



1 products are transformed into new, usable or marketable materials in a manner in which the original  
2 products may lose their identity.

3 (10) “~~Representative~~ Implementing organization” means the ~~nonprofit~~ organization ~~created~~  
4 ~~by producers~~ selected by the department to implement the paint stewardship program described in  
5 ~~§ 23-24.11-3~~ 23-24.12-3.

6 (11) “Retailer” means any person who offers architectural paint for sale at retail in this  
7 state.

8 (12) “Reuse” means the return of a product into the economic stream for use in the same  
9 kind of application as the product was originally intended to be used, without a change in the  
10 product’s identity.

11 (13) “Sell” or “sale” means any transfer of title for consideration including, but not limited  
12 to, remote sales conducted through sales outlets, catalogues, the Internet or any other similar  
13 electronic means.

14 **23-24.12-3. Establishment of paint stewardship program.**

15 (a) ~~On or before March 1, 2014, each producer shall join the representative organization~~  
16 ~~and such representative organization shall submit a plan for the establishment of a paint stewardship~~  
17 ~~program to the department for approval. The program shall minimize the public sector involvement~~  
18 ~~in the management of post consumer paint by reducing the generation of post consumer paint,~~  
19 ~~negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an~~  
20 ~~appropriately licensed facility post consumer paint using environmentally sound management~~  
21 ~~practices. No later than December 31, 2023, and every five years thereafter, the department shall~~  
22 ~~issue a solicitation seeking an organization or entity to implement and administer the paint~~  
23 ~~stewardship program as described in this section. The solicitation shall be competitive and~~  
24 ~~administered consistent with state procurement law. The paint stewardship program in effect at the~~  
25 ~~time that this statute is enacted shall remain in effect until such time as an organization or entity is~~  
26 ~~selected by the department to administer the program.~~

27 (b) ~~The program shall also provide for convenient and available state wide collection of~~  
28 ~~post consumer paint that, at a minimum, provides for collection rates and convenience greater than~~  
29 ~~the collection programs available to consumers prior to such paint stewardship program; propose a~~  
30 ~~paint stewardship assessment; include a funding mechanism that requires each producer who~~  
31 ~~participates in the representative organization to remit to the representative organization payment~~  
32 ~~of the paint stewardship assessment for each container of architectural paint sold within the state;~~  
33 ~~include an education and outreach program to help ensure the success of the program; and, work~~  
34 ~~with the department and Rhode Island commerce corporation to identify ways in which the state~~

1 ~~can motivate local infrastructure investment, business development and job creation related to the~~  
2 ~~collection, transportation and processing of post-consumer paint.~~ Each proposal submitted to the  
3 department shall include, at a minimum, the following elements:

4 (1) Recommendations to minimize the public sector involvement in the management of  
5 post-consumer paint by reducing the generation of post-consumer paint, negotiating agreements to  
6 collect, transport, reuse, recycle, and/or burn for energy recovery at an appropriately licensed  
7 facility post-consumer paint using environmentally sound management practices.

8 (2) A proposed program that will provide for convenient and available state-wide collection  
9 of post-consumer paint that, at a minimum, provides for collection rates and convenience greater  
10 than the collection programs available to consumers prior to such paint stewardship program;  
11 propose a paint stewardship assessment; include a funding mechanism that requires each producer  
12 to remit to the implementing organization payment of the paint stewardship assessment for each  
13 container of architectural paint sold within the state; include an education and outreach program to  
14 help ensure the success of the program; and, work with the department and Rhode Island commerce  
15 corporation to identify ways in which the state can motivate local infrastructure investment,  
16 business development and job creation related to the collection, transportation and processing of  
17 post-consumer paint.

18 (c) ~~The plan submitted to the department pursuant to this section shall~~ Each proposal shall  
19 also:

20 (1) Identify each producer ~~participating~~ that will participate in the paint stewardship  
21 program ~~and the brands of architectural paint sold in this state covered by the program;~~

22 (2) Identify how the ~~representative~~ implementing organization will provide convenient,  
23 statewide accessibility to the program;

24 (3) Set forth the process by which an independent auditor will be selected and identify the  
25 criteria used by the ~~representative~~ implementing organization in selecting an independent auditor;

26 (4) Identify, in detail, the educational and outreach program that will be implemented to  
27 inform consumers and retailers of the program and how to participate;

28 (5) Identify the methods and procedures under which the paint stewardship program will  
29 be coordinated with the Rhode Island resource recovery corporation;

30 (6) Identify, in detail, the operational plans for interacting with retailers on the proper  
31 handling and management of post-consumer paint;

32 (7) Include the proposed, audited paint assessment as identified in this section;

33 (8) Include the targeted annual collection rate; and

34 (9) Include a description of the intended treatment, storage, transportation and disposal

1 options and methods for the collected post-consumer paint; ~~and~~

2 ~~(10) Be accompanied by a fee in the amount of two thousand five hundred dollars (\$2,500)~~

3 ~~to be deposited into the environmental response fund to cover the review of said plan by the~~

4 ~~department.~~

5 ~~(d) Not later than sixty (60) days after submission of a plan pursuant to this section, the~~

6 ~~department shall make a determination whether to:~~

7 ~~(1) Approve the plan as submitted;~~

8 ~~(2) Approve the plan with conditions; or~~

9 ~~(3) Deny the plan.~~

10 ~~(e) Not later than three (3) months after the date the plan is approved, the representative~~

11 ~~organization shall implement the paint stewardship program.~~

12 ~~(fd) On or before March 1, 2014, the representative organization~~ Each proposal shall

13 propose a uniform paint stewardship assessment for all architectural paint sold in this state. The

14 proposed paint stewardship assessment shall be sufficient to cover the costs of administering the

15 program. The assessment may also be used to create a reserve fund, provided that such reserve fund

16 shall not exceed 50% of projected program costs in any given year. If the reserve fund is projected

17 to exceed 50% of projected program costs, the implementing organization shall immediately

18 propose to the department an amendment to the approved plan which will reduce the paint

19 stewardship assessment in the following calendar year by an amount sufficient to cause the reserve

20 fund to not exceed 50% of projected program costs. The department shall have the authority to cap

21 administrative expenses at a percentage of program costs as part of any contract awarded to

22 administer the paint stewardship program. ~~Such proposed paint stewardship assessment shall be~~

23 ~~reviewed by an independent auditor to assure that such assessment is consistent with the budget of~~

24 ~~the paint stewardship program described in this section and such independent auditor shall~~

25 ~~recommend an amount for such paint stewardship assessment to the department. The department~~

26 ~~shall be responsible for the approval of such paint stewardship assessment based upon the~~

27 ~~independent auditor's recommendation. If the paint stewardship assessment previously approved~~

28 ~~by the department pursuant to this section is proposed to be changed, the representative~~

29 ~~organization shall submit the new, adjusted uniform paint stewardship assessment to an~~

30 ~~independent auditor for review. After such review has been completed, the representative~~

31 ~~organization shall submit the results of said auditor's review and a proposal to amend the paint~~

32 ~~stewardship assessment to the department for review. The department shall review and approve, in~~

33 ~~writing, the adjusted paint stewardship assessment before the new assessment can be implemented.~~

34 ~~Any proposed changes to the paint stewardship assessment shall be submitted to the department no~~

1 ~~later than sixty (60) days prior to the date the representative organization anticipates the adjusted~~  
2 ~~assessment to take effect.~~

3 (g) On and after the date of implementation of the paint stewardship program pursuant to  
4 this section, the paint stewardship assessment shall be added to the cost of all architectural paint  
5 sold to retailers and distributors in this state by each producer. On and after such implementation  
6 date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship  
7 assessment to the purchase price of all architectural paint sold in this state.

8 (h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant  
9 to such paint stewardship program and in accordance with any applicable provision of law or  
10 regulation.

11 (i) Each producer and the ~~representative~~ implementing organization shall be immune from  
12 liability for any claim of a violation of antitrust law or unfair trade practice if such conduct is a  
13 violation of antitrust law, to the extent such producer or ~~representative~~ implementing organization  
14 is exercising authority pursuant to the provisions of this section.

15 (j) Not later than the implementation date of the paint stewardship program, the  
16 department shall list ~~the names of participating producers the brands of architectural paint covered~~  
17 ~~by such paint stewardship program and~~ the cost of the approved paint stewardship assessment on  
18 its website.

19 (k)(1) On and after the implementation date of the paint stewardship program, no producer,  
20 distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the  
21 ~~producer of such architectural paint is not a member of~~ paint stewardship assessment is not  
22 collected and remitted to the ~~representative~~ implementing organization.

23 (2) No retailer or distributor shall be found to be in violation of the provisions of this section  
24 if, on the date the architectural paint was ordered from the producer or its agent, the producer or  
25 the subject brand of architectural paint was listed on the department's website in accordance with  
26 the provisions of this section.

27 (l) Producers or the ~~representative~~ implementing organization shall provide retailers with  
28 educational materials regarding the paint stewardship assessment and paint stewardship program  
29 to be distributed at the point of sale to the consumer. Such materials shall include, but not be limited  
30 to, information regarding available end-of-life management options for architectural paint offered  
31 through the paint stewardship program and information that notifies consumers that a charge for  
32 the operation of such paint stewardship program is included in the purchase price of all architectural  
33 paint sold in this state.

34 (m) On or before October 15, 2015, and annually thereafter, the ~~representative~~

1 implementing organization shall submit a report to the director of the department of environmental  
2 management that details the paint stewardship program. Said report shall include a copy of the  
3 independent audit detailed in subdivision (4) below. Such annual report shall include, but not be  
4 limited to:

5 (1) A detailed description of the methods used to collect, transport and process post-  
6 consumer paint in this state;

7 (2) The overall volume of post-consumer paint collected in this state;

8 (3) The volume and type of post-consumer paint collected in this state by method of  
9 disposition, including reuse, recycling and other methods of processing or disposal;

10 (4) The total cost of implementing the program, as determined by an independent financial  
11 audit, as performed by an independent auditor;

12 (5) An evaluation of the adequacy of the program's funding mechanism;

13 (6) Samples of all educational materials provided to consumers of architectural paint and  
14 participating retailers; and

15 (7) A detailed list of efforts undertaken and an evaluation of the methods used to  
16 disseminate such materials including recommendations, if any, for how the educational component  
17 of the program can be improved.

18 (n) The ~~representative~~ implementing organization ~~shall~~ may update the plan, as needed,  
19 when there are changes proposed to the current program. ~~An new plan or~~ an amendment to the existing  
20 plan will be required to be submitted to the department for approval when:

21 (1) There is a proposed change to the amount of the assessment; or

22 (2) There is an addition to the products covered under the program; or

23 (3) There is a revision of the product stewardship organization's goals; ~~or~~

24 ~~(4) Every four (4) years, if requested, in writing, by the department the representative~~  
25 ~~organization shall notify the department annually, in writing, if there are no changes proposed to~~  
26 ~~the program and the representative organization intends to continue implementation of the program~~  
27 ~~as previously approved by the department.~~

28 (m) Upon selection of a new implementing organization to administer the paint stewardship  
29 program, the program shall be audited by the independent auditor and, upon certification of the  
30 audit by the department, any funds held by the previous implementing organization shall be  
31 immediately transferred to the department. These funds shall then be transferred by the department  
32 to the new implementing organization for use in administering the approved paint stewardship  
33 program.

34 (n) If there are no respondents to the solicitation required by this section, or the department

1 determines that none of the responses are sufficient to meet the requirements of this section, the  
2 Rhode Island resource recovery corporation established pursuant to § 23-19 et. seq. shall serve as  
3 the implementing organization, as defined in this chapter, until such time as another solicitation is  
4 required to occur by this section.

5 SECTION 2. Sections 23-90-2, 23-90-3, 23-90-5, 23-90-6, 23-90-8, 23-90-10 of the  
6 General Laws in Chapter 23-90 entitled “Responsible Recycling, Reuse and Disposal of  
7 Mattresses” are hereby amended to read as follows:

8 **23-90-2. Findings.**

9 The general assembly hereby finds and declares that:

10 (1) It is in the best interest of this state for providers of mattresses sold in Rhode Island to  
11 take responsibility for reducing the environmental and financial impacts of a mattress over its life  
12 cycle, from design to management after the end of a mattress’s useful life;

13 (2) It is in the best interest of this state to reduce illegal dumping of discarded mattresses  
14 and determine a process for minimizing costs incurred by Rhode Island’s cities and towns for the  
15 management of discarded mattresses; and

16 (3) It is in the best interest of this state for producers to develop a statewide product  
17 stewardship system that serves urban and rural areas in Rhode Island and provides cost-effective,  
18 convenient opportunities for the collection, transportation, recovery and safe management of  
19 discarded products.

20 **23-90-3. Definitions.**

21 As used in this chapter, the following words shall, unless the context clearly requires  
22 otherwise, have the following meanings:

23 (1) “Brand” means a name, symbol, word or mark that attributes a mattress to the producer  
24 of such mattress.

25 (2) “Covered entity” means any political subdivision of the state, any mattress retailer, any  
26 permitted transfer station, any waste to energy facility, any healthcare facility, any educational  
27 facility, any correctional facility, any military base, or any commercial or non profit lodging  
28 establishment that possesses a discarded mattress that was discarded in this state. Covered entity  
29 does not include any renovator, refurbisher or any person who transports a discarded mattress.

30 (3) “Consumer” means an individual who is also a resident of this state.

31 (4) “Corporation” means the Rhode Island Resource Recovery Corporation.

32 (5) “Corporation Director” means the executive director of the Rhode Island Resource  
33 Recovery Corporation.

34 ~~(6) “Council” or “mattress recycling council” means the state wide, non profit organization~~

1 ~~created by producers, or created by any trade association that represents producers, who account~~  
2 ~~for a majority of mattress production in the United States to design, submit, and implement the~~  
3 ~~mattress stewardship plan as described in this chapter.~~

4 (76) “Discarded mattress” means any mattress that a consumer intends to discard, has  
5 discarded, or that is abandoned.

6 (87) “Energy recovery” means the process by which all or a portion of solid waste materials  
7 are processed or combusted in order to utilize the heat content or other forms of energy derived  
8 from such solid waste materials.

9 (98) “Foundation” means any ticking-covered structure that is used to support a mattress  
10 and that is composed of one or more of the following: A constructed frame, foam, or a box spring.  
11 “Foundation” does not include any bed frame or base made of wood, metal, or other material that  
12 rests upon the floor and that serves as a brace for a mattress.

13 (9) “Implementing organization” means the organization or entity selected by the resource  
14 recovery corporation to administer the mattress stewardship program.

15 (10) “Mattress” means any resilient material, or combination of materials, that is enclosed  
16 by ticking, used alone or in combination with other products, and that is intended for, or promoted  
17 for, sleeping upon. “Mattress” includes any foundation, renovated foundation, or renovated  
18 mattress.

19 “Mattress” does not include any of the following:

20 (i) An unattached mattress pad, an unattached mattress topper, including any item with  
21 resilient filling, with or without ticking, that is intended to be used with, or on top of a mattress;

22 (ii) A sleeping bag, pillow;

23 (iii) A crib or bassinet mattress, car bed;

24 (iv) Juvenile products, including: a carriage, basket, dressing table, stroller, playpen, infant  
25 carrier, lounge pad, crib bumper, and the pads for those juvenile products;

26 (v) A product that contains liquid- or gaseous-filled ticking, including any water bed or air  
27 mattress that does not contain upholstery material between the ticking and the mattress core;

28 (vi) Any upholstered furniture that does not contain a detachable mattress; or

29 (vii) A fold-out sofa bed or futon.

30 (11) “Mattress core” means the main support system that is present in a mattress, including,  
31 but not limited to: springs, foam, air bladder, water bladder, or resilient filling.

32 ~~(12) “Mattress recycling council” or “council” means the organization created by producers~~  
33 ~~to design, submit, and implement the mattress stewardship program described in § 23-90-5.~~

34 (1312) “Mattress stewardship fee” means the amount added to the purchase price of a

1 mattress sold in this state that is necessary to cover the cost of collecting, transporting, and  
2 processing discarded mattresses by the council pursuant to the mattress stewardship program.

3 ~~(14)~~13 “Mattress stewardship program” or “program” means the state wide, program  
4 described in § 23-90-5 and implemented pursuant to the mattress stewardship plan as approved by  
5 the corporation director.

6 ~~(15)~~14 “Mattress topper” means any item that contains resilient filling, with or without  
7 ticking, that is intended to be used with or on top of a mattress.

8 ~~(16)~~15 “Performance goal” means a metric proposed by the council, to measure, on an  
9 annual basis, the performance of the mattress stewardship program, taking into consideration  
10 technical and economic feasibilities, in achieving continuous, meaningful improvement in  
11 improving the rate of mattress recycling in the state and any other specified goal of the program.

12 ~~(17)~~16 “Producer” means any person who manufactures or renovates a mattress that is sold,  
13 offered for sale, or distributed in the state under the manufacturer’s own name or brand. “Producer”  
14 includes:

15 (i) The owner of a trademark or brand under which a mattress is sold, offered for sale, or  
16 distributed in this state, whether or not such trademark or brand is registered in this state; and

17 (ii) Any person who imports a mattress into the United States that is sold or offered for sale  
18 in this state and that is manufactured or renovated by a person who does not have a presence in the  
19 United States;

20 ~~(18)~~17 “Recycling” means any process in which discarded mattresses, components, and  
21 by-products may lose their original identity or form as they are transformed into new, usable, or  
22 marketable materials. “Recycling” does not include as a primary process the use of incineration for  
23 energy recovery or energy generation by means of combustion.

24 ~~(19)~~18 “Renovate” or “renovation” means altering a mattress for the purpose of resale and  
25 includes any one, or a combination of, the following: Replacing the ticking or filling, adding  
26 additional filling, rebuilding a mattress, or replacing components with new or recycled materials.  
27 “Renovate” or “renovation” does not include the:

28 (i) Stripping of a mattress of its ticking or filling without adding new material;

29 (ii) Sanitization or sterilization of a mattress without otherwise altering the mattress; or

30 (iii) Altering of a mattress by a renovator when a person retains the altered mattress for  
31 personal use, in accordance with regulations of the department of business regulation.

32 ~~(20)~~19 “Renovator” means a person who renovates discarded mattresses for the purpose of  
33 reselling such mattresses in a retail store.

34 ~~(21)~~20 “Retailer” means any person who sells mattresses in this state or offers mattresses

1 in this state to a consumer through any means, including, but not limited to, remote offerings such  
2 as sales outlets, catalogs, or the internet.

3 (2221) “Sanitization” means the direct application of chemicals to a mattress to kill human  
4 disease-causing pathogens.

5 (2322) “-Sale” means the transfer of title of a mattress for consideration, including through  
6 the use of a sales outlet, catalog, internet website, or similar electronic means.

7 (2423) “Sterilization” means the mitigation of any deleterious substances or organisms  
8 including human disease-causing pathogens, fungi, and insects from a mattress or filling material  
9 using a process approved by the department of business regulation.

10 (2524) “Ticking” means the outermost layer of fabric or material of a mattress. “Ticking”  
11 does not include any layer of fabric or material quilted together with, or otherwise attached to, the  
12 outermost layer of fabric or material of a mattress.

13 (2625) “Upholstery material” means all material, loose or attached, between the ticking  
14 and the core of a mattress.

15 (2726) “Wholesaler” means any person who sells or distributes mattresses in the state, in a  
16 nonretail setting, for the purpose of the resale of such mattresses.

17 **23-90-5. Mattress stewardship plan.**

18 (a) On or before ~~July 1, 2015~~ December 31, 2023, and every five years thereafter, the  
19 ~~mattress stewardship council corporation~~ shall ~~submit a mattress stewardship plan for the~~  
20 ~~establishment of a mattress stewardship program to the corporation director for approval~~ issue a  
21 solicitation consistent with state procurement law to identify an implementing organization to  
22 administer the mattress stewardship program.

23 (b) ~~The plan~~ Responses to the solicitation submitted pursuant to subsection (a) of this  
24 section shall, to the extent it is technologically feasible and economically practical:

- 25 (1) Identify each producer’s participation in the program;
- 26 (2) Describe the fee structure for the program and propose a uniform stewardship fee that  
27 is sufficient to cover the costs of operating and administering the program;
- 28 (3) Establish performance goals for the ~~first two (2) years of the~~ program;
- 29 (4) Identify proposed recycling facilities to be used by the program, such facilities shall not  
30 require a solid waste management facilities license;
- 31 (5) Detail how the program will promote the recycling of discarded mattresses;
- 32 (6) Include a description of the public education program;
- 33 (7) Describe fee-disclosure language that retailers will be required to prominently display  
34 that will inform consumers of the amount and purpose of the fee; and

1 (8) Identify the methods and procedures to facilitate implementation of the mattress  
2 stewardship program in coordination with the corporation director and municipalities.

3 ~~(e) Not later than ninety (90) days after submission of the plan pursuant to this section, the~~  
4 ~~corporation shall make a determination whether to:~~

5 ~~(1) Approve the plan as submitted; or~~

6 ~~(2) Deny the plan.~~

7 ~~(d) The corporation director shall approve the plan for the establishment of the mattress~~  
8 ~~stewardship program, provided such plan reasonably meets the requirements of this section. Prior~~  
9 ~~to making such determination, the corporation director shall post the plan for at least thirty (30)~~  
10 ~~days, in accordance with the “Administrative Procedures Act” as set forth in chapter 35 of title 42,~~  
11 ~~on the corporation’s website and solicit public comments on the plan to be posted on the website.~~

12 ~~(e) In the event that the corporation does not select a respondent to administer the mattress~~  
13 ~~stewardship program, or the director of the corporation determines that the corporation can~~  
14 ~~administer a mattress stewardship program at lower cost to the consumer, then the corporation shall~~  
15 ~~administer a mattress stewardship program consistent with the requirements of this chapter. In such~~  
16 ~~cases, the corporation shall assume all duties and responsibilities of the implementing organization,~~  
17 ~~as defined in this chapter, and shall administer the mattress stewardship program until such time as~~  
18 ~~a new implementing organization is selected pursuant to the solicitation required by this section to~~  
19 ~~occur every five years.~~ ~~director denies the plan, the corporation director shall provide a notice of~~  
20 ~~determination to the council, within sixty (60) days, detailing the reasons for the disapproval. The~~  
21 ~~council shall revise and resubmit the plan to the corporation director not later than forty five (45)~~  
22 ~~days after receipt of notice of the corporation director’s denial notice. Not later than forty five (45)~~  
23 ~~days after receipt of the revised plan, the corporation director shall review and approve or deny the~~  
24 ~~revised plan. The council may resubmit a revised plan to the corporation director for approval on~~  
25 ~~not more than two (2) occasions. If the council fails to submit a plan that is acceptable to the~~  
26 ~~corporation director, because it does not meet the criteria pursuant to subdivisions (b)(1-8), the~~  
27 ~~corporation director shall have the ability to modify the submitted plan and approve it. Not later~~  
28 ~~than one hundred twenty (120) days after the approval of a plan pursuant to this section, the council~~  
29 ~~shall implement the mattress stewardship program.~~

30 ~~(f)~~ It is the responsibility of the ~~council~~ implementing organization to:

31 (1) Notify the corporation director whenever there is a proposed substantial change to the  
32 program. If the corporation director takes no action on a proposed substantial change within ninety  
33 (90) days after notification of the proposed change, the proposed change shall be deemed approved.  
34 For the purposes of this subdivision, “substantial change” shall include, but not be limited to:

1 (i) A change in the processing facilities to be used for discarded mattresses collected  
2 pursuant to the program; or

3 (ii) A material change to the system for collecting mattresses.

4 ~~(2) Not later than October 1, 2017, the council shall submit to the corporation director for~~  
5 ~~review, updated performance goals that are based on the experience of the program during the first~~  
6 ~~two (2) years of the program.~~

7 (g) The ~~council~~ implementing organization shall notify the corporation director of any  
8 other changes to the program on an ongoing basis, whenever they occur, without resubmission of  
9 the plan to the corporation director for approval. ~~Such changes shall include, but not be limited to,~~  
10 ~~a change in the composition, officers, or contact information of the council.~~

11 ~~(h) On or before July 1, 2015, and every two (2) years thereafter, the council shall propose~~  
12 ~~a uniform fee for all mattresses sold in this state. The council may propose a change to the uniform~~  
13 ~~fee more frequently than once every two (2) years if the council determines such change is needed~~  
14 ~~to avoid funding shortfalls or excesses. Any proposed fee shall be reviewed by an independent~~  
15 ~~auditor to ensure that such assessment does not exceed the costs of the mattress stewardship~~  
16 ~~program described in subsection (b) of this section and to maintain financial reserves sufficient to~~  
17 ~~operate the program over a multi-year period in a fiscally prudent and responsible manner. Not~~  
18 ~~later than sixty (60) days after the council proposes a mattress stewardship fee, the auditor shall~~  
19 ~~render an opinion to the corporation director as to whether the proposed mattress stewardship fee~~  
20 ~~is reasonable to achieve the goals set forth in this section. If the auditor concludes that the mattress~~  
21 ~~stewardship fee is reasonable, then the proposed fee shall go into effect not less than ninety (90)~~  
22 ~~days after the auditor notifies the corporation director that the fee is reasonable. If the auditor~~  
23 ~~concludes that the mattress stewardship fee is not reasonable, the auditor shall provide the council~~  
24 ~~with written notice explaining the auditor's opinion. Specific documents or information provided~~  
25 ~~to the auditor by the council, along with any associated internal documents or information held by~~  
26 ~~the council, shall be made available to the corporation for its review upon request but shall not be~~  
27 ~~made public if the documents and information contain trade secrets or commercial or financial~~  
28 ~~information of a privileged or confidential nature, pursuant to chapter 2 of title 38 ("access to public~~  
29 ~~records"). Not later than fourteen (14) days after the council's receipt of the auditor's opinion, the~~  
30 ~~council may either propose a new mattress stewardship fee, or provide written comments on the~~  
31 ~~auditor's opinion. If the auditor concludes that the fee is not reasonable, the corporation director~~  
32 ~~shall decide, based on the auditor's opinion and any comments provided by the council, whether to~~  
33 ~~approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The~~  
34 ~~cost of any work performed by such auditor pursuant to the provisions of this subsection and~~

1 ~~subsection (i) of this section shall be funded by the council.~~

2 (f)(1) On and after the implementation of the mattress stewardship program, each retailer  
3 shall add the amount of the fee established pursuant to subsection (b) of this section ~~and described~~  
4 ~~in subsection (h) of this section~~ to the purchase price of all mattresses sold in this state. The fee  
5 shall be remitted by the retailer to the ~~council~~ implementing organization. The ~~council~~  
6 implementing organization may, subject to the corporation director's approval, establish an  
7 alternative, practicable means of collecting or remitting such fee.

8 (2) On and after the implementation date of the mattress stewardship program, no producer,  
9 distributor, or retailer shall sell or offer for sale a mattress to any person in the state if the producer  
10 is not a ~~member participant in~~ of the mattress stewardship program administered by the ~~council~~  
11 implementing organization.

12 (3) No retailer or distributor shall be found to be in violation of the provisions of this  
13 section, if, on the date the mattress was ordered from the producer or its agent, the producer of said  
14 mattress was listed on the corporation's website in accordance with the provisions of this chapter.

15 (g) Not later than October 1, 2016, and annually thereafter, the ~~council~~ implementing  
16 organization shall submit an annual report to the corporation director. The corporation director shall  
17 post such annual report on the corporation's website. Such report shall include, but not be limited  
18 to:

19 (1) The weight of mattresses collected pursuant to the program from:

- 20 (i) Municipal and/or transfer stations;
- 21 (ii) Retailers; and
- 22 (iii) All other covered entities;

23 (2) The weight of mattresses diverted for recycling;

24 (3) Identification of the mattress recycling facilities to which mattresses were delivered for  
25 recycling;

26 (4) The weight of discarded mattresses recycled, as indicated by the weight of each of the  
27 commodities sold to secondary markets;

28 (5) The weight of mattresses, or parts thereof, sent for disposal at each of the following:

- 29 (i) Rhode Island resource recovery corporation; and
- 30 (ii) Any other facilities;

31 (6) Samples of public education materials and methods used to support the program;

32 (7) A description of efforts undertaken and evaluation of the methods used to disseminate  
33 such materials;

34 (8) Updated performance goals and an evaluation of the effectiveness of the methods and

1 processes used to achieve performance goals of the program; and

2 (9) Recommendations for any changes to the program.

3 ~~(k)~~ Two (2) years after the implementation of the program and upon the request of the  
4 corporation director, but not more frequently than once a year, the ~~council~~ implementing  
5 organization shall cause an audit of the program to be conducted by ~~the auditor described in~~  
6 ~~subsection (h) of this section~~ an independent auditor selected by the implementing organization.  
7 Such audit shall review the accuracy of the ~~council's~~ implementing organization's data concerning  
8 the program and provide any other information requested by the corporation director. Such audit  
9 shall be paid for by the ~~council~~ implementing organization. The ~~council~~ implementing organization  
10 shall maintain all records relating to the program for not less than three (3) years.

11 ~~(i)~~ No covered entity that participates in the program shall charge for receipt of mattresses  
12 generated in the state. Covered entities may charge a fee for providing the service of collecting  
13 mattresses and may restrict the acceptance of mattresses by number, source, or physical condition.

14 ~~(m)~~ Covered entities that, upon the date of this act's passage, have an existing program for  
15 recycling discarded mattresses may continue to operate such program without coordination of the  
16 council, so long as the entities are able to demonstrate, in writing, to the corporation director that  
17 the facilities to which discarded mattresses are delivered are engaged in the business of recycling  
18 said mattresses and the corporation director approves the written affirmation that the facility  
19 engages in mattress recycling of mattresses received by the covered entity. A copy of the written  
20 affirmation and the corporation's approval shall be provided to the council by the corporation  
21 director in a timely manner.

22 (k) The implementing organization may, subject to approval by the corporation, propose  
23 the establishment and maintenance of a financial reserve sufficient to operate the program over a  
24 multi-year period in a fiscally prudent and responsible manner. Such financial reserve shall not  
25 exceed 50 percent of the projected program costs in any given year.

26 (l) The corporation is authorized to cap administrative expenses to administer the mattress  
27 stewardship program at a set percentage of annual program expenses as determined by the  
28 corporation.

29 **23-90-6. Responsibilities of the Rhode Island resource recovery corporation.**

30 (a) The corporation shall review for approval responses to the solicitation for an  
31 implementing organization to administer the mattress stewardship program. ~~of the council~~

32 (b) The corporation shall maintain on its website information on collection opportunities  
33 for mattresses, including collection site locations. The information must be made available in a  
34 printable format for retailers and consumers.

1 (c) Not later than the implementation date of the mattress stewardship program, the  
2 corporation shall list the names of participating producers covered by the program and the cost of  
3 the approved mattress stewardship fee on its website.

4 (d) The corporation shall approve the mattress stewardship fee to be applied by the ~~council~~  
5 implementing organization to mattresses pursuant to this chapter.

6 (e) The corporation shall assume responsibility for administering the mattress stewardship  
7 program in the event that none of the submissions to the solicitation for an implementing  
8 organization are deemed sufficient, or if the director of the corporation determines that the  
9 corporation can administer the mattress stewardship program at a lower cost to the consumer than  
10 any of the respondents to the solicitation.

11 (e) Pursuant to § 23-90-11, the corporation shall report biennially to the general assembly  
12 on the operation of the statewide system for collection, transportation and recycling of mattresses.

13 **23-90-8. Immunity.**

14 Each producer, retailer and the ~~council~~ implementing organization shall be immune from  
15 liability for any claim of a violation of antitrust law, to the extent such producer or ~~council~~  
16 implementing organization is exercising authority pursuant to the provisions of this chapter,  
17 including but not limited to:

18 (1) The creation, implementation or management of a plan pursuant to § 23-90-5, and the  
19 types or quantities of used mattresses recycled or otherwise managed pursuant to a plan;

20 (2) The cost and structure of a plan; and

21 (3) The establishment, administration, collection or disbursement of the mattress  
22 stewardship fee associated with funding the implementation of the plan.

23 **23-90-10. Collaboration.**

24 In the event that another state implements a mattress recycling program, the ~~council~~  
25 implementing organization may collaborate with such state to conserve efforts and resources used  
26 in carrying out the mattress stewardship program, provided such collaboration is consistent with  
27 the requirements of this chapter.

28 SECTION 3. Section 23-90-4 in Chapter 23-90 entitled “Responsible Recycling, Reuse  
29 and Disposal of Mattresses” is hereby repealed.

30 ~~**23-90-4. Mattress stewardship council established.**~~

31 ~~(a) On or before July 1, 2015, each producer shall join the council and such council shall~~  
32 ~~submit a plan, for the corporation director’s approval, to establish a statewide mattress stewardship~~  
33 ~~program, as described in this section. Any retailer may be a member of such council. Such mattress~~  
34 ~~stewardship program shall, to the extent it is technologically feasible and economically practical:~~

- 1           ~~(1) Minimize public sector involvement in the management of discarded mattresses;~~
- 2           ~~(2) Provide for the convenient and accessible statewide collection of discarded mattresses~~
- 3 ~~from any person in the state with a discarded mattress that was discarded in the state, including~~
- 4 ~~from participating covered entities that accumulated and segregated a minimum of fifty (50)~~
- 5 ~~discarded mattresses for collection at one time, or a minimum of thirty (30) discarded mattresses~~
- 6 ~~for collection at one time in the case of participating municipal transfer stations;~~
- 7           ~~(3) Provide for council financed recycling and disposal of discarded mattresses;~~
- 8           ~~(4) Provide suitable storage containers at permitted municipal transfer stations, municipal~~
- 9 ~~government property or other solid waste management facilities for segregated, discarded~~
- 10 ~~mattresses, or make other mutually agreeable storage and transportation agreements at no cost to~~
- 11 ~~such municipality provided the municipal transfer station, municipal government property or other~~
- 12 ~~solid waste management facilities make space available for such purpose and imposes no fee for~~
- 13 ~~placement of such storage container on its premises;~~
- 14           ~~(5) Include a uniform mattress stewardship fee that is sufficient to cover the costs of~~
- 15 ~~operating and administering the program; and~~
- 16           ~~(6) Establish a financial incentive that provides for the payment of a monetary sum,~~
- 17 ~~established by the council, to promote the recovery of mattresses.~~
- 18           ~~(b) The council shall be a nonprofit organization with a fee structure that covers, but does~~
- 19 ~~not exceed, the costs of developing the plan and operating and administering the program in~~
- 20 ~~accordance with the requirements of this chapter, and maintaining a financial reserve sufficient to~~
- 21 ~~operate the program over a multi-year period of time in a fiscally prudent and responsible manner.~~
- 22 ~~The council shall maintain all records relating to the program for a period of not less than three (3)~~
- 23 ~~years.~~
- 24           ~~(c) Pursuant to the program, recycling shall be preferred over any other disposal method to~~
- 25 ~~the extent that recycling is technologically feasible and economically practical.~~
- 26           ~~(d) The council shall enter into an agreement with the corporation to reimburse for~~
- 27 ~~reasonable costs directly related to administering the program but not to exceed the cost of two (2)~~
- 28 ~~full time equivalent employees.~~

29           SECTION 4. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled “Duties of

30 Utilities and Carriers” is hereby amended to read as follows:

31           **39-2-1.2. Utility base rate — Advertising, demand-side management, and**

32 **renewables.**

33           (a) In addition to costs prohibited in § 39-1-27.4(b), no public utility distributing or

34 providing heat, electricity, or water to or for the public shall include as part of its base rate any

1 expenses for advertising, either direct or indirect, that promotes the use of its product or service, or  
2 is designed to promote the public image of the industry. No public utility may furnish support of  
3 any kind, direct or indirect, to any subsidiary, group, association, or individual for advertising and  
4 include the expense as part of its base rate. Nothing contained in this section shall be deemed as  
5 prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or  
6 educational in nature, that is designed to promote public safety conservation of the public utility's  
7 product or service. The public utilities commission shall promulgate such rules and regulations as  
8 are necessary to require public disclosure of all advertising expenses of any kind, direct or indirect,  
9 and to otherwise effectuate the provisions of this section.

10 (b) Effective as of January 1, 2008, and for a period of twenty-~~two~~ (20~~2~~) years thereafter,  
11 each electric distribution company shall include a charge per kilowatt-hour delivered to fund  
12 demand-side management programs. The 0.3 mills per kilowatt-hour delivered to fund renewable  
13 energy programs shall remain in effect until December 31, 20~~28~~30. The electric distribution  
14 company shall establish and, after July 1, 2007, maintain, two (2) separate accounts, one for  
15 demand-side management programs (the "demand-side account"), which shall be funded by the  
16 electric demand-side charge and administered and implemented by the distribution company,  
17 subject to the regulatory reviewing authority of the commission, and one for renewable energy  
18 programs, which shall be administered by the Rhode Island commerce corporation pursuant to §  
19 42-64-13.2 and shall be held and disbursed by the distribution company as directed by the Rhode  
20 Island commerce corporation for the purposes of developing, promoting, and supporting renewable  
21 energy programs.

22 During the time periods established in this subsection, the commission may, in its  
23 discretion, after notice and public hearing, increase the sums for demand-side management and  
24 renewable resources. In addition, the commission shall, after notice and public hearing, determine  
25 the appropriate charge for these programs. The office of energy resources, and/or the administrator  
26 of the renewable energy programs, may seek to secure for the state an equitable and reasonable  
27 portion of renewable energy credits or certificates created by private projects funded through those  
28 programs. As used in this section, "renewable energy resources" shall mean: (1) Power generation  
29 technologies, as defined in § 39-26-5, "eligible renewable energy resources," including off-grid and  
30 on-grid generating technologies located in Rhode Island, as a priority; (2) Research and  
31 development activities in Rhode Island pertaining to eligible renewable energy resources and to  
32 other renewable energy technologies for electrical generation; or (3) Projects and activities directly  
33 related to implementing eligible renewable energy resources projects in Rhode Island.  
34 Technologies for converting solar energy for space heating or generating domestic hot water may

1 also be funded through the renewable energy programs. Fuel cells may be considered an energy  
2 efficiency technology to be included in demand-side management programs. Special rates for low-  
3 income customers in effect as of August 7, 1996, shall be continued, and the costs of all of these  
4 discounts shall be included in the distribution rates charged to all other customers. Nothing in this  
5 section shall be construed as prohibiting an electric distribution company from offering any special  
6 rates or programs for low-income customers which are not in effect as of August 7, 1996, subject  
7 to the approval by the commission.

8 (1) The renewable energy investment programs shall be administered pursuant to rules  
9 established by the Rhode Island commerce corporation. Said rules shall provide transparent criteria  
10 to rank qualified renewable energy projects, giving consideration to:

11 (i) The feasibility of project completion;

12 (ii) The anticipated amount of renewable energy the project will produce;

13 (iii) The potential of the project to mitigate energy costs over the life of the project; and

14 (iv) The estimated cost per kilowatt-hour (KWh) of the energy produced from the project.

15 (c) [Deleted by P.L. 2012, ch. 241, art. 4, § 14.]

16 (d) The chief executive officer of the commerce corporation is authorized and may enter  
17 into a contract with a contractor for the cost-effective administration of the renewable energy  
18 programs funded by this section. A competitive bid and contract award for administration of the  
19 renewable energy programs may occur every three (3) years and shall include, as a condition, that  
20 after July 1, 2008, the account for the renewable energy programs shall be maintained and  
21 administered by the commerce corporation as provided for in subsection (b) of this section.

22 (e) Effective January 1, 2007, and for a period of twenty-~~one~~three (2+3) years thereafter,  
23 each gas distribution company shall include, with the approval of the commission, a charge per  
24 deca therm delivered to fund demand-side management programs (the "gas demand-side charge"),  
25 including, but not limited to, programs for cost-effective energy efficiency, energy conservation,  
26 combined heat and power systems, and weatherization services for low-income households.

27 (f) Each gas company shall establish a separate account for demand-side management  
28 programs (the "gas demand-side account") that shall be funded by the gas demand-side charge and  
29 administered and implemented by the distribution company, subject to the regulatory reviewing  
30 authority of the commission. The commission may establish administrative mechanisms and  
31 procedures that are similar to those for electric demand-side management programs administered  
32 under the jurisdiction of the commission and that are designed to achieve cost-effectiveness and  
33 high, life-time savings of efficiency measures supported by the program.

1 (g) The commission may, if reasonable and feasible, except from this demand-side  
2 management charge:

3 (1) Gas used for distribution generation; and

4 (2) Gas used for the manufacturing processes, where the customer has established a self-  
5 directed program to invest in and achieve best-effective energy efficiency in accordance with a plan  
6 approved by the commission and subject to periodic review and approval by the commission, which  
7 plan shall require annual reporting of the amount invested and the return on investments in terms  
8 of gas savings.

9 (h) The commission may provide for the coordinated and/or integrated administration of  
10 electric and gas demand-side management programs in order to enhance the effectiveness of the  
11 programs. Such coordinated and/or integrated administration may after March 1, 2009, upon the  
12 recommendation of the office of energy resources, be through one or more third-party entities  
13 designated by the commission pursuant to a competitive selection process.

14 (i) Effective January 1, 2007, the commission shall allocate, from demand-side  
15 management gas and electric funds authorized pursuant to this section, an amount not to exceed  
16 three percent (3%) of such funds on an annual basis for the retention of expert consultants, and  
17 reasonable administration costs of the energy efficiency and resources management council  
18 associated with planning, management, and evaluation of energy-efficiency programs, renewable  
19 energy programs, system reliability least-cost procurement, and with regulatory proceedings,  
20 contested cases, and other actions pertaining to the purposes, powers, and duties of the council,  
21 which allocation may by mutual agreement, be used in coordination with the office of energy  
22 resources to support such activities.

23 (j) Effective January 1, 2016, the commission shall annually allocate from the  
24 administrative funding amount allocated in subsection (i) from the demand-side management  
25 program as described in subsection (i) as follows: (1) for the energy efficiency resources  
26 management council, no more than forty percent (40%) for the purposes identified in subsection (i)  
27 and (2) sixty percent (60%) of three percent (3%) from the demand side management and electric  
28 funds annually to the office of energy resources for activities associated with planning,  
29 management, and evaluation of energy-efficiency programs, renewable energy programs, system  
30 reliability, least-cost procurement, and with regulatory proceedings, contested cases, and other  
31 actions pertaining to the purposes, powers, and duties of the office of energy resources. The office  
32 of energy resources shall have exclusive authority to direct the use of these funds.

33 (k) On April 15, of each year, the office and the council shall submit to the governor, the  
34 president of the senate, and the speaker of the house of representatives, separate financial and

1 performance reports regarding the demand-side management programs, including the specific level  
2 of funds that were contributed by the residential, municipal, and commercial and industrial sectors  
3 to the overall programs; the businesses, vendors, and institutions that received funding from  
4 demand-side management gas and electric funds used for the purposes in this section; and the  
5 businesses, vendors, and institutions that received the administrative funds for the purposes in  
6 subsections (i) and (j). These reports shall be posted electronically on the websites of the office of  
7 energy resources and the energy efficiency and resources management council.

8 (l) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each  
9 electric distribution company, except for the Pascoag Utility District and Block Island Power  
10 Company, shall remit two percent (2%) of the amount of the 2014 electric demand-side charge  
11 collections to the Rhode Island infrastructure bank.

12 (m) On or after August 1, 2015, at the request of the Rhode Island infrastructure bank, each  
13 gas distribution company shall remit two percent (2%) of the amount of the 2014 gas demand-side  
14 charge collections to the Rhode Island infrastructure bank.

15 (n) Effective January 1, 2022, the commission shall allocate, from demand-side  
16 management gas and electric funds authorized pursuant to this section, five million dollars  
17 (\$5,000,000) of such funds on an annual basis to the Rhode Island infrastructure bank. Gas and  
18 electric demand-side funds transferred to the Rhode Island infrastructure bank pursuant to this  
19 section shall be eligible to be used in any energy efficiency, renewable energy, [clean transportation](#),  
20 [clean heating, energy storage](#), or demand-side management project financing program administered  
21 by the Rhode Island infrastructure bank notwithstanding any other restrictions on the use of such  
22 collections set forth in this chapter. The infrastructure bank shall report annually to the commission  
23 within ninety (90) days of the end of each calendar year how collections transferred under this  
24 section were utilized.

25 [\(o\) Effective January 1, 2024, the commission shall allocate from demand-side](#)  
26 [management gas and electric funds authorized pursuant to this section, \*four million five hundred\*](#)  
27 [thousand \(\\$4,500,000\) of such funds on an annual basis to the Rhode Island office of energy](#)  
28 [resources, on behalf of the executive climate change coordinating council, for climate change-](#)  
29 [related initiatives. The executive climate change coordinating council shall have exclusive](#)  
30 [authority to direct the use of these funds. The office of energy resources may act on behalf of the](#)  
31 [executive climate change coordinating council to disburse these funds.](#)

32 [\(i\) The gas and electric demand-side funds allocated pursuant to 39-2-1.2\(o\) shall be used](#)  
33 [to fund direct investments in programs designed to eliminate emissions of greenhouse gases in](#)  
34 [Rhode Island, including any energy efficiency, renewable energy, clean transportation, clean](#)

1 heating, energy storage, demand-side management, or other programs and investments that support  
2 the 2021 Act on Climate, as well as supporting the work directly related to compliance with the  
3 provisions of that Act, including but not limited to:

4 (a) Developing an updated Climate Strategy by December 31, 2025, including GHG  
5 modeling and support for a robust public involvement process;

6 (b) Completing, publishing, and maintaining public metrics and an online public dashboard  
7 tracking emissions reductions, sources of energy consumed by the state, and related climate  
8 metrics;

9 (c) Supporting multiple agencies to develop and promulgate rules and regulations and/or  
10 implement programs necessary to meet GHG reduction mandates;

11 (d) Supplementing critical state programs aimed at decarbonization and resilience,  
12 including support for related work by municipalities and conservation commissions;

13 (e) Supporting the work of the Climate Justice workgroup, including support for  
14 community-centric communications and engagement actions, and compensation to community  
15 participants; and,

16 (f) Supporting continued work of the Science & Technical Advisory Board, created  
17 pursuant to § 42-6.2-5, and the Advisory Board, created pursuant to § 42-6.2-4, including the  
18 engagement of expert technical consulting support where necessary.

19 (g) Funds may also be used for the purpose of providing the financial means for the council  
20 to purchase materials and to employ on a contract or other basis expert consultant services, expert  
21 witnesses, outreach and marketing campaign efforts to educate about the programs and policies  
22 and/or other support services necessary to advance the requirements of the act on climate.

23 (ii) The Rhode Island executive climate change council shall report annually to the  
24 governor and general assembly within one hundred and twenty (120) days of the end of each  
25 calendar year how the funds were used to achieve the statutory objectives of the 2021 act on climate.

26 (iii) The office of energy resources is authorized and may enter into contracts with third-  
27 party entities for the administration and/or implementation of climate change initiatives funded by  
28 this section.

29 (iv) There is hereby established a restricted receipt account in the general fund of the state  
30 and housed in the budget of the department of administration entitled “executive climate change  
31 coordinating council projects.” The express purpose of this account is to record receipts and  
32 expenditures of the program herein described and established within this subsection.

1           (p) Effective January 1, 2023, the electric and gas distribution company shall not be eligible  
2 for performance based or other incentives related to the administration and implementation of  
3 energy efficiency programs approved pursuant to this chapter.

4           (q) The Rhode Island office of energy resources, in coordination with the energy efficiency  
5 resource management council, and following consultation with the public utilities commission and  
6 division of public utilities and carriers, shall issue a request for proposals for the cost effective  
7 administration and implementation of statewide energy efficiency programs funded by this section  
8 no later than June 30, 2024. The draft request for proposals shall be reviewed through at least one  
9 technical session at the public utilities commission prior to issuance. Public utilities commission  
10 approval shall not be required. The Rhode Island office of energy resources, in coordination with  
11 the energy efficiency resource management council, shall evaluate proposals and determine  
12 whether energy efficiency administration and implementation by the electric and gas distribution  
13 company or a third-party is likely to achieve the most net benefits for electric and gas customers in  
14 Rhode Island. After January 1, 2025, the office of energy resources may, periodically, and at its  
15 discretion, issue additional requests for proposals for the administration and implementation of  
16 statewide energy efficiency programs funded through this chapter of an electric distribution  
17 company as defined in § 39-1-2(a)(12) or gas distribution company included as a public utility in  
18 § 39-1-2(a)(20) that has greater than one hundred thousand (100,000) customers.

19           (i) Nothing in this chapter shall prohibit the electric and/or gas distribution company from  
20 submitting a proposal to administer and implement the state energy efficiency programs.

21           (ii) If the office of energy resources, in coordination with the energy efficiency resource  
22 management council, determines that the use of a third-party administrator is likely to achieve the  
23 most net benefits for electric and gas customers in Rhode Island, it shall file its recommendation  
24 with the public utilities commission, which shall docket and rule on the matter pursuant to its  
25 general statutory authorization. If the commission determines that the recommended third-party  
26 administrator is in the interest of Rhode Island utility customers, it shall provide for the full cost  
27 recovery for the third-party administrator consistent with the terms of the approved contract which  
28 may include regulatory performance metrics.

29           (iii) If the office does not recommend advancement of a third-party administrator, the  
30 electric and gas distribution utility shall continue to administer statewide energy efficiency  
31 programs.

32           SECTION 5. This Act shall take effect upon passage.