) Maintenance:

1 (A) Required devices, equipment, system, condition, arrangement, or other features not
2 continuously maintained.

3 (B) Equipment requiring periodic testing or operation, to ensure its maintenance, is not
4 being tested or operated.

5 (C) Owner of building where a fire alarm system is installed has not provided written
6 evidence that there is a testing and maintenance program in force providing for periodic testing of
7 the system.

8 (D) Twenty-four hour emergency telephone number of building owner or owner's
9 representative is not posted at the fire alarm control unit or the posted number is not current.

10 (3) Fire Department Access and Water Supply:

11 (A) The required width or length of a previously approved fire department access road (fire
12 lane) is obstructed by parked vehicles or other impediments.

13 (B) Fire department access to fire hydrants or other approved water supplies is blocked or
14 impeded.

15 (4) Fire Protection Systems:

16 (A) Obstructions are placed or kept near fire department inlet connections or fire protection
17 system control valves preventing them from being either visible or accessible.

18 (B) The owner, designated agent or occupant of the property has not had required fire
19 extinguishers inspected, maintained or recharged.

20 (5) Admissions supervised:

21 (A) Persons responsible for supervising admissions to places of assembly, and/or any sub-
22 classifications thereof, have allowed admissions in excess of the maximum occupancy posted by
23 the State Fire Marshal or his or her designee.

24 The terms used in the above categories of violation are defined in the definition sections of
25 NFPA 1 and NFPA 101 as adopted pursuant to § 23-28.1-2 of this title.

26 (e) A building owner, responsible management, designated agent or occupant of the
27 property receiving a citation may elect to plead guilty to the violation(s) and pay the fine(s) through
28 the mail within ten (10) days of issuance, or appear in district court for an arraignment on the
29 citation.

30 (f) Notwithstanding subsection (e) above, all recipients of third or subsequent citations,
31 within a sixty (60) month period, shall appear in district court for a hearing on the citation. If not
32 paid by mail he, she or it shall appear to be arraigned on the criminal complaint on the date indicated
33 on the citation. If the recipient(s) fails to appear, the district court shall issue a warrant of arrest.

34 (g) The failure of a recipient to either pay the citation through the mail within ten (10) days,

1 where permitted under this section, or to appear in district court on the date specified shall be cause
2 for the district court to issue a warrant of arrest with the penalty assessed and an additional five
3 hundred dollar (\$500) fine.

4 (h) A building owner, responsible management, designated agent or occupant of the
5 property who receives the citation(s) referenced in this section shall be subject to civil fine(s), which
6 fine(s) shall be used for fire prevention purposes by the jurisdiction that issues the citation(s), as
7 follows:

8 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any sixty (60)
9 month period;

10 (2) A fine of five hundred dollars (\$500) for the second violation within any sixty (60)
11 month period;

12 (3) A fine of one thousand dollars (\$1,000) for the third and any subsequent violation(s)
13 within any sixty (60) month period;

14 (i) No citation(s) as defined in this section, shall be issued pursuant to a search conducted
15 under an administrative search warrant secured pursuant to § 23-28.2-20(c) of this code. Any
16 citation mistakenly issued in violation of this subsection (i) shall be void and unenforceable.

17 (j) The District Court shall have full equity power to hear and address these matters.

18 (k) All violations, listed within subsection (d) above, shall further be corrected within a
19 reasonable period of time established by the State Fire Marshal or his or her designee.

20 **23-28.2-22. Fire education and training unit.**

21 (a) There shall be a fire education and training unit within the ~~division of fire safety~~ [office](#)
22 [of the state fire marshal](#) headed by a director of fire training. The director of fire training shall be
23 appointed by the fire marshal from a list of names submitted by the fire education and training
24 coordinating board based on recommendations of a screening committee of that board. Other staff
25 and resources, such as part time instructors, shall be requested consistent with the state budget
26 process.

27 (b) This unit shall be responsible for implementing fire education and training programs
28 developed by the fire education and training coordinating board.

29 **23-28.2-23. Fire education and training coordinating board.**

30 (a) There is hereby created within the ~~division of fire safety~~ [office of the state fire marshal](#)
31 a fire education and training coordinating board comprised of thirteen (13) members appointed by
32 the governor with the advice and consent of the senate. In making said appointments, the governor
33 shall give due consideration to including in the board's membership representatives of the following
34 groups:

- 1 (1) Chiefs of fire departments with predominately fully paid personnel, defined as
2 departments in which the vast majority of members are full-time, salaried personnel.
- 3 (2) Chiefs of fire departments with part paid/combination personnel, defined as
4 departments in which members consist of both full-time salaried personnel and a large percentage
5 of volunteer or call personnel.
- 6 (3) Chiefs of fire departments with predominately volunteer personnel, defined as
7 departments in which the vast majority of members respond voluntarily and receive little or no
8 compensation.
- 9 (4) Rhode Island firefighters' instructor's association.
- 10 (5) Rhode Island department of environmental management.
- 11 (6) Rhode Island fire safety association.
- 12 (7) Rhode Island state firefighter's league.
- 13 (8) Rhode Island association of firefighters.
- 14 (9) Regional firefighters leagues.
- 15 (b) The state fire marshal and the chief of training and education shall serve as ex-officio
16 members.
- 17 (c) Members of the board as of March 29, 2006 shall continue to serve for the balance of
18 their current terms. Thereafter, members shall be appointed to three (3) year terms. No person shall
19 serve more than two (2) consecutive terms, except that service on the board for a term of less than
20 two (2) years resulting from an initial appointment or an appointment for the remainder of an
21 unexpired term shall not constitute a full term.
- 22 (d) Members shall hold office until a successor is appointed, and no member shall serve
23 beyond the time he or she ceases to hold office or employment by reason of which he or she was
24 eligible for appointment.
- 25 (e) All gubernatorial appointments made after March 29, 2006 shall be subject to the advice
26 and consent of the senate. No person shall be eligible for appointment to the board after March 29,
27 2006 unless he or she is a resident of this state.
- 28 (f) Members shall serve without compensation, but shall receive travel expenses in the
29 same amount per mile approved for state employees.
- 30 (g) The board shall meet at the call of the chairperson or upon written petition of a majority
31 of the members, but not less than six (6) times per year.
- 32 (h) Staff support to the board will be provided by the state fire marshal.
- 33 (i) The board shall:
- 34 (1) Establish bylaws to govern operational procedures not addressed by legislation.

1 (2) Elect a chairperson and vice-chairperson of the board in accordance with bylaws to be
2 established by the board.

3 (3) Develop and offer training programs for fire fighters and fire officers based on
4 applicable NFPA standards used to produce training and education courses.

5 (4) Develop and offer state certification programs for instructors based on NFPA standards.

6 (5) Monitor and evaluate all programs to determine their effectiveness.

7 (6) Establish a fee structure in an amount necessary to cover costs of implementing the
8 programs.

9 (7) Within ninety (90) days after the end of each fiscal year, approve and submit an annual
10 report to the governor, the speaker of the house of representatives, the president of the senate, and
11 the secretary of state of its activities during that fiscal year. The report shall provide: an operating
12 statement summarizing meetings or hearing held, including meeting minutes, subjects addressed,
13 decisions rendered, rules or regulations promulgated, studies conducted, policies and plans
14 developed, approved or modified and programs administered or initiated; a consolidated financial
15 statement of all funds received and expended including the source of the funds, a listing of any staff
16 supported by these funds, and a summary of any clerical, administrative or technical support
17 received; a summary of performance during the previous fiscal year including accomplishments,
18 shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters
19 related to the authority of the council; a summary of any training courses held pursuant to the
20 provisions of this section; a briefing on anticipated activities in the upcoming fiscal year and
21 findings and recommendations for improvements. The report shall be posted electronically on the
22 general assembly and secretary of state's websites as prescribed in § 42-20-8.2. The director of the
23 department of administration shall be responsible for the enforcement of the provisions of this
24 subsection.

25 (8) Conduct a training course for newly appointed and qualified members within six (6)
26 months of their qualification or designation. The course shall be developed by the chair of the
27 board, approved by the board, and conducted by the chair of the board. The board may approve the
28 use of any board or staff members or other individuals to assist with training. The training course
29 shall include instruction in the following areas: the provisions of chapters 42-46, 36-14, and 38-2;
30 and the commission's rules and regulations. The state fire marshal shall, within ninety (90) days of
31 March 29, 2006, prepare and disseminate training materials relating to the provisions of chapters
32 42-46, 36-14, and 38-2.

33 (j) In an effort to prevent potential conflicts of interest, any fire education and training
34 coordinating board member shall not simultaneously serve as a paid instructor and/or administrator

1 within the fire education and training unit.

2 (k) A quorum for conducting all business before the board, shall be at least seven (7)
3 members.

4 (l) Members of the board shall be removable by the governor pursuant to the provisions of
5 § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons
6 unrelated to capacity or fitness for the office shall be unlawful.

7 **23-28.2-28. Rhode Island state firefighter's league grant account.**

8 (a) There is hereby created within the department of ~~public safety~~ [business regulation](#) a
9 restricted receipt account to be known as the Rhode Island state firefighter's league grant account.
10 Donations received from the Rhode Island state firefighter's league shall be deposited into this
11 account, and shall be used solely to fund education and training programs for firefighters in the
12 state.

13 (b) All amounts deposited in the Rhode Island state firefighter's league grant account shall
14 be exempt from the indirect cost recovery provisions of § 35-4-27.

15 **23-28.2-29. Fire academy training fees restricted receipt account.**

16 There is hereby created with the department of ~~public safety~~ [business regulation](#) a restricted
17 receipt account to be known as the fire academy training fees account. All receipts collected
18 pursuant to § 23-28.2-23 shall be deposited in this account and shall be used to fund costs associated
19 with the fire training academy. All amounts deposited into the fire academy training restricted
20 receipt account shall be exempt from the indirect cost recovery provisions of § 35-4-27.

21 SECTION 5. Section 23-34.1-3 of Chapter 23-34.1 of the General Laws entitled
22 "Amusement Ride Safety Act" is hereby amended as follows:

23 **23-34.1-3. Definitions.**

24 As used in this chapter:

25 (1) "Altered ride" means a ride or device that has been altered with the approval of the
26 manufacturer.

27 (2) "Amusement attraction" means any building or structure around, over, or through which
28 persons may move to walk, without the aid of any moving device integral to the building or
29 structure, which provides amusement, pleasure, thrills, or excitement. Excluded are air structures
30 ("moonwalks"), arenas, stadiums, theatres, nonmechanical amusement structures commonly
31 located in or around day care centers, schools, commercial establishments, malls, fast food
32 restaurants, and convention halls. This does not include enterprises principally devoted to the
33 exhibition of products of agriculture, industry, education, science, religion, or the arts.

34 (3) "Amusement ride" means any mechanical device which carries, suspends or conveys

1 passengers along, around, or over a fixed or restricted route or course or within a defined area, for
2 the purpose of giving its passengers amusement, pleasure, thrills, or excitement. For the purposes
3 of this act, any dry slide over twenty (20) feet in height is also included. This term shall not include
4 hayrides (whether pulled by motor vehicle or horse), any coin-operated ride that is manually,
5 mechanically or electrically operated and customarily placed in a public location and that does not
6 normally require the supervision or services of an operator or nonmechanical devices with
7 nonmoving parts, including, but not limited to, walk-through amusement attractions, slides, and air
8 structures ("moonwalks").

9 (4) "Bazaar" means an enterprise principally devoted to the exhibition of products of crafts
10 and art, to which the operation of amusement rides or devices or concession booths is an adjunct.

11 (5) "Carnival" means a transient enterprise offering amusement or entertainment to the
12 public in, upon or by means of amusement devices, rides or concession booths.

13 (6) "Certificate to operate" means that document which indicates that the temporary
14 amusement device has undergone the inspection required after setup. It shall show the date of
15 inspection, the location of the inspection, the name of the inspector, and the maximum amount of
16 weight allowed per car or rideable unit.

17 (7) "Commissioner" means the state building commissioner.

18 (8) "Department" means the department of ~~administration~~ [business regulation](#).

19 (9) "Director" means the director of the department of ~~administration~~ [business regulation](#).

20 (10) "Fair" means an enterprise principally devoted to the exhibition of products of
21 agriculture or industry, to which the operation of amusement rides or devices or concession booths
22 is an adjunct.

23 (11) "Home-made ride or device" means a ride or device that was not manufactured by a
24 recognized ride or device manufacturer or any ride or device which has been substantially altered
25 without the approval of the manufacturer.

26 (12) "Inspection" means the physical examination of an amusement ride or device made
27 by the commissioner, or his authorized representative, prior to operating the amusement device for
28 the purpose of approving the application for a license.

29 (13) "Kiddie ride" means a device designed primarily to carry a specific number of children
30 in a fixture suitable for conveying children up to forty-two inches (42") in height or ride
31 manufacturer specifications.

32 (14) "Major alteration" means a change in the type, capacity, structure or mechanism of an
33 amusement device. This includes any change that would require approval of the ride manufacturer
34 or an engineer.

1 (15) "Major ride" means a device designed to carry a specific maximum number of
2 passengers, adults and children, in a fixture suitable for conveying persons.

3 (16) "Manager" means a person having possession, custody, or managerial control of an
4 amusement device, amusement attraction, or temporary structure, whether as owner, lessee, or
5 agent or otherwise.

6 (17) "Owner" means the person or persons holding title to, or having possession or control
7 of the amusement ride or device or concession booth.

8 (18) "Permanent amusement ride" means an amusement ride which is erected to remain a
9 lasting part of the premises.

10 (19) "Permit" means that document which signifies that the amusement device or
11 amusement attraction has undergone and passed its annual inspection. The department shall affix a
12 decal which clearly shows the month and year of expiration.

13 (20) "Qualified licensed engineer" means a licensed mechanical engineer who has at least
14 five (5) years of experience in his or her field and has experience in amusement ride inspection.

15 (21) "Reinspection" means an inspection which is made at any time after the initial
16 inspection.

17 (22) "Repair" means to restore an amusement ride to a condition equal to or better than the
18 original design specifications.

19 (23) "Ride file jacket" means a file concerning an individual amusement ride or device
20 which contains nondestructive test reports on the testing firm's official letterhead; the name of the
21 ride, the manufacturer and date of manufacture; maintenance records; records of any alterations;
22 ride serial number; daily check lists and engineer's reports and proof of insurance. Non-destructive
23 test reports shall not be required on any rides which are nonmechanical and which are not provided
24 by the manufacturer with said amusement ride.

25 (24) "Ride operator" means the person in charge of an amusement ride or device and who
26 causes the amusement ride or device to operate.

27 (25) "Serious injury" means an injury requiring a minimum of one overnight stay in a
28 hospital for treatment or observation.

29 (26) "Stop order" means any order issued by an inspector for the temporary cessation of a
30 ride or device.

31 (27) "Temporary amusement device" means a device which is used as an amusement
32 device or amusement attraction that is regularly relocated from time to time, with or without
33 disassembly.

34 SECTION 6. Section 42-7.3-3 of the General Laws in Chapter 42-7.3 entitled "Department

1 of Public Safety” is hereby amended as follows:

2 **42-7.3-3. Powers and duties of the department.**

3 The department of public safety shall be responsible for the management and
4 administration of the following divisions and agencies:

5 (a) Office of the capitol police (chapter 2.2 of title 12).

6 (b) ~~State fire marshal (chapter 28.2 of title 23)~~

7 ~~(c)~~ E-911 emergency telephone system division (chapter 28.2 of title 39).

8 ~~(c)~~ Rhode Island state police (chapter 28 of title 42).

9 ~~(d)~~ Municipal police training academy (chapter 28.2 of title 42).

10 ~~(e)~~ Division of sheriffs (chapter 7.3 of title 42).

11 SECTION 7. Section 42-11-2.9 of the General Laws in Chapter 42-11 entitled “Department
12 of Administration” is hereby amended as follows:

13 **42-11-2.9. Division of capital asset management and maintenance established.**

14 (a) Establishment. Within the department of administration there shall be established the
15 division of capital asset management and maintenance ("DCAMM"). Any prior references to the
16 division of facilities management and/or capital projects, if any, shall now mean DCAMM. Within
17 the DCAMM there shall be a director of DCAMM who shall be in the classified service and shall
18 be appointed by the director of administration. The director of DCAMM shall have the following
19 responsibilities:

20 (1) Oversee, coordinate, and manage the operating budget, personnel, and functions of
21 DCAMM in carrying out the duties described below;

22 (2) Review agency capital-budget requests to ensure that the request is consistent with
23 strategic and master facility plans for the state of Rhode Island;

24 (3) Promulgate and adopt regulations necessary to carry out the purposes of this section.

25 (b) Purpose. The purpose of the DCAMM shall be to manage and maintain state property
26 and state-owned facilities in a manner that meets the highest standards of health, safety, security,
27 accessibility, energy efficiency, and comfort for citizens and state employees and ensures
28 appropriate and timely investments are made for state property and facility maintenance.

29 (c) Duties and responsibilities of DCAMM. DCAMM shall have the following duties and
30 responsibilities:

31 (1) To oversee all new construction and rehabilitation projects on state property, not
32 including property otherwise assigned outside of the executive department by Rhode Island general
33 laws or under the control and supervision of the judicial branch;

34 (2) To assist the department of administration in fulfilling any and all capital-asset and

1 maintenance-related statutory duties assigned to the department under chapter 8 of title 37 (public
2 buildings) or any other provision of law, including, but not limited to, the following statutory duties
3 provided in § 42-11-2:

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

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

9 (iii) To require reports from state agencies on the buildings property in their custody;

10 (iv) To issue regulations to govern the protection and custody of the property of the state;

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

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

15 (3) To generally manage, oversee, protect, and care for the state's properties and facilities,
16 not otherwise assigned by Rhode Island general laws, including, but not limited to, the following
17 duties:

18 (i) Space management, procurement, usage, and/or leasing of private or public space;

19 (ii) Care, maintenance, cleaning, and contracting for such services as necessary for state
20 property;

21 (iii) Capital equipment replacement;

22 (iv) Security of state property and facilities unless otherwise provided by law;

23 (v) Ensuring Americans with Disabilities Act (ADA) compliance;

24 (vi) Responding to facilities emergencies;

25 (vii) Managing traffic flow on state property;

26 (viii) Grounds keeping/landscaping/snow-removal services;

27 (ix) Maintenance and protection of artwork and historic artifacts;

28 (4) To manage and oversee state fleet operations.

29 (d) All state agencies shall participate in a statewide database and/or information system
30 for capital assets, that shall be established and maintained by DCAMM.

31 (e) Offices and boards assigned to DCAMM. DCAMM shall oversee the following boards,
32 offices, and functions:

33 (1) Office of planning, design, and construction (PDC);

34 (2) Office of facilities management and maintenance (OFMM);

- 1 (3) ~~Contractors' registration and licensing board (§ 5-65-1 seq.);~~
 2 ~~(4) State building code (§ 23-27.3-1 et seq.);~~
 3 ~~(5) Office of risk management (§ 37-11-1 et seq.);~~
 4 ~~(6) Fire safety code board of appeal and review (§ 23-28.3-1 et seq.);~~
 5 ~~(7-4) Office of state fleet operations (§ 42-11-2.4(d)).~~

6 (f) The boards, offices, and functions assigned to DCAMM shall:

7 (1) Exercise their respective powers and duties in accordance with their statutory authority
 8 and the general policy established by the director of DCAMM or in accordance with the powers
 9 and authorities conferred upon the director of DCAMM by this section;

10 (2) Provide such assistance or resources as may be requested or required by the director of
 11 DCAMM or the director of administration;

12 (3) Provide such records and information as may be requested or required by the director
 13 of DCAMM or the director of administration; and

14 (4) Except as provided herein, no provision of this chapter or application thereof shall be
 15 construed to limit or otherwise restrict the offices stated above from fulfilling any statutory
 16 requirement or complying with any valid rule or regulation.

17 SECTION 8. Sections 42-14-1, 42-14-2, 42-14-4, 42-14-5, 42-14-6, 42-14-7, 42-14-8, 42-
 18 14-11, 42-14-16 and 42-14-16.1 of the General Laws in Chapter 42-14 entitled "Department of
 19 Business Regulation" are hereby amended as follows:

20 **42-14-1. Establishment – Head of department.**

21 There shall be a department of business regulation. The head of the department shall be the
 22 director of business regulation who ~~shall carry out~~, except as otherwise provided by this title, shall
 23 carry out this chapter; ~~chapters 1, 2, and 4—12, inclusive, of title 3; chapters 3, 20.5, 38, 49, 52, 53~~
 24 ~~and 58 of title 5; chapter 31 of title 6; chapter 11 of title 7; chapters 1—29, inclusive, of title 19,~~
 25 ~~except § 19-24-6; chapter 28.6 of title 21; chapter 26 of title 23; chapters 1—36, inclusive, of title~~
 26 ~~27. The director of business regulation shall also~~ and perform the duties required by any and all
 27 other provisions of the general laws and public laws insofar as those provisions relate to ~~the director~~
 28 ~~of revenue and regulation, chief of the division of banking and insurance, chief of the division of~~
 29 ~~intoxicating beverages, and~~ each of the divisions and licensing and regulatory areas within the
 30 jurisdiction of the department, ~~except as otherwise provided by this title.~~

31 **42-14-2. Functions of department.**

32 (a) It shall be the function of the department of business regulation:

33 ~~(1) To regulate and control banking and insurance, foreign surety companies, sale of~~
 34 ~~securities, building and loan associations, fraternal benefit and beneficiary societies;~~

1 ~~(2) To regulate and control the manufacture, transportation, possession, and sale of~~
2 ~~alcoholic beverages;~~

3 ~~(3) To license and regulate the manufacture and sale of articles of bedding, upholstered~~
4 ~~furniture, and filling materials;~~

5 ~~(4) To regulate the licensing of compassion centers, licensed cultivators, and cooperative~~
6 ~~cultivations pursuant to chapter 28.6 of title 21 of the general laws~~ to license, regulate and control
7 all areas as required by this chapter and any and all other provisions of the general laws and public
8 laws.

9 (b) Whenever any hearing is required or permitted to be held pursuant to law or regulation
10 of the department of business regulation, and whenever no statutory provision exists providing that
11 notice be given to interested parties prior to the hearing, no such hearing shall be held without
12 notice in writing being given at least ten (10) days prior to such hearing to all interested parties.
13 For purposes of this section, an "interested party" shall be deemed to include the party subject to
14 regulation hereunder, ~~the Rhode Island consumers' council~~, and any party entitled to appear at the
15 hearing. Notice to the party that will be subject to regulation, ~~the Rhode Island consumers' council~~
16 ~~[Repealed]~~, and any party who has made known his or her intention to appear at the hearing shall
17 be sufficient if it be in writing and mailed, first class mail, to the party at his or her regular business
18 address. Notice to the general public shall be sufficient hereunder if it be ~~by publication in a~~
19 ~~newspaper of general circulation in the municipality affected by the regulation~~ posted on the
20 department's website.

21 ~~42-14-4. Banking and insurance~~ **financial services divisions.**

22 Within the department of business regulation there shall be a division of financial services
23 that oversees the regulation and control of banking ~~division~~ and ~~an~~ insurance ~~division~~ and such
24 other matters within the jurisdiction of the department as determined by the director. The divisions
25 shall have offices which shall be assigned to ~~them~~ it by the department of administration.

26 ~~As Superintendents shall be in charge of each division,~~ of banking and insurance reporting
27 to the director, ~~deputy director~~ and/or health insurance commissioner as appropriate shall be in
28 charge of all matters relating to banking and insurance.

29 ~~42-14-5. Administrator~~ **Superintendents of banking and insurance.**

30 (a) The ~~director of business regulation shall, in addition to his or her regular duties, act as~~
31 ~~administrator of banking and insurance and~~ superintendents of banking and insurance shall
32 administer the functions of the department relating to the regulation and control of banking and
33 insurance, ~~foreign surety companies, sale of securities, building and loan associations, and fraternal~~
34 ~~benefit and beneficiary societies.~~

1 (b) Wherever the words "banking administrator" or "[banking commissioner](#)" or "insurance
2 administrator" or "[insurance commissioner](#)" occur in this chapter or any general law, public law,
3 act, or resolution of the general assembly or department regulation, they shall be construed to mean
4 [superintendent of banking](#) ~~commissioner~~ and [superintendent of insurance](#) ~~commissioner~~ except as
5 delineated in subsection (d) below.

6 (c) "Health insurance" shall mean "health insurance coverage," as defined in §§ 27-18.5-2
7 and 27-18.6-2, "health benefit plan," as defined in § 27-50-3 and a "medical supplement policy,"
8 as defined in § 27-18.2-1 or coverage similar to a Medicare supplement policy that is issued to an
9 employer to cover retirees, and dental coverage, including, but not limited to, coverage provided
10 by a nonprofit dental service plan as defined in subsection 27-20.1-1(3).

11 (d) Whenever the words "commissioner," "insurance commissioner", "Health insurance
12 commissioner" or "director" appear in Title 27 or Title 42, those words shall be construed to mean
13 the health insurance commissioner established pursuant to § 42-14.5-1 with respect to all matters
14 relating to health insurance. The health insurance commissioner shall have sole and exclusive
15 jurisdiction over enforcement of those statutes with respect to all matters relating to health
16 insurance.

17 (e) Whenever the word "director" appears or is a defined term in Title 19, this word shall
18 be construed to mean the superintendent of banking established pursuant to this section.

19 (f) Whenever the word "director" or "commissioner" appears or is a defined term in Title
20 27, this word shall be construed to mean the superintendent of insurance established pursuant to
21 this section except as delineated in subsection (d) above.

22 **42-14-6. Restrictions on interests of ~~administrator~~ superintendents.**

23 The ~~administrator~~ [superintendents](#) of banking and insurance shall not engage in any other
24 business or be an officer of or directly or indirectly interested in any national bank doing business
25 in this state, or in any bank, savings bank, or trust company organized under the laws of this state,
26 nor be directly or indirectly interested in any corporation, business, or occupation that requires his
27 or her official supervision; [absent compliance with § 42-14-6.1](#), ~~nor shall the administrator no~~
28 [superintendent shall](#) become indebted to any bank, savings bank, or trust company organized under
29 the laws of this state, nor shall he or she engage or be interested in the sale of securities as a business,
30 or in the negotiation of loans for others.

31 **42-14-7. Deputies to ~~administrator~~ superintendents.**

32 The ~~administrator~~ [superintendent](#) of banking and [the superintendent of insurance](#) may
33 appoint one or more deputies to assist him or her in the performance of his or her duties, who shall
34 be removable at the pleasure of the ~~administrator~~ [superintendent](#), and the ~~administrator~~

1 [superintendent](#) in his or her official capacity shall be liable for any deputy's misconduct or neglect
2 of duty in the performance of his or her official duties. Service of process upon any deputy, or at
3 the office of the ~~administrator~~ [superintendent](#) upon some person there employed, at any time, shall
4 be as effectual as service upon the ~~administrator~~-[superintendent](#).

5 **42-14-8. Clerical assistance and expenses.**

6 The ~~administrator~~ [superintendent](#) of banking and [the superintendent of](#) insurance may
7 employ such clerical assistance and incur such office and traveling expenses for him or herself, his
8 or her deputies and assistants as may be necessary in the performance of his or her other duties, and
9 as provided by this title, within the amounts appropriated therefor.

10 **42-14-11. Subpoena power – False swearing.**

11 (a) In connection with any matters having to do with the discharge of his or her duties
12 pursuant to this chapter, the director [or his or her designee](#), in all cases of every nature pending
13 before him or her, is hereby authorized and empowered to summon witnesses to attend and testify
14 in like manner as in either the supreme or the superior courts. The director [or his or her designee](#) is
15 authorized to compel the production of all papers, books, documents, records, certificates or other
16 legal evidence that may be necessary for the determination and the decision of any question or the
17 discharge of any duty required by law of the department, including the functions of the ~~director as~~
18 ~~a member of the board of bank incorporation and board of building loan association incorporation~~
19 [superintendents of banking and insurance](#), by issuing a subpoena duces tecum signed by the director
20 [or his or her designee](#).

21 (b) Every person who disobeys this writ shall be considered in contempt of the department,
22 and the department may punish that and any other contempt of the authority in like manner as
23 contempt may be punished in either the supreme or the superior court.

24 (c) Any person who shall willfully swear falsely in any proceedings, matter or hearing
25 before the department shall be deemed guilty of the crime of perjury.

26 **42-14-16. Insurance – Administrative penalties.**

27 (a) Whenever the director [or his or her designee](#) shall have cause to believe that a violation
28 of title 27 and/or chapters 14, 14.5, 62 or 128.1 of title 42 or the regulations promulgated thereunder
29 has occurred by a licensee, or any person or entity conducting any activities requiring licensure
30 under title 27, the director [or his or her designee](#) may, in accordance with the requirements of the
31 Administrative Procedures Act, chapter 35 of this title:

32 (1) Revoke or suspend a license;

33 (2) Levy an administrative penalty in an amount not less than one hundred dollars (\$100)
34 nor more than fifty thousand dollars (\$50,000);

- 1 (3) Order the violator to cease such actions;
- 2 (4) Require the licensee or person or entity conducting any activities requiring licensure
- 3 under title 27 to take such actions as are necessary to comply with title 27 and/or chapters 14, 14.5,
- 4 62, or 128.1 of title 42, or the regulations thereunder; or
- 5 (5) Any combination of the above penalties.

6 (b) Any monetary penalties assessed pursuant to this section shall be as general revenues.

7 **42-14-16.1. Order to cease and desist.**

8 (a) If the director [or his or her designee](#) has reason to believe that any person, firm,

9 corporation or association is conducting any activities requiring licensure under title 27 [or any other](#)

10 [provisions of the general laws or public laws within the jurisdiction of the department](#) without

11 obtaining a license, or who after the denial, suspension or revocation of a license conducts any

12 activities requiring licensure under title 27 [or any other provisions of the general laws or public](#)

13 [laws within the jurisdiction of the department](#), the department may issue its order to that person,

14 firm, corporation or association commanding them to appear before the department at a hearing to

15 be held no sooner than ten (10) days nor later than twenty (20) days after issuance of that order to

16 show cause why the department should not issue an order to that person to cease and desist from

17 the violation of the provisions of ~~title 27~~ [applicable law](#).

18 (b) The order to show cause may be served on any person, firm, corporation or association

19 named in the order in the same manner that summons in a civil action may be served, or by mailing

20 a copy of the order, certified mail, return receipt requested, to that person at any address at which

21 he or she has done business or at which he or she lives. If, upon that hearing, the department is

22 satisfied that the person is in fact violating any provision of ~~title 27~~ [applicable law](#), then the

23 department may order that person, in writing, to cease and desist from that violation.

24 (c) All hearings shall be governed in accordance with chapter 35 of this title, the

25 "Administrative Procedures Act." If that person fails to comply with an order of the department

26 after being afforded a hearing, the superior court in Providence county has jurisdiction upon

27 complaint of the department to restrain and enjoin that person from violating this chapter.

28 SECTION 9. Section 42-28-3 of the General Laws in Chapter 42-28 entitled "State Police"

29 is hereby amended as follows:

30 **42-28-3. Scope of responsibilities.**

31 (a) The Rhode Island state police and the superintendent shall be charged with the

32 responsibility of:

- 33 (1) Providing a uniformed force for law enforcement;
- 34 (2) Preparing rules and regulations for law enforcement;

1 (3) Maintaining facilities for crime detection and suppression; and

2 (4) Controlling traffic and maintaining safety on the highways.

3 (b) ~~The superintendent shall be ex officio state fire marshal.~~

4 ~~(e)~~The superintendent shall also serve as the director of the department of public safety.

5 SECTION 10. Section 36-10-14 of the General Laws in Chapter 36-10 entitled “Retirement
6 System – Contributions and Benefits” is hereby amended to read as follows:

7 **36-10-14. Retirement for accidental disability.** (a) Medical examination of an active
8 member for accidental disability and investigation of all statements and certificates by him or her
9 or in his or her behalf in connection therewith shall be made upon the application of the head of the
10 department in which the member is employed or upon application of the member, or of a person
11 acting in his or her behalf, stating that the member is physically or mentally incapacitated for the
12 performance of service as a natural and proximate result of an accident while in the performance
13 of duty, and certify the definite time, place, and conditions of the duty performed by the member
14 resulting in the alleged disability, and that the alleged disability is not the result of willful
15 negligence or misconduct on the part of the member, and is not the result of age or length of service,
16 and that the member should, therefore, be retired.

17 (b) The application shall be made within five (5) years of the alleged accident from which
18 the injury has resulted in the members present disability and shall be accompanied by an accident
19 report and a physicians report certifying to the disability; provided that if the member was able to
20 return to his or her employment and subsequently reinjures or aggravates the same injury, the
21 application shall be made within the later of five (5) years of the alleged accident or three (3) years
22 of the reinjury or aggravation. The application may also state the member is permanently and totally
23 disabled from any employment.

24 (c) Notwithstanding subsection (b), state employees who are receiving benefits under the
25 injured on duty provisions of RIGL §45-19-1 shall be subject to the provisions of Section RIGL
26 §45-19-1[j] for all matters relating to the application and processing of disability benefits.

27 (d) If a medical examination conducted by three (3) physicians engaged by the retirement
28 board and such investigation as the retirement board may desire to make shall show that the member
29 is physically or mentally incapacitated for the performance of service as a natural and proximate
30 result of an accident, while in the performance of duty, and that the disability is not the result of
31 willful negligence or misconduct on the part of the member, and is not the result of age or length
32 of service, and that the member has not attained the age of sixty-five (65), and that the member
33 should be retired, the physicians who conducted the examination shall so certify to the retirement
34 board stating the time, place, and conditions of service performed by the member resulting in the

1 disability and the retirement board may grant the member an accidental disability benefit.

2 ~~(d)~~(e) The retirement board shall establish uniform eligibility requirements, standards, and
3 criteria for accidental disability which shall apply to all members who make application for
4 accidental disability benefits.

5 SECTION 11. Section 45-19-1 of the General Laws in Chapter 45-19 entitled "Relief of
6 Injured and Deceased Fire Fighters and Police Officer is hereby amended to read as follows:

7 **45-19-1. Salary payment during line of duty illness or injury.**

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

33 (b) As used in this section, "police officer" means and includes any chief or other member
34 of the police department of any city or town regularly employed at a fixed salary or wage and any

1 deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
2 environmental police officer or criminal investigator of the department of environmental
3 management, or airport police officer.

4 (c) As used in this section, "fire fighter" means and includes any chief or other member of
5 the fire department or rescue personnel of any city, town, or fire district, and any person employed
6 as a member of the fire department of the town of North Smithfield, or fire department or district
7 in any city or town.

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

11 (e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire
12 marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
13 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
14 23.

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

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

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

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

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

1 (j) Any person receiving injured on duty benefits pursuant to this section, and subject to
2 the jurisdiction of the state retirement board for accidental retirement disability, for an injury
3 occurring on or after July 1, 2011, shall apply for an accidental disability retirement allowance from
4 the state retirement board not later than the later of eighteen (18) months after the date of the
5 person's injury that resulted in said person's injured on duty status or sixty (60) days from the date
6 on which ~~a the~~ treating physician or an independent medical examiner certifies that the person has
7 reached maximum medical improvement. ~~Nothing herein shall be construed to limit or alter any~~
8 ~~and all rights of the parties with respect to independent medical examinations or otherwise, as set~~
9 ~~forth in the applicable collective bargaining agreement.~~ Notwithstanding the foregoing, any person
10 receiving injured on duty benefits as the result of a static and incapacitating injury whose permanent
11 nature is readily obvious and ascertainable shall be required to apply for an accidental disability
12 retirement allowance within sixty (60) days from the date on which ~~a the~~ treating physician or an
13 independent medical examiner certifies that the person's injury is permanent, ~~or sixty (60) days~~
14 ~~from the date on which such determination of permanency is made in accordance with the~~
15 ~~independent medical examination procedures as set forth in the applicable collective bargaining~~
16 ~~agreement.~~ Nothing herein shall be construed to limit or alter any and all rights of the parties with
17 respect to independent medical examinations or otherwise, as set forth in the applicable collective
18 bargaining agreement.

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

25 (2) A person who so applies shall continue to receive injured on duty payments, and the
26 right to continue to receive IOD payments of a person who so applies shall terminate in the event
27 of the final ruling of the workers' compensation court, any other court of competent jurisdiction,
28 or the state retirement board allowing accidental disability benefits. Nothing herein shall be
29 construed to limit or alter any and all rights of the parties with respect to independent medical
30 examination or otherwise, as set forth in the applicable collective bargaining agreement.

31 SECTION 12. Chapter 39-3 of the General Laws entitled "Regulatory Powers of
32 Administration" is hereby amended by adding thereto the following section:

33 **39-3-45. Transfer of powers, functions and resources from the water resources board.**

34 (a) There are hereby transferred to the division of public utilities and carriers those powers

1 [and duties formerly administered by the employees of the water resources board as provided for in](#)
2 [chapter 46-15 \(“Water Resources Management”\) through 46-15.8 \(“Water Use and Efficiency](#)
3 [Act”\), inclusive, and any other applicable provisions of the general laws; provided, however, the](#)
4 [governor shall submit to the 2019 assembly any recommended statutory changes necessary to](#)
5 [facilitate the merger.](#)

6 [\(b\) All resources of the water resources board, including, but not limited to, property,](#)
7 [employees and accounts, are hereby transferred to the division of public utilities and carriers.](#)

8 [\(c\) As part of the above transfer, except for the general manager, all employees of the water](#)
9 [resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be](#)
10 [subject to those provisions.](#)

11 SECTION 13. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
12 "Department of Administration" is hereby amended to read as follows:

13 **42-11-10. Statewide planning program.**

14 (a) *Findings.* - The general assembly finds that the people of this state have a fundamental
15 interest in the orderly development of the state; the state has a positive interest and demonstrated
16 need for establishment of a comprehensive strategic state planning process and the preparation,
17 maintenance, and implementation of plans for the physical, economic, and social development of
18 the state; the continued growth and development of the state presents problems that cannot be met
19 by the cities and towns individually and that require effective planning by the state; and state and
20 local plans and programs must be properly coordinated with the planning requirements and
21 programs of the federal government.

22 (b) *Establishment of statewide planning program.*

23 (1) A statewide planning program is hereby established to prepare, adopt, and amend
24 strategic plans for the physical, economic, and social development of the state and to recommend
25 these to the governor, the general assembly, and all others concerned.

26 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by [the](#)
27 [executive branch for those departments and other agencies enumerated in subsection \(g\) of this](#)
28 [section, ~~all departments and agencies of the executive branch unless specifically exempted,~~](#) shall
29 be conducted by or under the supervision of the statewide planning program. The statewide
30 planning program shall consist of a state planning council, and the [office of strategic planning and](#)
31 [the office of systems planning of the](#) division of planning, which shall be a division within the
32 department of administration.

33 (c) *Strategic planning.* Strategic planning includes the following activities:

34 (1) Establishing or identifying general goals.

1 (2) Refining or detailing these goals and identifying relationships between them.

2 (3) Formulating, testing, and selecting policies and standards that will achieve desired
3 objectives.

4 (4) Preparing long-range or system plans or comprehensive programs that carry out the
5 policies and set time schedules, performance measures, and targets.

6 (5) Preparing functional short-range plans or programs that are consistent with established
7 or desired goals, objectives, and policies, and with long-range or system plans or comprehensive
8 programs where applicable, and that establish measurable intermediate steps toward their
9 accomplishment of the goals, objectives, policies, and/or long-range system plans.

10 (6) Monitoring the planning of specific projects and designing of specific programs of short
11 duration by the operating departments, other agencies of the executive branch, and political
12 subdivisions of the state to insure that these are consistent with and carry out the intent of applicable
13 strategic plans.

14 (7) Reviewing the execution of strategic plans and the results obtained and making
15 revisions necessary to achieve established goals.

16 (d) *State guide plan.* Components of strategic plans prepared and adopted in accordance
17 with this section may be designated as elements of the state guide plan. The state guide plan shall
18 be comprised of functional elements or plans dealing with land use; physical development and
19 environmental concerns; economic development; housing production; energy supply, including the
20 development of renewable energy resources in Rhode Island, and energy access, use, and
21 conservation; human services; and other factors necessary to accomplish the objective of this
22 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
23 range goals, policies, plans, and implementation activities related thereto. State agencies concerned
24 with specific subject areas, local governments, and the public shall participate in the state guide
25 planning process, which shall be closely coordinated with the budgeting process.

26 (e) *Membership of state planning council.* The state planning council shall consist of ~~the~~
27 ~~following members:~~

28 (1) The director of the department of administration as chairperson;

29 (2) The director, policy office, in the office of the governor, as vice-chairperson;

30 (3) The governor, or his or her designee;

31 (4) The budget officer;

32 (5) The chairperson of the housing resources commission;

33 (6) The chief of statewide ~~highest ranking administrative officer of the division~~
34 ~~of~~ planning, as secretary;

1 (7) The president of the League of Cities and Towns or his or her designee and one official
2 of local government, who shall be appointed by the governor from a list of not less than three (3)
3 submitted by the Rhode Island League Cities and Towns; [and](#)

4 (8) The executive director of the League of Cities and Towns;

5 (9) One representative of a nonprofit community development or housing organization;

6 (10) [Four \(4\)](#) ~~Six (6)~~ public members, appointed by the governor ~~one of whom shall be an~~
7 ~~employer with fewer than fifty (50) employees and one of whom shall be an employer with greater~~
8 ~~than fifty (50) employees;~~

9 (11) Two (2) representatives of a private, nonprofit environmental advocacy organization,
10 both to be appointed by the governor; [and](#)

11 (12) The director of planning and development for the city of Providence.

12 (13) The director of the department of transportation;

13 (14) The director of the department of environmental management;

14 (15) The director of the department of health;

15 (16) The chief executive officer of the commerce corporation;

16 (17) The commissioner of the Rhode Island office of energy resources;

17 (18) The chief executive officer of the Rhode Island public transit authority;

18 (19) The executive director of Rhode Island housing; and

19 (20) The executive director of the coastal resources management council.

20 (f) *Powers and duties of state planning council.* The state planning council shall have the
21 following powers and duties:

22 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
23 and to modify and amend any of these, following the procedures for notification and public hearing
24 set forth in section 42-35-3, and to recommend and encourage implementation of these goals to the
25 general assembly, state and federal agencies, and other public and private bodies; approval of
26 strategic plans by the governor; ~~and to ensure that strategic plans and the long range state guide~~
27 ~~plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island~~
28 ~~Comprehensive Planning and Land Use Regulation Act";~~

29 (2) To coordinate the planning and development activities of all state agencies, in
30 accordance with strategic plans prepared and adopted as provided for by this section;

31 (3) To review and comment on the proposed annual work program of the statewide
32 planning program;

33 (4) To adopt rules and standards and issue orders concerning any matters within its
34 jurisdiction as established by this section and amendments to it;

1 (5) To establish advisory committees and appoint members thereto representing diverse
2 interests and viewpoints as required in the state planning process and in the preparation or
3 implementation of strategic plans. The state planning council shall appoint a permanent committee
4 comprised of:

5 (i) Public members from different geographic areas of the state representing diverse
6 interests, and

7 (ii) Officials of state, local and federal government, which shall review all proposed
8 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
9 advise the state planning council thereon before the council acts on any such proposal. This
10 committee shall also advise the state planning council on any other matter referred to it by the
11 council; and

12 (6) To establish and appoint members to an executive committee consisting of major
13 participants of a Rhode Island geographic information system with oversight responsibility for its
14 activities.

15 (7) To adopt, [on or before July 1, 2007, and to](#) amend and maintain as an element of the
16 state guide plan or as an amendment to an existing element of the state guide plan, standards and
17 guidelines for the location of eligible renewable energy resources and renewable energy facilities
18 in Rhode Island with due consideration for the location of such resources and facilities in
19 commercial and industrial areas, agricultural areas, areas occupied by public and private
20 institutions, and property of the state and its agencies and corporations, provided such areas are of
21 sufficient size, and in other areas of the state as appropriate.

22 ~~(8) To act as the single, statewide metropolitan planning organization for transportation~~
23 ~~planning, and to promulgate all rules and regulations that are necessary thereto.~~

24 (g) *Division of planning.*

25 (1) The division of planning shall be the principal staff agency of the state planning council
26 for preparing and/or coordinating strategic plans for the comprehensive management of the state's
27 human, economic, and physical resources. The division of planning shall recommend to the state
28 planning council specific guidelines, standards, and programs to be adopted to implement strategic
29 planning and the state guide plan and shall undertake any other duties established by this section
30 and amendments thereto.

31 (2) The division of planning shall maintain records (which shall consist of files of complete
32 copies) of all plans, recommendations, rules, and modifications or amendments thereto adopted or
33 issued by the state planning council under this section. The records shall be open to the public.

34 (3) The division of planning shall manage and administer the Rhode Island geographic

1 information system of land-related resources, and shall coordinate these efforts with other state
2 departments and agencies, including the University of Rhode Island, which shall provide technical
3 support and assistance in the development and maintenance of the system and its associated data
4 base.

5 (4) The division of planning shall coordinate and oversee the provision of technical
6 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
7 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
8 plan and shall make available to cities and towns data and guidelines that may be used in preparing
9 comprehensive plans and elements thereof and in evaluating comprehensive plans and elements
10 thereby.

11 (h) [Deleted by P.L. 2011, ch. 215, § 4, and by P.L. 2011, ch. 313, § 4]

12 ~~(i) The division of planning shall be the principal staff agency of the water resources board~~
13 ~~established pursuant to chapter 46-15 ("Water Resources Board") and the water resources board~~
14 ~~corporate established pursuant to chapter 46-15.1 ("Water Supply Facilities").~~

15 SECTION 14. Section 42-11-10.1 of the General Laws in Chapter 42-11 entitled
16 "Department of Administration" is hereby repealed.

17 ~~**42-11-10.1. Transfer of powers, functions and resources from the water resources**~~
18 ~~**board.**~~

19 ~~(a) There are hereby transferred to the division of planning within the department of~~
20 ~~administration those powers and duties formerly administered by the employees of the water~~
21 ~~resources board as provided for in chapter 46-15 ("Water Resources Board") through 46-15.8~~
22 ~~("Water Use and Efficiency Act"), inclusive, and any other applicable provisions of the general~~
23 ~~laws; provided, however, the governor shall submit to the 2012 assembly any recommended~~
24 ~~statutory changes necessary to facilitate the merger.~~

25 ~~(b) All resources of the water resources board, including, but not limited to, property,~~
26 ~~employees and accounts, are hereby transferred to the division of planning.~~

27 ~~(c) As part of the above transfer, except for the general manager, all employees of the water~~
28 ~~resources board currently subject to the provisions of chapter 4 of title 36 shall continue to be~~
29 ~~subject to those provisions.~~

30 SECTION 15. Section 46-15.1-19.1 of the General Laws in Chapter 46-15.1 entitled
31 "Water Supply Facilities" is hereby amended to read as follows:

32 **46-15.1-19.1. Big River Reservoir – Administration.**

33 The Rhode Island ~~water resources board, established pursuant to this chapter and chapter~~
34 ~~15 of this title,~~ department of administration shall be the ~~only~~ designated agency which will

1 administer those lands acquired for the Big River Reservoir as established under section 23 of
2 chapter 133 of the Public Laws of 1964. The director of the department of environmental
3 management and the director's authorized agents, employees, and designees shall, together with the
4 ~~water resources board~~ department of administration in accordance with the Big River management
5 area land use plan for the lands, protect the natural resources of the Big River Reservoir lands. The
6 lands of the Big River Reservoir are subject to enforcement authority of the department of
7 environmental management, as provided for in chapter 17.1 of title 42, and as provided for in title
8 20 of the General Laws.

9 SECTION 16. Section 42-133-6 of the General Laws in Chapter entitled "Tobacco
10 Settlement Financing Corporation Act" is hereby amended to read as follows:

11 **42-133-6. Board and officers.**

12 (a)(1) The powers of the corporation shall be vested in a board consisting of five (5)
13 members, which shall constitute the governing body of the corporation, and which shall be
14 comprised as follows: ~~two (2) members of the state investment commission to be appointed by the~~
15 ~~governor who shall give due consideration to the recommendation of the chair of the investment~~
16 ~~commission,~~ the state budget officer, who shall serve as chairperson, the general treasurer or
17 designee, the director of revenue or designee and ~~three (3)~~ two (2) members of the general public
18 appointed by the governor with the advice and consent of the senate. Each public member shall
19 serve for a term of ~~two (2)~~ four (4) years, except that any member appointed to fill a vacancy shall
20 serve only until the expiration of the unexpired term of such member's predecessor in office. Each
21 member shall continue to hold office until a successor has been appointed. Members shall be
22 eligible for reappointment. No person shall be eligible for appointment unless such person is a
23 resident of the state. Each member, before entering upon the duties of the office of member, shall
24 swear or solemnly affirm to administer the duties of office faithfully and impartially, and such oath
25 or affirmation shall be filed in the office of the secretary of state.

26 ~~(2) Those members of the board as of July 9, 2005 who were appointed to the board by~~
27 ~~members of the general assembly shall cease to be members of the board on July 9, 2005, and the~~
28 ~~governor shall thereupon seek recommendations from the chair of the state investment commission~~
29 ~~for him or her duly to consider for the appointment of two (2) members thereof. Those members of~~
30 ~~the board as of July 9, 2005 who were appointed to the board by the governor shall continue to~~
31 ~~serve the balance of their current terms.~~

32 ~~(3)~~(2) Newly appointed and qualified public members shall, within six (6) months of their
33 qualification or designation, attend a training course that shall be developed with board approval
34 and conducted by the chair of the board and shall include instruction in the subject area of chapters

1 46 of this title, 133 of this title, 14 of title 36, and 2 of title 38; and the board's rules and regulations.
2 The director of the department of administration shall, within ninety (90) days of July 9, 2005,
3 prepare and disseminate training materials relating to the provisions of chapters 46 of this title, 14
4 of title 36 and 2 of title 38.

5 (b) Members shall receive no compensation for the performance of their duties.

6 (c) ~~The board shall elect one of its members to serve as chairperson.~~ Three (3) members
7 shall constitute a quorum, and any action to be taken by the corporation under the provisions of this
8 chapter may be authorized by resolution approved by a majority of the members present and voting
9 at any regular or special meeting at which a quorum is present.

10 (d) ~~In addition to electing a chairperson, the~~ The board shall appoint a secretary and such
11 additional officers as it shall deem appropriate.

12 (e) Any action taken by the corporation under the provisions of this chapter may be
13 authorized by vote at any regular or special meeting, and the vote shall take effect immediately.

14 (f) Any action required by this chapter to be taken at a meeting of the board shall comply
15 with chapter 46 of this title, entitled "Open Meetings."

16 (g) To the extent that administrative assistance is needed for the functions and operations
17 of the board, the corporation may by contract or agreement obtain this assistance from the director
18 of administration, the attorney general, and any successor officer at such cost to the corporation as
19 shall be established by such contract or agreement. The board, however, shall remain responsible
20 for, and provide oversight of, proper implementation of this chapter.

21 (h) Members of the board and persons acting on the corporation's behalf, while acting
22 within the scope of their employment or agency, are not subject to personal liability resulting from
23 carrying out the powers and duties conferred on them under this chapter.

24 (i) The state shall indemnify and hold harmless every past, present, or future board member,
25 officer or employee of the corporation who is made a party to or is required to testify in any action,
26 investigation, or other proceeding in connection with or arising out of the performance or alleged
27 lack of performance of that person's duties on behalf of the corporation. These persons shall be
28 indemnified and held harmless, whether they are sued individually or in their capacities as board
29 members, officers or employees of the corporation, for all expenses, legal fees and/or costs incurred
30 by them during or resulting from the proceedings, and for any award or judgment arising out of
31 their service to the corporation that is not paid by the corporation and is sought to be enforced
32 against a person individually, as expenses, legal fees, costs, awards or judgments occur; provided,
33 that neither the state nor the corporation shall indemnify any member, officer, or employee:

34 (1) For acts or omissions not in good faith or which involve intentional misconduct or a

1 knowing violation of law;

2 (2) For any transaction from which the member derived an improper personal benefit; or

3 (3) For any malicious act.

4 (j) Public members of the board shall be removable by the governor, pursuant to the
5 provisions of § 36-1-7, for cause only, and removal solely for partisan or personal reasons unrelated
6 to capacity or fitness for the office shall be unlawful.

7 SECTION 17. Sections 44-31.2-2 and 44-31.2-6 of the General Laws in Chapter 44-31.2
8 entitled "Motion Picture Production Tax Credits" are hereby amended to read as follows:

9 **44-31.2-2. Definitions.**

10 For the purposes of this chapter:

11 (1) "Accountant's certification" as provided in this chapter means a certified audit by a
12 Rhode Island certified public accountant licensed in accordance with chapter 3.1 of title 5.

13 (2) "Application year" means within the calendar year the motion picture production
14 company files an application for the tax credit.

15 (3) "Base investment" means the actual investment made and expended by a state-certified
16 production in the state as production-related costs.

17 (4) "Documentary production" means a non-fiction production intended for educational or
18 commercial distribution that may require out-of-state principal photography.

19 (5) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or a
20 partnership, limited liability company, or other business entity formed under the laws of the state
21 of Rhode Island for the purpose of producing motion pictures as defined in this section, or an
22 individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of this
23 title.

24 (6) "Final production budget" means and includes the total pre-production, production, and
25 post-production out-of-pocket costs incurred and paid in connection with the making of the motion
26 picture. The final production budget excludes costs associated with the promotion or marketing of
27 the motion picture.

28 (7) "Motion picture" means a feature-length film, documentary production, video,
29 television series, or commercial made in Rhode Island, in whole or in part, for theatrical or
30 television viewing or as a television pilot or for educational distribution. The term "motion picture"
31 shall not include the production of television coverage of news or athletic events, nor shall it apply
32 to any film, video, television series, or commercial or a production for which records are required
33 under 18 U.S.C. § 2257, to be maintained with respect to any performer in such production or
34 reporting of books, films, etc. with respect to sexually explicit conduct.

1 (8) "Motion picture production company" means a corporation, partnership, limited
2 liability company, or other business entity engaged in the business of producing one or more motion
3 pictures as defined in this section. Motion picture production company shall not mean or include:

4 (a) Any company owned, affiliated, or controlled, in whole or in part, by any company or
5 person who or that is in default:

6 (i) On taxes owed to the state; or

7 (ii) On a loan made by the state in the application year; or

8 (iii) On a loan guaranteed by the state in the application year; or

9 (b) Any company or person who or that has discharged an obligation to pay or repay public
10 funds or monies by:

11 (i) Filing a petition under any federal or state bankruptcy or insolvency law;

12 (ii) Having a petition filed under any federal or state bankruptcy or insolvency law against
13 such company or person;

14 (iii) Consenting to, or acquiescing or joining in, a petition named in (i) or (ii);

15 (iv) Consenting to, or acquiescing or joining in, the appointment of a custodian, receiver,
16 trustee, or examiner for such company's or person's property; or

17 (v) Making an assignment for the benefit of creditors or admitting in writing or in any legal
18 proceeding its insolvency or inability to pay debts as they become due.

19 (9) "Primary locations" means the locations that (1) At least fifty-one percent (51%) of the
20 motion picture principal photography days are filmed; or (2) At least fifty-one percent (51%) of the
21 motion picture's final production budget is spent and employs at least five (5) individuals during
22 the production in this state; or (3) For documentary productions, the location of at least fifty-one
23 percent (51%) of the total productions days, which shall include pre-production and post-
24 production locations.

25 (10) "Rhode Island film and television office" means an office ~~within the department of~~
26 ~~administration~~ [Rhode Island Council on the Arts](#) that has been established in order to promote and
27 encourage the locating of film and television productions within the state of Rhode Island. The
28 office is also referred to within as the "film office".

29 (11) "State-certified production" means a motion picture production approved by the
30 Rhode Island film office and produced by a motion picture production company domiciled in
31 Rhode Island, whether or not such company owns or controls the copyright and distribution rights
32 in the motion picture; provided, that such company has either:

33 (a) Signed a viable distribution plan; or

34 (b) Is producing the motion picture for:

1 (i) A major motion picture distributor;

2 (ii) A major theatrical exhibitor;

3 (iii) Television network; or

4 (iv) Cable television programmer.

5 (12) "State-certified production cost" means any pre-production, production, and post-
6 production cost that a motion picture production company incurs and pays to the extent it occurs
7 within the state of Rhode Island. Without limiting the generality of the foregoing, "state-certified
8 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
9 related services; costs associated with photography and sound synchronization, lighting, and related
10 services and materials; editing and related services, including, but not limited to: film processing,
11 transfers of film to tape or digital format, sound mixing, computer graphics services, special effects
12 services, and animation services, salary, wages, and other compensation, including related benefits,
13 of persons employed, either directly or indirectly, in the production of a film including writer,
14 motion picture director, producer (provided the work is performed in the state of Rhode Island);
15 rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs of food and
16 lodging; music, if performed, composed, or recorded by a Rhode Island musician, or released or
17 published by a person domiciled in Rhode Island; travel expenses incurred to bring persons
18 employed, either directly or indirectly, in the production of the motion picture, to Rhode Island (but
19 not expenses of such persons departing from Rhode Island); and legal (but not the expense of a
20 completion bond or insurance and accounting fees and expenses related to the production's
21 activities in Rhode Island); provided such services are provided by Rhode Island licensed attorneys
22 or accountants.

23 **44-31.2-6. Certification and administration.**

24 (a) *Initial certification of a production.* The applicant shall properly prepare, sign and
25 submit to the film office an application for initial certification of the Rhode Island production. The
26 application shall include such information and data as the film office deems necessary for the proper
27 evaluation and administration of said application, including, but not limited to, any information
28 about the motion picture production company, and a specific Rhode Island motion picture. The film
29 office shall review the completed application and determine whether it meets the requisite criteria
30 and qualifications for the initial certification for the production. If the initial certification is granted,
31 the film office shall issue a notice of initial certification of the motion picture production to the
32 motion picture production company and to the tax administrator. The notice shall state that, after
33 appropriate review, the initial application meets the appropriate criteria for conditional eligibility.
34 The notice of initial certification will provide a unique identification number for the production and

1 is only a statement of conditional eligibility for the production and, as such, does not grant or
2 convey any Rhode Island tax benefits.

3 **(b) Final certification of a production.** Upon completion of the Rhode Island production
4 activities, the applicant shall request a certificate of good standing from the Rhode Island division
5 of taxation. Such certificates shall verify to the film office the motion picture production company's
6 compliance with the requirements of subsection 44-31.2-2(5). The applicant shall properly prepare,
7 sign and submit to the film office an application for final certification of the production and which
8 must include the certificate of good standing from the division of taxation. In addition, the
9 application shall contain such information and data as the film office determines is necessary for
10 the proper evaluation and administration, including, but not limited to, any information about the
11 motion picture production company, its investors and information about the production previously
12 granted initial certification. The final application shall also contain a cost report and an
13 "accountant's certification". The film office and tax administrator may rely without independent
14 investigation, upon the accountant's certification, in the form of an opinion, confirming the
15 accuracy of the information included in the cost report. Upon review of a duly completed and filed
16 application, the film office will make a determination pertaining to the final certification of the
17 production. Within ninety (90) days after the division of taxation's receipt of the motion picture
18 production company final certification and cost report, the division of taxation shall issue a
19 certification of the amount of credit for which the motion picture production company qualifies
20 under § 44-31.2-5. To claim the tax credit, the division of taxation's certification as to the amount
21 of the tax credit shall be attached to all state tax returns on which the credit is claimed.

22 **(c) Final certification and credits.** Upon determination that the motion picture production
23 company qualifies for final certification, the film office shall issue a letter to the production
24 company indicating "certificate of completion of a state certified production". A motion picture
25 production company is prohibited from using state funds, state loans or state guaranteed loans to
26 qualify for the motion picture tax credit. All documents that are issued by the film office pursuant
27 to this section shall reference the identification number that was issued to the production as part of
28 its initial certification.

29 **(d)** The director of ~~the department of administration~~, [the Rhode Island Council on the Arts](#),
30 in consultation as needed with the tax administrator, shall promulgate such rules and regulations as
31 are necessary to carry out the intent and purposes of this chapter in accordance with the general
32 guidelines provided herein for the certification of the production and the resultant production credit.

33 **(e)** The tax administrator of the division of taxation, in consultation with the director of the
34 Rhode Island film and television office, shall promulgate such rules and regulations as are

1 necessary to carry out the intent and purposes of this chapter in accordance with the general
2 guidelines for the tax credit provided herein.

3 (f) Any motion picture production company applying for the credit shall be required to
4 reimburse the division of taxation for any audits required in relation to granting the credit.

5 SECTION 18. Section 42-63.1-3 of the General Laws in Chapter 42-63.1 entitled “Tourism
6 and Development” is hereby amended to read as follows:

7 **42-63.1-3. Distribution of tax.**

8 (a) For returns and tax payments received on or before December 31, 2015, except as
9 provided in § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax
10 collected from residential units offered for tourist or transient use through a hosting platform, shall
11 be distributed as follows by the division of taxation and the city of Newport:

12 (1) Forty-seven percent (47%) of the tax generated by the hotels in the district, except as
13 otherwise provided in this chapter, shall be given to the regional tourism district wherein the hotel
14 is located; provided, however, that from the tax generated by the hotels in the city of Warwick,
15 thirty-one percent (31%) of the tax shall be given to the Warwick regional tourism district
16 established in § 42-63.1-5(a)(5) and sixteen percent (16%) of the tax shall be given to the Greater
17 Providence-Warwick Convention and Visitors' Bureau established in § 42-63.1-11; and provided
18 further, that from the tax generated by the hotels in the city of Providence, sixteen percent (16%)
19 of that tax shall be given to the Greater Providence-Warwick Convention and Visitors' Bureau
20 established by § 42-63.1-11, and thirty-one percent (31%) of that tax shall be given to the
21 Convention Authority of the city of Providence established pursuant to the provisions of chapter
22 84 of the public laws of January, 1980; provided, however, that the receipts attributable to the
23 district as defined in § 42-63.1-5(a)(7) shall be deposited as general revenues, and that the receipts
24 attributable to the district as defined in § 42-63.1-5(a)(8) shall be given to the Rhode Island
25 commerce corporation as established in chapter 64 of title 42.

26 (2) Twenty-five percent (25%) of the hotel tax shall be given to the city or town where the
27 hotel, which generated the tax, is physically located, to be used for whatever purpose the city or
28 town decides. [The tax administrator is authorized to withhold and offset from any distribution
29 pursuant to this section any amounts owed to state agencies consistent with the requirements of R.I.
30 Gen. Laws § 45-13-1.1.](#)

31 (3) Twenty-one (21%) of the hotel tax shall be given to the Rhode Island commerce
32 corporation established in chapter 64 of title 42, and seven percent (7%) to the Greater Providence-
33 Warwick Convention and Visitors' Bureau.

34 (b) For returns and tax payments received after December 31, 2015, except as provided in

1 § 42-63.1-12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from
2 residential units offered for tourist or transient use through a hosting platform, shall be distributed
3 as follows by the division of taxation and the city of Newport:

4 (1) For the tax generated by the hotels in the Aquidneck Island district, as defined in § 42-
5 63.1-5, forty-two percent (42%) of the tax shall be given to the Aquidneck Island district, twenty-
6 five (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is
7 physically located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick
8 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-eight percent (28%) of
9 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title
10 42.

11 (2) For the tax generated by the hotels in the Providence district as defined in § 42-63.1-5,
12 twenty eight percent (28%) of the tax shall be given to the Providence district, twenty-five percent
13 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is
14 physically located, twenty-three (23%) of the tax shall be given to the Greater Providence-Warwick
15 Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of the tax shall
16 be given to the Rhode Island commerce corporation established in chapter 64 of title 42.

17 (3) For the tax generated by the hotels in the Warwick district as defined in § 42-63.1-5,
18 twenty-eight percent (28%) of the tax shall be given to the Warwick District, twenty-five percent
19 (25%) of the tax shall be given to the city or town where the hotel, which generated the tax, is
20 physically located, twenty-three percent (23%) of the tax shall be given to the Greater Providence-
21 Warwick Convention and Visitors Bureau established in § 42-63.1-11, and twenty-four (24%) of
22 the tax shall be given to the Rhode Island commerce corporation established in chapter 64 of title
23 42.

24 (4) For the tax generated by the hotels in the Statewide district, as defined in § 42-63.1-5,
25 twenty-five percent (25%) of the tax shall be given to the city or town where the hotel, which
26 generated the tax, is physically located, five percent (5%) of the tax shall be given to the Greater
27 Providence-Warwick Convention and Visitors Bureau established in § 42-63.1-11, and seventy
28 percent (70%) of the tax shall be given to the Rhode Island commerce corporation established in
29 chapter 64 of title 42.

30 (5) With respect to the tax generated by hotels in districts other than those set forth in
31 subdivisions (b)(1) through (b)(4), forty-two percent (42%) of the tax shall be given to the regional
32 tourism district, as defined in § 42-63.1-5, wherein the hotel is located, twenty-five percent (25%)
33 of the tax shall be given to the city or town where the hotel, which generated the tax, is physically
34 located, five percent (5%) of the tax shall be given to the Greater Providence-Warwick Convention

1 and Visitors Bureau established in § 42-63.1-11, and twenty-eight (28%) of the tax shall be given
2 to the Rhode Island commerce corporation established in chapter 64 of title 42.

3 (c) The proceeds of the hotel tax collected from residential units offered for tourist or
4 transient use through a hosting platform shall be distributed as follows by the division of taxation
5 and the city of Newport: twenty-five percent (25%) of the tax shall be given to the city or town
6 where the residential unit, which generated the tax, is physically located, and seventy-five percent
7 (75%) of the tax shall be given to the Rhode Island commerce corporation established in chapter
8 64 of title 42.

9 (d) The Rhode Island commerce corporation shall be required in each fiscal year to spend
10 on the promotion and marketing of Rhode Island as a destination for tourists or businesses an
11 amount of money of no less than the total proceeds of the hotel tax it receives pursuant to this
12 chapter for such fiscal year.

13 (e) Notwithstanding the foregoing provisions of this section, for returns and tax payments
14 received on or after July 1, 2016 and on or before June 30, 2017, except as provided in § 42-63.1-
15 12, the proceeds of the hotel tax, excluding such portion of the hotel tax collected from residential
16 units offered for tourist or transient use through a hosting platform, shall be distributed in
17 accordance with the distribution percentages established in § 42-63.1-3(a)(1) through § 42-63.1-
18 3(a)(3) by the division of taxation and the city of Newport.

19 SECTION 19. Section 44-13-13 of the General Laws in Chapter 44-13 entitled "Public
20 Service Corporation Tax" is hereby amended to read as follows:

21 **44-13-13. Taxation of certain tangible personal property.**

22 The lines, cables, conduits, ducts, pipes, machines and machinery, equipment, and other
23 tangible personal property within this state of telegraph, cable, and telecommunications
24 corporations and express corporations, used exclusively in the carrying on of the business of the
25 corporation shall be exempt from local taxation; provided, that nothing in this section shall be
26 construed to exempt any "community antenna television system company" (CATV) from local
27 taxation; and provided, that the tangible personal property of companies exempted from local
28 taxation by the provisions of this section shall be subject to taxation in the following manner:

29 (1) *Definitions.* Whenever used in this section and in §§ 44-13-13.1 and 44-13-13.2, unless
30 the context otherwise requires:

31 (i) "Average assessment ratio" means the total assessed valuation as certified on tax rolls
32 for the reference year divided by the full market value of the valuation as computed by the Rhode
33 Island department of revenue in accordance with § 16-7-21;

34 (ii) "Average property tax rate" means the statewide total property levy divided by the

1 statewide total assessed valuation as certified on tax rolls for the most recent tax year;

2 (iii) "Company" means any telegraph, cable, telecommunications, or express company
3 doing business within the state of Rhode Island;

4 (iv) "Department" means the department of revenue;

5 (v) "Population" shall mean the population as determined by the most recent census;

6 (vi) "Reference year" means the calendar year two (2) years prior to the calendar year
7 preceding that in which the tax payment provided for by this section is levied;

8 (vii) "Value of tangible personal property" of companies means the net book value of
9 tangible personal property of each company doing business in this state as computed by the
10 department of revenue. "Net book value" means the original cost less accumulated depreciation;
11 provided, that no tangible personal property shall be depreciated more than seventy-five percent
12 (75%) of its original cost.

13 (2) On or before March 1 of each year, each company shall declare to the department, on
14 forms provided by the department, the value of its tangible personal property in the state of Rhode
15 Island on the preceding December 31.

16 (3) On or before April 1, 1982 and each April 1 thereafter of each year, the division of
17 property valuation shall certify to the tax administrator the average property tax rate, the average
18 assessment ratio, and the value of tangible personal property of each company.

19 (4) The tax administrator shall apply the average assessment ratio and the average tax rate
20 to the value of tangible personal property of each company and, by April 15 of each year, shall
21 notify the companies of the amount of tax due. For each filing relating to tangible personal property
22 as of December 31, 2008 and thereafter the tax rate applied by the tax administrator shall be not
23 less than the rate applied in the prior year.

24 (5) The tax shall be due and payable within sixty (60) days of the mailing of the notice by
25 the tax administrator. If the entire tax is not paid to the tax administrator when due, there shall be
26 added to the unpaid portion of the tax, and made a part of the tax, interest at the rate provided for
27 in § 44-1-7 from the date the tax was due until the date of the payment. The amount of any tax,
28 including interest, imposed by this section shall be a debt due from the company to the state, shall
29 be recoverable at law in the same manner as other debts, and shall, until collected, constitute a lien
30 upon all the company's property located in this state.

31 (6) The proceeds from the tax shall be allocated in the following manner:

32 (i) Payment of reasonable administrative expenses incurred by the department of revenue,
33 not to exceed three quarters of one percent (.75%), the payment to be identified as general revenue
34 and appropriated directly to the department;

1 (ii) The remainder of the proceeds shall be deposited in a restricted revenue account and
2 shall be apportioned to the cities and towns within this state on the basis of the ratio of the city or
3 town population to the population of the state as a whole. Estimated revenues shall be distributed
4 to cities and towns by July 30 and may be recorded as a receivable by each city and town for the
5 prior fiscal year. [The Department is authorized to withhold and offset from any distribution](#)
6 [pursuant to this section any amounts owed to state agencies consistent with the requirements of R.I.](#)
7 [Gen. Laws § 45-13-1.1.](#)

8 SECTION 20. Section 44-18-18.1 of the General Laws in Chapter 44-18 entitled "Sales
9 and Use Taxes – Liability and Computation" is hereby amended to read as follows:

10 **44-18-18.1. Local meals and beverage tax.**

11 (a) There is hereby levied and imposed, upon every purchaser of a meal and/or beverage,
12 in addition to all other taxes and fees now imposed by law, a local meals and beverage tax upon
13 each and every meal and/or beverage sold within the state of Rhode Island in or from an eating
14 and/or drinking establishment, whether prepared in the eating and/or drinking establishment or not
15 and whether consumed at the premises or not, at a rate of one percent of the gross receipts. The tax
16 shall be paid to the tax administrator by the retailer at the time and in the manner provided.

17 (b) All sums received by the division of taxation under this section as taxes, penalties, or
18 forfeitures, interest, costs of suit, and fines shall be distributed at least quarterly and credited and
19 paid by the state treasurer to the city or town where the meals and beverages are delivered. [The tax](#)
20 [administrator is authorized to withhold and offset from any distribution pursuant to this section any](#)
21 [amounts owed to state agencies consistent with the requirements of R.I. Gen. Laws § 45-13-1.1.](#)

22 (c) When used in this section, the following words have the following meanings:

23 (1) "Beverage" means all nonalcoholic beverages, as well as alcoholic beverages, beer,
24 lager beer, ale, porter, wine, similar fermented malt, or vinous liquor.

25 (2) "Eating and/or drinking establishment" means and includes restaurants, bars, taverns,
26 lounges, cafeterias, lunch counters, drive-ins, roadside ice cream and refreshment stands, fish-and-
27 chip places, fried chicken places, pizzerias, food-and-drink concessions, or similar facilities in
28 amusement parks, bowling alleys, clubs, caterers, drive-in theatres, industrial plants, race tracks,
29 shore resorts or other locations, lunch carts, mobile canteens and other similar vehicles, and other
30 like places of business that furnish or provide facilities for immediate consumption of food at tables,
31 chairs, or, counters or from trays, plates, cups, or other tableware, or in parking facilities provided
32 primarily for the use of patrons in consuming products purchased at the location. Ordinarily, eating
33 establishment does not mean and include food stores and supermarkets. Eating establishments does
34 not mean "vending machines," a self-contained automatic device that dispenses for sale foods,

1 beverages, or confection products. Retailers selling prepared foods in bulk, either in customer-
2 furnished containers or in the seller's containers, for example "Soup and Sauce" establishments, are
3 deemed to be selling prepared foods ordinarily for immediate consumption and, as such, are
4 considered eating establishments.

5 (3) "Meal" means any prepared food or beverage offered or held out for sale by an eating
6 and/or drinking establishment for the purpose of being consumed by any person to satisfy the
7 appetite and that is ready for immediate consumption. All such food and beverage, unless otherwise
8 specifically exempted or excluded herein shall be included, whether intended to be consumed on
9 the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper, or
10 by some other name, and without regard to the manner, time, or place of service.

11 (d) This local meals and beverage tax shall be administered and collected by the division
12 of taxation, and unless provided to the contrary in this chapter, all of the administration, collection,
13 and other provisions of chapters 18 and 19 of this title apply.

14 In recognition of the work being performed by the streamlined sales and use tax governing
15 board, upon passage of any federal law that authorizes states to require remote sellers to collect and
16 remit sales and use taxes, the rate imposed under this section shall be increased from one percent
17 (1%) to one and one-half percent (1.5%). The one and one-half percent (1.5%) rate shall take effect
18 on the date that the state requires remote sellers to collect and remit sales and use taxes.

19 SECTION 21. Section 45-13-1.1 of the General Laws in Chapter 45-13 entitled "Aid
20 reduced by amounts owed state entities" is hereby amended to read as follows:

21 **45-13-1.1. Aid reduced by amounts owed state entities.**

22 If any city or town fails to pay any assessment, bill, or charge levied, presented, or imposed
23 by any public or quasi-public board, commission, corporation, council, authority, agency,
24 department, committee or other similar body organized under the laws of this state, within ninety
25 (90) ~~one hundred eighty (180)~~ days of the presentment for payment of the assessment, bill, or charge
26 to the city or town, then there shall be deducted from any state aid determined to be due under the
27 provisions of this chapter, or from any funds distributed pursuant to chapters 44-18 (sales and use
28 tax) and 44-13 (public service corporation tax) of Title 44, and an amount equal to that due and
29 owing any or all of those commissions; provided, that the amount of any deduction shall be reduced
30 by the amount of any bill or charge presented for payment by city or town to the state, which bill
31 or charge has not been paid by the state within ninety (90) ~~one hundred eighty (180)~~ days of
32 presentment.

33 SECTION 22. This Article shall take effect upon passage.