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ARTICLE 3

RELATING TO GOVERNMENT REFORM AND REORGANIZATION

SECTION 1. Title 16 of the General Laws entitled “Education” is hereby amended by adding thereto the following chapter:

CHAPTER 16-112

RHODE ISLAND LONGITUDINAL DATA SYSTEM ACT

16-112-1. Rhode Island Longitudinal Data System Act.

This chapter shall be known and may be cited as the “Rhode Island Longitudinal Data System Act.”

16-112-2. Findings.

(a) Purpose. The Rhode Island Longitudinal Data System (RILDS) is Rhode Island’s statewide longitudinal data system that integrates and links individual or unit-level data. The purpose of the RILDS is to connect data across sectors over time to support research aligned with the state’s priorities; inform policymaking and program evaluation; and improve the well-being of all Rhode Islanders.

(b) The general assembly finds and declares that:

(1) The state is committed to maintaining a longitudinal data system that the public, researchers, and policymakers can use to analyze and assess Rhode Islanders’ aggregate progress from early learning programs through postsecondary education and into employment; and

(2) A national collaborative effort among federal and state policymakers, state officials, and national education organizations have defined the essential components of a statewide longitudinal data system; and

(3) The RI DataHUB is the state education and workforce longitudinal data system, aligned to the U.S. Department of Education’s Statewide Longitudinal Data System (SLDS) grant program and the U.S. Department of Labor’s Workforce Data Quality Initiative grant program.

16-112-3. Definitions.

For the purpose of this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) “Participating agency” means the Rhode Island department of education, the office of the postsecondary commissioner, the Rhode Island department of labor and training, and any

1 agency that has executed a memorandum of understanding for recurring participation in the Rhode
2 Island longitudinal data system.

3 (2) “Rhode Island Longitudinal Data System” (RILDS) formerly known as the RI
4 DataHUB operated by DataSpark, is the current statewide longitudinal data system and will be
5 located for budgetary purposes in the office of the postsecondary commissioner.

6 (3) “Rhode Island Longitudinal Data System Center” (Center) is comprised of the current
7 entity known as DataSpark and whatever other resources as necessary to accomplish the powers
8 and duties prescribed herein.

9 (4) “Statewide longitudinal data system” or “longitudinal data system” or “SLDS” means
10 an individual- or unit-level data system that links and integrates records from state datasets
11 including but not limited to early childhood and prekindergarten, through elementary, secondary,
12 and postsecondary education, and into the workforce from participating agencies and entities.

13 (5) “State and federal privacy laws” means all applicable state and federal privacy laws
14 and accompanying regulations, including but not limited to the Federal Family Educational Rights
15 and Privacy Act and its accompanying regulations (“FERPA”), Health Insurance Probability and
16 Accountability Act (“HIPAA”), R.I. Gen. Laws § 28-42-38, 20 CFR 603.1 et seq., and any other
17 privacy measures that apply to the personally identifiable information that is used by the center
18 and/or becomes part of the RILDS hereunder.

19 **16-112-4. Creation**

20 (a) The RILDS is hereby established within the office of the postsecondary commissioner
21 and is granted and authorized to use all the powers set forth in this chapter.

22 (b) Functions The RILDS shall:

23 (1) Transmit, store, enable access to, permit the use, and dispose of linked data and
24 information in accordance with the National Institute of Standards and Technology (NIST)
25 Cybersecurity Framework and associated NIST 800-53 security controls commensurate with data
26 sensitivity level and in accordance with all applicable state and privacy laws;

27 (2) Serve as a central repository of the state’s inter-agency, longitudinal, linked data;

28 (3) Enable the integration, linkage, and management of information;

29 (4) Report on and provide access to aggregate data to, among other things, address
30 inequities in access, opportunities, and outcomes;

31 (5) Nothing in this chapter shall negate or otherwise adversely affect the validity and legal
32 enforceability of any existing data sharing and/or research agreements executed between and
33 among the states’ participating agencies and the state’s statewide longitudinal data system.

34 **16-112-5 Governing Board**

1 (a) **Composition of Board.** The RILDS will be governed by the Rhode Island longitudinal
2 data system governing board (the board).

3 (1) The board shall be composed of:

4 (i) an at large member appointed by the governor who serves as one co-chair;

5 (ii) director of any participating agencies as described in § 16-112-3 and § 16-112-6,
6 or their designee;

7 (iii) the director of the office of management and budget or designee;

8 (iv) the chief information officer of the division of information technology or
9 designee; and

10 (v) the director of the center, as set forth in § 16-112-7.

11 (2) The board shall be overseen by two co-chairs. One co-chair shall be appointed by the
12 governor and shall be responsible for overseeing and directing the policy duties and responsibilities
13 of the board. The other co-chair shall be the commissioner of postsecondary education who shall
14 be responsible for overseeing, supervising, and directing the operational duties of the center and its
15 personnel.

16 (b) **Powers and Duties.** The board shall:

17 (1) In consultation with the center and in accordance with federal and state privacy law,
18 approve policies regarding how data requests from state and local agencies, the Rhode Island
19 general assembly, third-party researchers, and the public will be managed;

20 (2) In consultation with the center, approve policies regarding the publishing of reports and
21 other information that should be available to public stakeholders;

22 (3) Approve standards implemented by the center for the security, privacy, access to, and
23 confidentiality of data, including policies to comply with the Family Education Rights and Privacy
24 Act, Health Insurance Probability and Accountability Act, R.I. Gen. Laws § 28-42-38, 20 CFR
25 603.1 et seq. and any other privacy measures, as required by law or the board;

26 (4) Perform other functions that are necessary to ensure the successful continuation,
27 management, and expansion of the RILDS;

28 (5) Establish a data governance committee to work with the center on an ongoing basis to
29 among other responsibilities, approve data requests; and

30 (6) Oversee and collaborate with the data governance committee and the center as set forth
31 in § 16-112-7.

32 **16-112-6. Participating Agencies**

1 (a) Participating agencies shall transfer data, as applicable, to the RILDS in accordance
2 with the data security policies as approved by the board, and pursuant to the requirements of state
3 and federal privacy laws.

4 (b) Any agencies providing data on a recurring basis to the RILDS shall provide a
5 representative to the board and be governed in the same manner as the initial agencies and entities
6 and shall be subject to applicable board policies.

7 **16-112-7. The Rhode Island Longitudinal Data System Center**

8 (a) Purpose. The purpose of the center is to manage and operate the RILDS and conduct
9 research and evaluate programs regarding federal, state, and local programs and policies. The center
10 shall be managed by an executive director (hereafter the “director”) responsible for the daily
11 management and operations of the center. The director will also be responsible for interfacing and
12 collaborating between the board and the data governance committee, as well as external
13 communications and agreements. The director shall be a non-classified employee of the council on
14 postsecondary education under the supervision of and subject to the authority of the commissioner
15 of postsecondary education.

16 **(b) Powers and Duties.**

17 The duties of the center shall be to:

18 (1) Act as an authorized representative, research partner, and business associate of the
19 state’s agencies, including those responsible for education and workforce, under and in accordance
20 with the requirements of applicable federal and state statutes and/or state and federal privacy laws;

21 (2) Enter into memoranda of understanding with state agencies, non-profits, subnational
22 governments, and other entities for the purposes of data sharing and analysis;

23 (3) Coordinate with participating agencies and other entities to ensure the integrity and
24 quality of data being collected, including implementing the data quality and metadata policies
25 approved by the board;

26 (4) Advance research and allow policymakers to explore critical research policy questions
27 and to measure investments in education and workforce development;

28 (5) In consultation with the board, identify the state’s critical research and policy questions;

29 (6) Provide analysis and reports that assist with evaluating programs and measuring
30 investments, subject to the policies approved by the board;

31 (7) Implement policies and procedures approved by the board that govern the security,
32 privacy, access to, and confidentiality of the data, in accordance with relevant federal and state
33 privacy laws;

1 (8) Ensure that information contained, and available through, the RILDS is kept secure,
2 and that individual privacy is protected, and maintain insurance coverage;

3 (9) Respond to approved research data requests in accordance with the policies and
4 procedures approved by the board;

5 (10) Enter into contracts or other agreements with appropriate entities, including but not
6 limited to federal, state, and local agencies, to the extent necessary to carry out its duties and
7 responsibilities only if such contracts or agreements incorporate adequate protections with respect
8 to the privacy and security of any information to be shared, and are approved, in writing, by the
9 applicable agency whose data or information is to be shared, and are allowable under applicable
10 state and federal privacy laws; and

11 (11) Maintain staff necessary to carry out the above duties as provided for in the state
12 budget. Staff at the center shall be non-classified employees of the council on postsecondary
13 education, under the supervision of and subject to the authority of the commissioner of
14 postsecondary education. The non-SLDS activity of the center shall also be under the supervision
15 and authority of the commissioner of postsecondary education and the council on postsecondary
16 education. The council on postsecondary education, its office of the postsecondary commissioner,
17 and its employees shall be included under the limitation of damages for tort liability for the State
18 set out in §§ 9-31-1 et seq., for all actions involving the center regarding the RILDS and/or SLDS
19 and for any other activity of the center regarding its receipt, storage, sharing and transmission of
20 data as part of its non-SLDS operations and activities.

21 (12) The council on postsecondary education shall be the employer of public record for the
22 Center.

23 (c) **Funding.** Appropriations made pursuant to this Act shall be used exclusively for the
24 development and operation of RILDS.

25 (1) The board and the center may implement a data request fee policy to compensate for
26 excessive use of the data system, to recover costs that would otherwise typically be borne by the
27 requesting data researcher, or both. A data request fee policy implemented pursuant to this section
28 shall be reviewed and approved by the board, revised periodically, and made publicly available and
29 posted in a prominent location on the RILDS's internet website.

30 (2) The center may receive funding for its operation of the RILDS from the following
31 sources:

32 (a) State appropriations;

33 (b) Federal grants;

34 (c) User fees; and

1 [\(d\) Any other grants or contributions from public agencies or other entities.](#)
2 [\(e\) There is hereby established a restricted receipt account in the general fund of the state](#)
3 [and housed in the budget of the office of postsecondary commissioner entitled “longitudinal data](#)
4 [system- non-federal grants.” The express purpose of this account is to record receipts and](#)
5 [expenditures of the program herein described and established within this section.](#)

6 SECTION 2 Section 21-36-3 of the General Laws in Chapter 21-36 entitled “The
7 Interagency Food & Nutrition Policy Advisory Council Act” is hereby amended to read as follows:

8 **21-36-3. Council composition.**

9 There shall be an inter-agency food and nutrition policy advisory council which shall
10 consist of ~~seven (7)~~ [nine \(9\)](#) members: the director of health, or his or her designee; the director of
11 environmental management, or his or her designee; the director of administration, or his or her
12 designee; the director of the department of human services, or his or her designee; the director of
13 the office of healthy aging, or his or her designee; the director of the department of corrections, or
14 his or her designee; [the secretary of commerce, or his or her designee; the director of the department](#)
15 [of children, youth & families, or his or her designee;](#) and the commissioner of elementary and
16 secondary education, or his or her designee. The members of the commission shall elect a
17 chairperson from among themselves.

18 SECTION 3. Section 24-8-27 of the General Laws in Chapter 24-8 entitled “Construction
19 and Maintenance of State Roads” is hereby amended to read as follows:

20 **24-8-27. “Bridge” defined — Responsibility for ~~smaller~~ structures.**

21 [\(a\) The word “bridge” as used in this chapter shall be a structure including supports erected](#)
22 [over a depression or an obstruction, such as water, highway, or railway, and having a track or](#)
23 [passageway for carrying traffic or other moving loads, and having an opening measured along the](#)
24 [center of the roadway of eight \(8\) feet or more between under copings of abutments, spring lines](#)
25 [of arches, or the extreme ends of openings for multiple boxes; it also includes single or multiple](#)
26 [pipes where the clear distance between openings of multiple pipes is less than half of the smaller](#)
27 [contiguous opening.](#) ~~any structure not less than five feet (5') in width. Any structure less than five~~
28 ~~feet (5') in width lying in any highway now being or hereafter becoming a part of the state highway~~
29 ~~system shall be constructed, repaired or reconstructed at the expense of the state.~~

30 [\(b\) The State will be responsible for the following related to bridges, as defined above:](#)

31 [\(1\) Reporting of inspection and load rating findings for National Bridge Inventory \(NBI\)](#)
32 [bridges on all roadways.](#)

33 [\(2\) Construction and maintenance costs of:](#)

34 [\(i\) bridges on state owned roads](#)

- 1 (i) structures less than eight (8) feet on State roads
2 (ii) other state-owned structures unless otherwise agreed upon.
3 (c) The State is not responsible for construction or maintenance costs for bridges or smaller
4 structures they do not own.
5 (d) Performing inspections or load ratings on any bridge or structures less than eight (8)
6 feet by the State for public safety does not constitute ownership or responsibility of the structure.

7 SECTION 4. Section 30-25-14 of the General Laws in Chapter 30-25 entitled "Burial of
8 Veterans" is hereby amended to read as follows:

9 **30-25-14. Rhode Island veterans' memorial cemetery.**

10 (a) The Rhode Island veterans' memorial cemetery, located on the grounds of the Joseph
11 H. Ladd school in the town of Exeter, shall be under the management and control of the director of
12 the department of human services. The director of the department of human services shall appoint
13 an administrator for the Rhode Island veterans' memorial cemetery who shall be an honorably
14 discharged veteran of the United States Armed Forces and shall have the general supervision over,
15 and shall prescribe rules for, the government and management of the cemetery. He or she shall
16 make all needful rules and regulations governing the operation of the cemetery and generally may
17 do all things necessary to ensure the successful operation thereof. The director shall promulgate
18 rules and regulations, not inconsistent with the provisions of 38 U.S.C. § 2402, to govern the
19 eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons
20 eligible for burial pursuant to rules and regulations established by the director, any person who
21 served in the army, navy, air force, or marine corps of the United States for a period of not less than
22 two (2) years and whose service was terminated honorably, shall be eligible for burial in the Rhode
23 Island veterans' memorial cemetery. The director shall appoint and employ all subordinate officials
24 and persons needed for the proper management of the cemetery. National guard members who are
25 killed in the line of duty or who are honorably discharged after completion of at least ~~twenty (20)~~
26 six (6) years' of service in the Rhode Island national guard and/or reserve and their spouse shall be
27 eligible for interment in the Rhode Island veterans' memorial cemetery. National guard members
28 and/or reservists who are honorably discharged after completion of at least six (6) years of service
29 with another state, and who are a Rhode Island resident for at least two (2) consecutive years
30 immediately prior to death, shall be eligible, along with their spouse, for interment in the Rhode
31 Island veterans' memorial cemetery. For the purpose of computing service under this section,
32 honorable service in the active forces or reserves shall be considered toward the ~~twenty (20)~~ six (6)
33 years of national guard service. The general assembly shall make an annual appropriation to the
34 department of human services to provide for the operation and maintenance for the cemetery. The

1 director shall charge and collect a grave liner fee per interment of the eligible spouse and/or eligible
2 dependents of the qualified veteran, national guard member and/or reservist equal to the
3 department's cost for the grave liner.

4 (b) No domestic animal shall be allowed on the grounds of the Rhode Island veterans'
5 memorial cemetery, whether at large or under restraint, except for seeing eye guide dogs, hearing
6 ear signal dogs or any other service animal, as required by federal law or any personal assistance
7 animal, as required by chapter 9.1 of title 40. Any person who violates the provisions of this section
8 shall be subject to a fine of not less than five hundred dollars (\$500).

9 (c) The state of Rhode Island office of veterans services shall bear the cost of all tolls
10 incurred by any motor vehicles that are part of a veteran's funeral procession, originating from
11 Aquidneck Island ending at the veterans' memorial cemetery, for burial or interment. The
12 executive director of the turnpike and bridge authority shall assist in the administration and
13 coordination of this toll reimbursement program.

14 SECTION 5. Sections 35-1.1-3 and 35-1.1-9 of the General Laws in Chapter 35-1.1 entitled
15 "Office of Management and Budget" are hereby amended to read as follows:

16 **35-1.1-3. Director of management and budget – Appointment and responsibilities.**

17 (a) Within the department of administration there shall be a director of management and
18 budget who shall be appointed by the director of administration with the approval of the governor.
19 The director shall be responsible to the governor and director of administration for supervising the
20 office of management and budget and for managing and providing strategic leadership and direction
21 to the budget officer, the performance management office, and the federal grants management
22 office.

23 (b) The director of management and budget shall be responsible to:

24 (1) Oversee, coordinate, and manage the functions of the budget officer as set forth by
25 chapter 3 of this title; program performance management as set forth by § 35-3-24.1; approval of
26 agreements with federal agencies defined by § 35-3-25; and budgeting, appropriation, and receipt
27 of federal monies as set forth by chapter 41 of title 42;

28 (2) [Deleted by P.L. 2019, ch. 88, art. 4, § 9];

29 (3) Oversee the director of regulatory reform as set forth by § 42-64.13-6;

30 (4) Maximize the indirect cost recoveries by state agencies set forth by § 35-4-23.1; ~~and~~

31 (5) Undertake a comprehensive review and inventory of all reports filed by the executive
32 office and agencies of the state with the general assembly. The inventory should include, but not
33 be limited to: the type, title, and summary of reports; the author(s) of the reports; the specific
34 audience of the reports; and a schedule of the reports' release. The inventory shall be presented to

1 the general assembly as part of the budget submission on a yearly basis. The office of management
2 and budget shall also make recommendations to consolidate, modernize the reports, and to make
3 recommendations for elimination or expansion of each report; and

4 (6) Conduct, with all necessary cooperation from executive branch agencies, reviews,
5 evaluations, and assessments on process efficiency, operational effectiveness, budget and policy
6 objectives, and general program performance.

7 **35-1.1-9. Cooperation of other state executive branch agencies.**

8 (a) The departments and other agencies of the state of the executive branch that have not
9 been assigned to the executive office of management and budget under this chapter shall assist and
10 cooperate with the executive office as may be required by the governor and/or requested by the
11 director of management and budget; ~~†~~This assistance may include, but not be limited to, providing
12 analyses and related backup documentation and information, organizational charts and/or process
13 maps, contractual deliverables, and utilizing staff resources from other departments or agencies for
14 special projects within a defined period of time to improve processes or performance within
15 agencies and/or lead to cost savings.

16 (b) Within thirty (30) days following the date of the issuance of a final audit report
17 completed pursuant to subdivision 35-1.1-2(6), the head of the department, agency or private entity
18 audited shall respond in writing to each recommendation made in the final audit report. This
19 response shall address the department's, agency's or private entity's plan of implementation for
20 each specific audit recommendation and, if applicable, the reasons for disagreement with any
21 recommendation proposed in the audit report. Within one year following the date on which the
22 audit report was issued, the office may perform a follow-up audit for the purpose of determining
23 whether the department, agency or private entity has implemented, in an efficient and effective
24 manner, its plan of action for the recommendations proposed in the audit report.

25 SECTION 6. Section 35-3-24.1 of the General Laws in Chapter 35-3 entitled "State
26 Budget" is hereby amended to read as follows:

27 **35-3-24.1. Program performance measurement.**

28 (a) Beginning with the fiscal year ending June 30, 1997, the governor shall submit, as part
29 of each budget submitted to the general assembly pursuant to § 35-3-7, performance objectives for
30 each program in the budget for the ensuing fiscal year, estimated performance data for the fiscal
31 year in which the budget is submitted, and actual performance data for the preceding two (2)
32 completed fiscal years. Performance data shall include efforts at achieving equal opportunity hiring
33 goals as defined in the department's annual affirmative action plan. The governor shall, in addition,
34 recommend appropriate standards against which to measure program performance. Performance in

1 prior years may be used as a standard where appropriate. These performance standards shall be
2 stated in terms of results obtained.

3 (b) The governor may submit, in lieu of any part of the information required to be submitted
4 pursuant to subsection (a), an explanation of why the information cannot, as a practical matter be
5 submitted.

6 (c)(1) The office of management and budget shall be responsible for managing and
7 collecting program performance measures on behalf of the governor. The office is authorized to
8 conduct performance reviews and audits of agencies to determine ~~progress towards achieving~~
9 ~~performance objectives for programs~~ the manner and extent to which executive branch agencies
10 achieve intended objectives and outcomes.

11 (2) In order to collect performance measures from agencies, review performance and
12 provide recommendations the office of budget and management is authorized to coordinate with
13 the office of internal audit regarding the findings and recommendations that result from audits
14 conducted by the office.

15 (3) In order to facilitate the office of management and budget's performance reviews,
16 agencies must generate and provide timely access to records, reports, analyses, audits, reviews,
17 documents, papers, recommendations, contractual deliverables, or other materials available relating
18 to agency programs and operations.

19 (4) In order to ensure alignment of executive branch agency operations with the state's
20 priorities, the office of management and budget may produce, with all necessary cooperation from
21 executive branch agencies, analyses and recommendations to improve program performance,
22 conduct evidence-based budgeting, and respond to sudden shifts in policy environments.

23 (5) In order to gain insight into performance or outcomes and inform policymaking and
24 program evaluation, the office of management and budget may lead, manage, and/or coordinate
25 interagency and cross-system collaboration or integration initiatives.

26 SECTION 7. Section 37-14.1-6 of the General Laws in Chapter 14.1 titled "Minority
27 Business Enterprise" is hereby amended to read as follows:

28 **37-14.1-6 Minority business enterprise participation.**

29 (a) Minority business enterprises shall be included in all procurements and construction
30 projects under this chapter and shall be awarded a minimum of ~~ten percent (10%)~~ fifteen percent
31 (15%) of the dollar value of the entire procurement or project. Of that fifteen percent (15%),
32 minority business enterprises owned and controlled by a minority owner, as defined in 37-14.1-3,
33 shall be awarded a minimum of seven- and one-half percent (7.5%), and minority business
34 enterprises owned and controlled by a woman shall be awarded a minimum of seven- and one-half

1 [percent \(7.5%\)](#). The director of the department of administration is further authorized to establish
2 by rules and regulation the certification process and formulas for giving minority business
3 enterprises a preference in contract and subcontract awards.

4 (b) Any minority business enterprise currently certified by the U.S. Small Business
5 Administration as an 8(a) firm governed by 13 C.F.R. part 124 shall be deemed to be certified by
6 the department of administration as a minority business enterprise and shall only be required to
7 submit evidence of federal certification of good standing.

8 (c) The provisions of chapter 14.1 of title 37 shall not be waived, including, but not limited
9 to, during a declared state of emergency.

10 SECTION 8. Section 42-28-25 of the General Laws in Chapter 42-28 entitled "State Police"
11 is hereby amended to read as follows:

12 **42-28-25. State and municipal police training school established.**

13 (a) Within the Rhode Island state police there is hereby created and established a state and
14 municipal police training school.

15 (b) The superintendent of the state police shall have supervision of the state and municipal
16 police training academy and shall establish standards for admission and a course of training. The
17 superintendent shall report to the governor and general assembly a plan for a state and municipal
18 police training academy on or before December 31, 1993. The superintendent shall, in consultation
19 with the Police Chiefs' Association and the chairperson of the Rhode Island commission on
20 standards and training make all necessary rules and regulations relative to the admission, education,
21 physical standards and personal character of the trainees and such other rules and regulations as
22 shall not be inconsistent with law.

23 (c) Applicants to the state and municipal police training academy shall pay an application
24 fee in the amount of fifty dollars (\$50.00); provided, however, the superintendent may waive such
25 application fee if payment thereof would be a hardship to the applicant.

26 (d) Trainees shall pay to the division an amount equal to the actual cost ~~of meals consumed~~
27 ~~at the state police and municipal police training academy and the actual cost~~ of such training
28 uniforms which remain the personal property of the trainees.

29 (e) All fees and payments received by the division pursuant to this section shall be
30 deposited as general revenues.

31 SECTION 9. Section 42-56-20.2 of the General Laws in Chapter 42-56 entitled
32 "Corrections Department" is hereby amended to read as follows:

33 **42-56-20.2. Community confinement.**

1 (a) **Persons subject to this section.** Every person who shall have been adjudged guilty of
2 any crime after trial before a judge, a judge and jury, or before a single judge entertaining the
3 person’s plea of nolo contendere or guilty to an offense (“adjudged person”), and every person
4 sentenced to imprisonment in the adult correctional institutions (“sentenced person”) including
5 those sentenced or imprisoned for civil contempt, and every person awaiting trial at the adult
6 correctional institutions (“detained person”) who meets the criteria set forth in this section shall be
7 subject to the terms of this section except:

8 (1) Any person who is unable to demonstrate that a permanent place of residence (“eligible
9 residence”) within this state is available to that person; or

10 (2) Any person who is unable to demonstrate that he or she will be regularly employed, or
11 enrolled in an educational or vocational training program within this state, and within thirty (30)
12 days following the institution of community confinement; or

13 (3)(i) Any adjudged person or sentenced person or detained person who has been
14 convicted, within the five (5) years next preceding the date of the offense for which he or she is
15 currently so adjudged or sentenced or detained, of a violent felony.

16 A “violent felony” as used in this section shall mean any one of the following crimes or an
17 attempt to commit that crime: murder; manslaughter; sexual assault; mayhem; robbery; burglary;
18 assault with a dangerous weapon; assault or battery involving serious bodily injury; arson; breaking
19 and entering into a dwelling; child molestation; kidnapping; DWI resulting in death or serious
20 injury; or driving to endanger resulting in death or serious injury; or

21 (ii) Any person currently adjudged guilty of or sentenced for or detained on any capital
22 felony; or

23 (iii) Any person currently adjudged guilty of or sentenced for or detained on a felony
24 offense involving the use of force or violence against a person or persons. These shall include, but
25 are not limited to, those offenses listed in subsection (a)(3)(i) of this section; or

26 (iv) Any person currently adjudged guilty, sentenced, or detained for the sale, delivery, or
27 possession with intent to deliver a controlled substance in violation of § 21-28-4.01(a)(4)(i) or
28 possession of a certain enumerated quantity of a controlled substance in violation of § 21-28-4.01.1
29 or § 21-28-4.01.2; or

30 (v) Any person currently adjudged guilty of, or sentenced for, or detained on an offense
31 involving the illegal possession of a firearm.

32 (b) **Findings prior to sentencing to community confinement.** In the case of adjudged
33 persons, if the judge intends to impose a sentence of community confinement, he or she shall first
34 make specific findings, based on evidence regarding the nature and circumstances of the offense

1 and the personal history, character, record, and propensities of the defendant that are relevant to the
2 sentencing determination, and these findings shall be placed on the record at the time of sentencing.

3 These findings shall include, but are not limited to:

4 (1) A finding that the person does not demonstrate a pattern of behavior indicating a
5 propensity for violent behavior;

6 (2) A finding that the person meets each of the eligibility criteria set forth in subsection (a)
7 of this section;

8 (3) A finding that simple probation is not an appropriate sentence;

9 (4) A finding that the interest of justice requires, for specific reasons, a sentence of non-
10 institutional confinement; and

11 (5) A finding that the person will not pose a risk to public safety if placed in community
12 confinement.

13 The facts supporting these findings shall be placed on the record and shall be subject to
14 review on appeal.

15 (c) **Community confinement.**

16 (1) There shall be established within the department of corrections, a community
17 confinement program to serve that number of adjudged persons, sentenced persons, and detainees,
18 that the director of the department of corrections (“director”) shall determine on or before July 1 of
19 each year. Immediately upon that determination, the director shall notify the presiding justice of
20 the superior court of the number of adjudged persons, sentenced persons, and detainees that can be
21 accommodated in the community confinement program for the succeeding twelve (12) months.
22 One-half (½) of all persons sentenced to community confinement shall be adjudged persons, and
23 the balance shall be detainees and sentenced persons. The director shall provide to the presiding
24 justice of the superior court and the family court on the first day of each month a report to set forth
25 the number of adjudged persons, sentenced persons, and detainees participating in the community
26 confinement program as of each reporting date. Notwithstanding any other provision of this section,
27 if on April 1 of any fiscal year less than one-half (½) of all persons sentenced to community
28 confinement shall be adjudged persons, then those available positions in the community
29 confinement program may be filled by sentenced persons or detainees in accordance with the
30 procedures set forth in subsection (c)(2) of this section.

31 (2) In the case of inmates other than those classified to community confinement under
32 subsection (h) of this section, the director may make written application (“application”) to the
33 sentencing judge for an order (“order”) directing that a sentenced person or detainee be confined
34 within an eligible residence for a period of time, which in the case of a sentenced person, shall not

1 exceed the term of imprisonment. This application and order shall contain a recommendation for a
2 program of supervision and shall contain the findings set forth in subsections (b)(1), (b)(2), (b)(3),
3 (b)(4), and (b)(5) of this section and facts supporting these findings. The application and order may
4 contain a recommendation for the use of electronic surveillance or monitoring devices. The hearing
5 on this application shall be held within ten (10) business days following the filing of this
6 application. If the sentencing judge is unavailable to hear and consider the application the presiding
7 justice of the superior court shall designate another judge to do so.

8 (3) In lieu of any sentence that may be otherwise imposed upon any person subject to this
9 section, the sentencing judge may cause an adjudged person to be confined within an eligible
10 residence for a period of time not to exceed the term of imprisonment otherwise authorized by the
11 statute the adjudged person has been adjudged guilty of violating.

12 (4) With authorization by the sentencing judge, or, in the case of sentenced persons
13 classified to community confinement under subsection (h) of this section by the director of
14 corrections, or in accordance with the order, persons confined under the provisions of this chapter
15 may be permitted to exit the eligible residence in order to travel directly to and from their place of
16 employment or education or training and may be confined in other terms or conditions consistent
17 with the basic needs of that person that justice may demand, including the right to exit the eligible
18 residence to which that person is confined for certain enumerated purposes such as religious
19 observation, medical and dental treatment, participation in an education or vocational training
20 program, and counseling, all as set forth in the order.

21 (d) **Administration.**

22 (1) **Community confinement.** The supervision of persons confined under the provisions
23 of this chapter shall be conducted by the director, or his or her designee.

24 (2) **Intense surveillance.** The application and order shall prescribe a program of intense
25 surveillance and supervision by the department of corrections. Persons confined under the
26 provisions of this section shall be subject to searches of their persons or of their property when
27 deemed necessary by the director, or his or her designee, in order to ensure the safety of the
28 community, supervisory personnel, the safety and welfare of that person, and/or to ensure
29 compliance with the terms of that person's program of community confinement; provided,
30 however, that no surveillance, monitoring or search shall be done at manifestly unreasonable times
31 or places nor in a manner or by means that would be manifestly unreasonable under the
32 circumstances then present.

33 (3) The use of any electronic surveillance or monitoring device which is affixed to the body
34 of the person subject to supervision is expressly prohibited unless set forth in the application and

1 order or, in the case of sentenced persons classified to community confinement under subsection
2 (h), otherwise authorized by the director of corrections.

3 (4) **Regulatory authority.** The director shall have full power and authority to enforce any
4 of the provisions of this section by regulation, subject to the provisions of the Administrative
5 Procedures Act, chapter 35 of this title. Notwithstanding any provision to the contrary, the
6 department of corrections may contract with private agencies to carry out the provisions of this
7 section. The civil liability of those agencies and their employees, acting within the scope of their
8 employment, and carrying out the provisions of this section, shall be limited in the same manner
9 and dollar amount as if they were agencies or employees of the state.

10 (e) **Violations.** Any person confined pursuant to the provisions of this section, who is found
11 to be a violator of any of the terms and conditions imposed upon him or her according to the order,
12 or in the case of sentenced persons classified to community confinement under subsection (h),
13 otherwise authorized by the director of corrections, this section, or any rules, regulations, or
14 restrictions issued pursuant hereto shall serve the balance of his or her sentence in a classification
15 deemed appropriate by the director. If that conduct constitutes a violation of § 11-25-2, the person,
16 upon conviction, shall be subject to an additional term of imprisonment of not less than one year
17 and not more than twenty (20) years. However, it shall be a defense to any alleged violation that
18 the person was at the time of the violation acting out of a necessary response to an emergency
19 situation. An “emergency situation” shall be construed to mean the avoidance by the defendant of
20 death or of substantial personal injury, as defined above, to him or herself or to others.

21 (f) **Costs.** Each person confined according to this section shall reimburse the state for the
22 costs or a reasonable portion thereof incurred by the state relating to the community confinement
23 of those persons. Costs shall be initially imposed by the sentencing judge or in the order and shall
24 be assessed by the director prior to the expiration of that person’s sentence. Once assessed, those
25 costs shall become a lawful debt due and owing to the state by that person. Monies received under
26 this section shall be deposited as general funds.

27 (g) **Severability.** Every word, phrase, clause, section, subsection, and any of the provisions
28 of this section are hereby declared to be severable from the whole, and a declaration of
29 unenforceability or unconstitutionality of any portion of this section, by a judicial court of
30 competent jurisdiction, shall not affect the portions remaining.

31 (h) **Sentenced persons approaching release.** Notwithstanding the provisions set forth
32 within this section, any sentenced person committed under the direct care, custody, and control of
33 the adult correctional institutions, who is within one (1) year of the projected good time release
34 date, provided that the person shall have completed at least one-half (½) of the full term of

1 incarceration, or any person who is sentenced to a term of six (6) months or less of incarceration,
2 provided that the person shall have completed at least one-half (½) of the term of incarceration,
3 may in the discretion of the director of corrections be classified to community confinement. This
4 provision shall not apply to any person whose current sentence was imposed upon conviction of
5 murder, first degree sexual assault or first degree child molestation.

6 (i) Persons sentenced to life without parole with a serious health condition.
7 Notwithstanding the provisions set forth within this section, any person sentenced to life without
8 parole committed under the direct care, custody, and control of the adult correctional institutions,
9 who has a condition that renders him or her confined to a medical facility and who is sufficiently
10 physically, mentally or otherwise disabled that the presence of correctional officers provides no
11 additional safety to the public or the personnel caring for them in that facility, may, in the discretion
12 of the director of corrections, be classified to community confinement in a medical facility with an
13 electronic surveillance and/or monitoring device. In consultation with medical professionals, such
14 an individual shall be removed from community confinement in a medical facility, if their medical
15 condition improves or resolves to a degree that the presence of correctional officers does enhance
16 the safety of the public and/or the personnel caring for them in that facility and be subject to a return
17 to the adult correctional institutions.

18 ~~(j)~~ **(j) Notification to police departments.** The director, or his or her designee, shall notify
19 the appropriate police department when a sentenced, adjudged or detained person has been placed
20 into community confinement within that department’s jurisdiction. That notice will include the
21 nature of the offense and the express terms and conditions of that person’s confinement. That notice
22 shall also be given to the appropriate police department when a person in community confinement
23 within that department’s jurisdiction is placed in escape status.

24 ~~(k)~~ **(k) No incarceration credit for persons awaiting trial.** No detainee shall be given
25 incarceration credit by the director for time spent in community confinement while awaiting trial.

26 ~~(l)~~ **(l) No confinement in college or university housing facilities.** Notwithstanding any
27 provision of the general laws to the contrary, no person eligible for community confinement shall
28 be placed in any college or university housing facility, including, but not limited to, dormitories,
29 fraternities or sororities. College or university housing facilities shall not be considered an “eligible
30 residence” for “community confinement.”

31 ~~(m)~~ **(m)** A sentencing judge shall have authority to waive overnight stay or incarceration at
32 the adult correctional institution after the sentencing of community confinement. The waiver shall
33 be binding upon the adult correctional institution and the staff thereof, including, but not limited to
34 the community confinement program.

1 SECTION 10. Sections 46-12.9-3, 46-12.9-5, and 46-12.9-11 of the General Laws in
2 Chapter 46-12.9 entitled "Rhode Island Underground Storage Tank Financial Responsibility Act"
3 are hereby amended to read as follows:

4 **46-12.9-3. Definitions**

5 When used in this chapter:

6 ~~(1) "Advisory board" means the Rhode Island underground storage tank financial~~
7 ~~responsibility advisory board established pursuant to the provisions of § 46-12.9-8.~~

8 ~~(2)~~ (1) "Department" means the Rhode Island department of environmental management.

9 ~~(3)~~ (2) "Director" means the director of the department of environmental management, or
10 his or her designee.

11 ~~(4)~~ (3) "Eligible costs" means costs, expenses, and other obligations as incurred by a
12 responsible party for site investigation, site remediation, or other corrective action activities ordered
13 or directed, and approved, by the department or performed by the responsible party and not
14 specifically identified by the department as ineligible.

15 ~~(5)~~ (4) "Facility" means any parcel of real estate or contiguous parcels of real estate owned
16 and/or operated by the same person(s), which together with all land, structures, facility components,
17 improvements, fixtures, and other appurtenances located therein, form a distinct geographic unit
18 and at which petroleum products or hazardous materials are or have been stored in underground
19 storage tanks.

20 ~~(6)~~ (5) "Fund" means the Rhode Island underground storage tank financial responsibility
21 fund established herein.

22 ~~(7)~~ (6) "Operator" means any person in control of, or having the responsibility for, the daily
23 operation of an underground storage tank system.

24 ~~(8)~~ (7) "Owner" means any person, corporation, group, or other entity who or that holds
25 exclusive or joint title to, or lawful possession of, a facility or part of a facility.

26 ~~(9)~~ (8) "Petroleum product" means crude oil, or any fractions thereof, that is liquid at
27 standard conditions of temperature sixty degrees Fahrenheit (60°F) and pressure fourteen and seven
28 tenths pounds per square inch absolute (14.7 psia) and includes substances derived from crude oil
29 including, but not limited to, the following:

30 (i) Gasoline;

31 (ii) Fuel Oils;

32 (iii) Diesel Oils;

33 (iv) Waste Oils;

34 (v) Gasohol, lubricants and solvents.

1 ~~(10)~~ (9) "Release" means any spilling, leaking, pumping, pouring, injecting, emitting,
2 escaping, leaching, discharging, or disposing of any material stored in an underground storage tank
3 system subject to these regulations into groundwater, surface water, soil, air, or any other
4 environmental media.

5 ~~(11)~~ (10) "Responsible party" means the person or persons liable for release of petroleum
6 or the remediation of a release.

7 ~~(12)~~ (11) "Site" means any location at which, or from which, there has been a release of
8 petroleum associated with an underground storage tank or an underground storage tank system, or
9 any location to which such petroleum has migrated.

10 ~~(13)~~ (12) "UST" or "Underground storage tank system" means any one or more
11 underground tanks, and their associated components, including piping, used to contain, transport,
12 or store petroleum product or hazardous material whose volume is ten percent (10%) or more
13 beneath the surface of the ground.

14 **46-12.9-5. Purpose of fund.**

15 (a) The purpose of the fund shall be to facilitate the clean-up of releases from leaking
16 underground storage tanks, underground storage tank systems, including those located on sites in
17 order to protect the environment, including drinking water supplies and public health.

18 (b) The fund shall provide reimbursement to responsible parties for the eligible costs
19 incurred by them as a result of releases of certain petroleum from underground storage tanks or
20 underground storage tank systems as provided herein. Monies in the fund shall be dispensed only
21 upon the order of the department for the following purposes:

22 (1) The fund shall pay not more than one million dollars (\$1,000,000) per incident, and up
23 to two million dollars (\$2,000,000) in the aggregate, for damages of eligible costs, as defined in
24 regulations promulgated hereunder and, as further defined in § 46-12.9-3, excluding legal costs and
25 expenses, incurred by a responsible party as a result of a release of petroleum from an underground
26 storage tank or underground storage tank system; provided, however, that a responsible party may
27 be responsible for the first twenty thousand dollars (\$20,000) of said eligible costs;

28 (2) Reimbursement for any third-party claim including, but not limited to, claims for bodily
29 injury, property damage, and damage to natural resources that are asserted against a responsible
30 party and that have arisen as a result of a release of petroleum from an underground storage tank
31 or underground storage tank system, in an amount not to exceed one million dollars (\$1,000,000)
32 for each release as set forth in subsection (b)(1); provided, that such claims are found by the
33 department to be justified, reasonable, related to the release of petroleum, and not excessive or
34 spurious in nature;

1 (3) Costs incurred by the department in carrying out the investigative, remedial, and
2 corrective action activities at sites of a petroleum release associated with an underground storage
3 tank or underground storage tank system where the responsible party fails to comply with an order
4 of the department to undertake such activities. In the event of such failure or documented inability
5 to comply, the department may access the fund to perform the ordered work and may proceed to
6 recover from the responsible party, on behalf of the fund, any amount expended from the fund by
7 the department;

8 (4) Nothing contained in this chapter shall be construed to prevent subrogation by the state
9 of Rhode Island against any responsible party, other than the owner and/or operator, for all sums
10 of money that the fund shall be obligated to pay hereunder, plus reasonable attorney's fees and costs
11 of litigation and such right of subrogation is hereby created; and

12 (5) Eligible costs incurred by the department to support the fund, including, but not limited
13 to, all personnel support to process and review claims in order to formulate recommendations for
14 reimbursement for consideration, ~~and providing meeting space for board meetings~~; provided,
15 however, that no more than five hundred and fifty thousand dollars (\$550,000) shall be dispensed
16 from the fund for administrative purposes during any fiscal year. The department shall directly
17 access the fund, pursuant to the limits set forth in subdivision (b)(1) of this section, to pay for such
18 expenses.

19 (6) [Deleted by P.L. 2016, ch. 148, § 1 and P.L. 2016, ch. 160, § 1].

20 **46-12.9-11. Fundings.**

21 (a) There is hereby imposed an environmental protection regulatory fee of one cent (\$0.01)
22 per gallon payable of motor fuel, to be collected by distributors of motor fuel when the product is
23 sold to owners and/or operators of underground storage tanks. Each distributor shall be responsible
24 to the tax administrator for the collection of the regulatory fee, and if the distributor is unable to
25 recover the fee from the person who ordered the product, the distributor shall nonetheless remit to
26 the tax administrator the regulatory fee associated with the delivery. In accordance with the
27 regulations to be promulgated hereunder, the fee shall be collected, reported, and paid to the Rhode
28 Island division of taxation as a separate, line-item entry, on a quarterly tax report by those persons
29 charged with the collection, reporting, and payment of motor fuels taxes. This fee shall be
30 administered and collected by the division of taxation. Notwithstanding the provisions of this
31 section, the fee shall not be applicable to purchases by the United States government.

32 (b) Of the one-cent-per-gallon (\$0.01) environmental protection regulatory fee collected
33 by distributors of motor fuel and paid to the Rhode Island division of taxation, one-half cent
34 (\$0.005) shall be deposited in the intermodal surface transportation fund to be distributed pursuant

1 to § 31-36-20 and one-half cent (\$0.005) shall be paid to the fund. All environmental protection
2 regulatory fees paid to the department shall be received by the department, which shall keep such
3 money in a distinct, interest-bearing, restricted-receipt account to the credit of, and for the exclusive
4 use of, the fund provided that for the period January 1, 2008, through June 30, 2008, all revenues
5 generated by the environmental protection regulatory fee, up to a maximum of two million dollars
6 (\$2,000,000), shall be deposited into the general fund. In fiscal year 2009, all revenues generated
7 by the environmental protection regulatory fee, up to a maximum equivalent to two million two
8 hundred thirty-seven thousand five hundred dollars (\$2,237,500), shall be deposited into the
9 intermodal surface transportation fund. All fees collected may be invested as provided by law and
10 all interest received on such investment shall be credited to the fund.

11 (c) When the fund reaches the sum of eight million dollars (\$8,000,000), the imposition of
12 the fee set forth in this chapter shall be suspended, and the division of taxation shall notify all
13 persons responsible for the collection, reporting, and payments of the fee of the suspension. In the
14 event that the account balance of the fund subsequently is reduced to a sum less than five million
15 dollars (\$5,000,000) as a result of fund activity, the fee shall be reinstated by the division of
16 taxation, following proper notice thereof, and once reinstated, the collection, reporting, and
17 payment of the fee shall continue until the account balance again reaches the sum of eight million
18 dollars (\$8,000,000).

19 (d) Upon the determination by ~~the advisory board and~~ the department that the fund has
20 reached a balance sufficient to satisfy all pending or future claims, the ~~advisory board~~ department
21 shall recommend to the general assembly the discontinuation of the imposition of the fee created
22 in this section.

23 SECTION 11. Section 46-12.9-8 of the General Laws in Chapter 46-12.9 entitled "Rhode
24 Island Underground Storage Tank Financial Responsibility Act" is hereby repealed.

25 ~~**46-12.9-8. Advisory board.**~~

26 ~~(a) There is hereby authorized, created, and established the "underground storage tank~~
27 ~~advisory board," to have such powers as are provided herein.~~

28 ~~(b) The advisory board shall consist of seven (7) members, as follows: the director of the~~
29 ~~department of environmental management, or his or her designee, who shall be a subordinate within~~
30 ~~the department of environmental management. The governor, with the advice and consent of the~~
31 ~~senate, shall appoint six (6) public members, one of whom shall have expertise and experience in~~
32 ~~financial matters. In making these appointments the governor shall give due consideration to~~
33 ~~recommendations from the American Petroleum Institute, the Independent Oil Marketers~~
34 ~~Association, the Oil Heat Institute, the Environment Council, the Independent Oil Dealers~~

1 ~~Association, and the Rhode Island Marine Trade Association. The newly appointed members will~~
2 ~~serve for a term of three (3) years commencing on the day they are qualified. Any vacancy which~~
3 ~~may occur on the board shall be filled by the governor, with the advice and consent of the senate,~~
4 ~~for the remainder of the unexpired term in the same manner as the member's predecessor as~~
5 ~~prescribed in this section. The members of the board shall be eligible to succeed themselves.~~
6 ~~Members shall serve until their successors are appointed and qualified. No one shall be eligible for~~
7 ~~appointment unless he or she is a resident of this state. The members of the board shall serve without~~
8 ~~compensation. Those members of the board, as of the effective date of this act [July 15, 2005], who~~
9 ~~were appointed to the board by members of the general assembly, shall cease to be members of the~~
10 ~~board on the effective date of this act, and the governor shall thereupon nominate three (3)~~
11 ~~members, each of whom shall serve the balance of the unexpired term of his or her predecessor.~~
12 ~~Those members of the board, as of the effective date of this act [July 15, 2005], who were appointed~~
13 ~~to the board by the governor, shall continue to serve the balance of their current terms. Thereafter,~~
14 ~~the appointments shall be made by the governor as prescribed in this section.~~

15 ~~(c) The advisory board shall meet at the call of the chair. All meetings shall be held~~
16 ~~consistent with chapter 46 of title 42.~~

17 ~~(d) The advisory board and its corporate existence shall continue until terminated by law.~~
18 ~~Upon termination of the existence of the advisory board, all its rights and properties shall pass to~~
19 ~~and be vested in the state.~~

20 ~~(e) The advisory board shall have the following powers and duties, together with all powers~~
21 ~~incidental thereto or necessary for the performance of those stated in this chapter:~~

22 ~~(1) To elect or appoint officers and agents of the advisory board, and to define their duties:~~

23 ~~(2) To make and alter bylaws, not inconsistent with this chapter, for the administration of~~
24 ~~the affairs of the advisory board. Such bylaws may contain provisions indemnifying any person~~
25 ~~who is, or was, a director or a member of the advisory board, in the manner and to the extent~~
26 ~~provided in § 7-6-6 of the Rhode Island nonprofit corporation act;~~

27 ~~(3) To oversee, review, and evaluate the condition and performance of the underground~~
28 ~~storage tank fund and approve and submit an annual report after the end of each fiscal year to the~~
29 ~~governor, the speaker of the house of representatives, the president of the senate, and the secretary~~
30 ~~of state, of its activities during that fiscal year. The report shall provide information provided by~~
31 ~~the department, including: an operating statement summarizing meetings held, including meeting~~
32 ~~minutes, subjects addressed, and decisions rendered; a summary of the advisory board's actions,~~
33 ~~fees levied, collected, or received, as prescribed in §§ 46-12.9-7 and 46-12.9-11, claims submitted,~~
34 ~~verified, approved, modified, and denied, as prescribed in § 46-12.9-7, and reconsideration hearings~~

1 ~~held; a synopsis of any law suits or other legal matters related to the fund; and a summary of~~
2 ~~performance during the previous fiscal year, including accomplishments, shortcomings, and~~
3 ~~remedies; a briefing on anticipated activities in the upcoming fiscal year; and findings and~~
4 ~~recommendations for improvements; and a summary of any training courses held pursuant to~~
5 ~~subdivision (e)(4). The report shall be posted electronically as prescribed in § 42-20-8.2. The~~
6 ~~advisory board may make recommendations or suggestions on the claims process and/or the~~
7 ~~condition and management of the fund, and the department shall respond, in writing, to any of these~~
8 ~~suggestions or recommendations; and~~

9 ~~(4) To conduct a training course for newly appointed and qualified members and new~~
10 ~~designees of ex-officio members within six (6) months of their qualification or designation. The~~
11 ~~course shall be developed by the executive director, approved by the board, and conducted by the~~
12 ~~executive director. The board may approve the use of any board or staff members or other~~
13 ~~individuals to assist with training. The training course shall include instruction in the following~~
14 ~~areas: the provisions of chapter 12.9 of title 46, chapter 46 of title 42, chapter 14 of title 36 and~~
15 ~~chapter 2 of title 38; and the board's rules and regulations. The director of the department of~~
16 ~~administration shall, within ninety (90) days of the effective date of this act [July 15, 2005], prepare~~
17 ~~and disseminate training materials relating to the provisions of chapter 14 of title 36, chapter 2 of~~
18 ~~title 38, and chapter 46 of title 42.~~

19 ~~(f) Upon the passage of this act and the appointment and qualification of the three (3) new~~
20 ~~members prescribed in subsection (b), the board shall elect, from among its members, a chair.~~
21 ~~Thereafter, the board shall elect annually, in February, a chair from among the members. The board~~
22 ~~may elect, from among its members, such other officers as it deems necessary.~~

23 ~~(g) Four (4) members of the board shall constitute a quorum and the vote of the majority~~
24 ~~of the members present shall be necessary and shall suffice for any action taken by the board. No~~
25 ~~vacancy in the membership of the board shall impair the right of a quorum to exercise all of the~~
26 ~~rights and perform all of the duties of the board.~~

27 ~~(h) Members of the board shall be removable by the governor pursuant to § 36-1-7 and~~
28 ~~removal solely for partisan or personal reasons unrelated to capacity or fitness for the office shall~~
29 ~~be unlawful.~~

30 SECTION 12. This article shall take effect upon passage.