

2022 -- S 2855

LC005695

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

Introduced By: Senators Gallo, Goodwin, Pearson, Lombardo, Ciccone, and Miller

Date Introduced: April 05, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-27.3-108.2 of the General Laws in Chapter 23-27.3 entitled "State
2 Building Code" is hereby amended to read as follows:

3 **23-27.3-108.2. State building commissioner's duties.**

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

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

11 (c)(1) The local cities and towns shall charge each permit applicant an additional ~~.1(.001)~~
12 one-tenth percent (0.1%) levy of the total construction cost for each commercial permit issued, and
13 two-tenths percent (0.2%) levy of the total construction cost for each residential permit issued. The
14 levy shall be limited to a maximum of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) for each of
15 the permits issued for one-and two-family (2) dwellings. This additional levy shall be transmitted
16 monthly to the state building office at the department of business regulation, ~~and~~.

17 (i) Fifty percent (50%) of this additional levy on residential permits and one hundred
18 percent (100%) of this additional levy on commercial permits shall be used to staff and support the
19 purchase or lease and operation of a web-accessible service and/or system to be utilized by the state

1 and municipalities for uniform, statewide electronic plan review, permit management, and
2 inspection system and other programs described in this chapter. ~~The~~ This portion of the fee levy
3 shall be deposited as general revenues.

4 (ii) Fifty percent (50%) of this additional levy on residential permits shall be transferred to
5 the department of labor and training and shall be deposited into the contractor training account,
6 which shall be exempt from the indirect cost recovery provisions of § 35-4-27, and shall be used to
7 provide contractor training grants for programs that shall include, but are not limited to, minority
8 business enterprises, and state and local building officials.

9 (2) On or before July 1, 2013, the building commissioner shall develop a standard statewide
10 process for electronic plan review, permit management, and inspection. The process shall include,
11 but not be limited to: applications; submission of building plans and plans for developments and
12 plots; plan review; permitting; inspections; inspection scheduling; project tracking; fee calculation
13 and collections; and workflow and report management.

14 (3) On or before December 1, 2013, the building commissioner, with the assistance of the
15 office of regulatory reform, shall implement the standard statewide process for electronic plan
16 review, permit management, and inspection. In addition, the building commissioner shall develop
17 a technology and implementation plan for a standard web-accessible service or system to be utilized
18 by the state and municipalities for uniform, statewide electronic plan review, permit management,
19 and inspection. The plan shall include, but not be limited to: applications; submission of building
20 plans and plans for developments and plots; plan review; permitting; inspections; inspection
21 scheduling; project tracking; fee calculation and collections; and workflow and report management.

22 (d) The building commissioner shall, upon request by any state contractor described in §
23 37-2-38.1, review, and when all conditions for certification have been met, certify to the state
24 controller that the payment conditions contained in § 37-2-38.1 have been met.

25 (e) The building commissioner shall coordinate the development and implementation of
26 this section with the state fire marshal to assist with the implementation of § 23-28.2-6. On or before
27 January 1, 2022, the building commissioner shall promulgate rules and regulations to implement
28 the provisions of this section and § 23-27.3-115.6.

29 (f) The building commissioner shall submit, in coordination with the state fire marshal, a
30 report to the governor and general assembly on or before April 1, 2013, and each April 1st
31 thereafter, providing the status of the web-accessible service and/or system implementation and
32 any recommendations for process or system improvement. In every report submitted on or after
33 April, 2024, the building commissioner shall provide the following information:

34 (1) The identity of every municipality in full compliance with the provisions § 23-27.3-

1 115.6 and the rules and regulations promulgated pursuant to the provisions of this section;

2 (2) The identity of every municipality failing to fully implement and comply with the
3 provisions of § 23-27.3-115.6 and/or the rules and regulations promulgated pursuant to the
4 provisions of this section, and the nature, extent, and basis or reason for the failure or
5 noncompliance; and

6 (3) Recommendations to achieve compliance by all municipalities with the provisions of §
7 23-27.3-115.6 and the rules and regulations promulgated pursuant to this section.

8 SECTION 2. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State Funds"
9 is hereby amended to read as follows:

10 **35-4-27. Indirect cost recoveries on restricted receipt accounts.**

11 Indirect cost recoveries of ten percent (10%) of cash receipts shall be transferred from all
12 restricted-receipt accounts, to be recorded as general revenues in the general fund. However, there
13 shall be no transfer from cash receipts with restrictions received exclusively: (1) From contributions
14 from nonprofit charitable organizations; (2) From the assessment of indirect cost-recovery rates on
15 federal grant funds; or (3) Through transfers from state agencies to the department of administration
16 for the payment of debt service. These indirect cost recoveries shall be applied to all accounts,
17 unless prohibited by federal law or regulation, court order, or court settlement. The following
18 restricted receipt accounts shall not be subject to the provisions of this section:

19 Executive Office of Health and Human Services

20 Organ Transplant Fund

21 HIV Care Grant Drug Rebates

22 Health System Transformation Project

23 Department of Human Services

24 Veterans' home -- Restricted account

25 Veterans' home -- Resident benefits

26 Pharmaceutical Rebates Account

27 Demand Side Management Grants

28 Veteran's Cemetery Memorial Fund

29 Donations -- New Veterans' Home Construction

30 Department of Health

31 Pandemic medications and equipment account

32 Miscellaneous Donations/Grants from Non-Profits

33 State Loan Repayment Match

34 Healthcare Information Technology

1 Department of Behavioral Healthcare, Developmental Disabilities and Hospitals
2 Eleanor Slater non-Medicaid third-party payor account
3 Hospital Medicare Part D Receipts
4 RICLAS Group Home Operations
5 Commission on the Deaf and Hard of Hearing
6 Emergency and public communication access account
7 Department of Environmental Management
8 National heritage revolving fund
9 Environmental response fund II
10 Underground storage tanks registration fees
11 De Coppet Estate Fund
12 Rhode Island Historical Preservation and Heritage Commission
13 Historic preservation revolving loan fund
14 Historic Preservation loan fund -- Interest revenue
15 Department of Public Safety
16 E-911 Uniform Emergency Telephone System
17 Forfeited property -- Retained
18 Forfeitures -- Federal
19 Forfeited property -- Gambling
20 Donation -- Polygraph and Law Enforcement Training
21 Rhode Island State Firefighter's League Training Account
22 Fire Academy Training Fees Account
23 Attorney General
24 Forfeiture of property
25 Federal forfeitures
26 Attorney General multi-state account
27 Forfeited property -- Gambling
28 Department of Administration
29 OER Reconciliation Funding
30 Health Insurance Market Integrity Fund
31 RI Health Benefits Exchange
32 Information Technology Investment Fund
33 Restore and replacement -- Insurance coverage
34 Convention Center Authority rental payments

1 Investment Receipts -- TANS
2 OPEB System Restricted Receipt Account
3 Car Rental Tax/Surcharge-Warwick Share
4 Grants Management Administration
5 Executive Office of Commerce
6 Housing Resources Commission Restricted Account
7 Housing Production Fund
8 Department of Revenue
9 DMV Modernization Project
10 Jobs Tax Credit Redemption Fund
11 Legislature
12 Audit of federal assisted programs
13 Department of Children, Youth and Families
14 Children's Trust Accounts -- SSI
15 Military Staff
16 RI Military Family Relief Fund
17 RI National Guard Counterdrug Program
18 Treasury
19 Admin. Expenses -- State Retirement System
20 Retirement -- Treasury Investment Options
21 Defined Contribution -- Administration - RR
22 Violent Crimes Compensation -- Refunds
23 Treasury Research Fellowship
24 Business Regulation
25 Banking Division Reimbursement Account
26 Office of the Health Insurance Commissioner Reimbursement Account
27 Securities Division Reimbursement Account
28 Commercial Licensing and Racing and Athletics Division Reimbursement Account
29 Insurance Division Reimbursement Account
30 Historic Preservation Tax Credit Account
31 Judiciary
32 Arbitration Fund Restricted Receipt Account
33 Third-Party Grants
34 RI Judiciary Technology Surcharge Account

- 1 Department of Elementary and Secondary Education
- 2 Statewide Student Transportation Services Account
- 3 School for the Deaf Fee-for-Service Account
- 4 School for the Deaf -- School Breakfast and Lunch Program
- 5 Davies Career and Technical School Local Education Aid Account
- 6 Davies -- National School Breakfast & Lunch Program
- 7 School Construction Services
- 8 Office of the Postsecondary Commissioner
- 9 Higher Education and Industry Center
- 10 Department of Labor and Training
- 11 Job Development Fund
- 12 [Contractor Training Account](#)
- 13 Rhode Island Council on the Arts
- 14 Governors' Portrait Donation Fund
- 15 Statewide records management system account
- 16 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- STATE BUILDING CODE

1 This act would increase the current levy on total construction costs for residential and
2 commercial building permits and direct the additional levy to be transmitted monthly to the
3 department of labor and training for deposit into the contractor training account restricted receipt
4 account. This act would require that money deposited be used for contractor training grants that
5 must include programs for minority business enterprises, as well as for state and local building
6 officials, and exempt such account from the indirect cost recoveries of restricted receipt accounts.

7 This act would take effect upon passage.

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