

STATE MANDATES

2013 Edition



Governor Lincoln D. Chafee

State of Rhode Island – Department of Revenue

Division of Municipal Finance

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Introduction

The Division of Municipal Finance annually publishes a report on state mandates on Rhode Island cities and towns. Rhode Island General Laws 45-13-8(b) states:

“The department of revenue shall annually by January 1 issue a report identifying the state's mandates established during the preceding July 1 – June 30 period and stating the cost by city and town of all state mandates established after January 1, 1979, for the next preceding July 1 – June 30 period. The department of revenue shall annually issue to cities and towns a comprehensive listing of all state mandates established after January 1, 1979.”

- Part 1 identifies those new mandates enacted during the July 1, 2012 to June 30, 2013 period which meet the qualifying test for being designated as “application eligible” state mandates.
- Part 2 discusses the cost by city and town of all state mandates during the period July 1, 2011 to June 30, 2012.
- Part 3 provides a cumulative updated list of all “application eligible” state mandates enacted since January 1, 1979. This third part will be posted as a separate document on the Division’s website www.muni-info.ri.gov and will replace the previous report covering the period January 1, 1979 to June 30, 2012.
- A cumulative list of all mandates both qualifying and non-qualifying for the years 1992 to 2013 will be posted as a separate document on the division’s website www.muni-info.ri.gov.

Part 1 – New Mandates – July 1, 2012 to June 30, 2013

The Division of Municipal Finance conducted a comprehensive search of municipal-related legislation enacted during the 2013 General Assembly session to identify any public law which might qualify as a “state mandate”. To qualify as an “application eligible” mandate certain statutory criteria need to be met to determine eligibility for reimbursement.

Rhode Island General Laws 45-13-7 specifically defines state mandated costs as follows:

"State mandate" means any state initiated statutory or executive action or rule, regulation or policy adopted by a state department or agency or a quasi-public department or agency that requires a local government to establish, expand, or modify its activities in a way as to necessitate additional expenditures from local government revenue sources where the expenditures are not otherwise reimbursed in whole. For the purpose of this chapter, a "state mandate" shall also mean any requirement, rule, or dictate by a regulator of a state agency. When state statutory, executive, or regulator actions or rules, regulations or policies are

intended to achieve compliance with federal statutes or regulations or court orders, state mandates shall be determined as follows:

(1) Where the federal statute or regulations or court order is discretionary, the state statutory, executive, or regulator action shall be considered a state mandate for the purposes of §§ 45-13-7 – 45-13-10.

(2) Where the state statutory, executive, or regulator action or rule, regulation or policy exceeds what is required by the federal statute or regulation or court order, only the provisions of the state action which exceed the federal requirements shall be considered a state mandate for the purposes of §§ 45-13-7 – 45-13-10.

(3) Where the state statutory, executive, or regulator action or rule, regulation or policy does not exceed what is required by the federal statute or regulation or court order, the state action shall not be considered a state mandate for the purposes of §§ 45-13-7 – 45-13-10.”

Rhode Island General Laws 45-13-10 provides exemptions from reimbursement as follows:

“(a) State mandates not subject to reimbursement includes: (1) The holding of elections; (2) The assurance of due process; (3) The notification and conduct of public meetings; (4) The procedures for administrative and judicial review of actions taken by cities and towns; (5) The protection of the public from malfeasance, misfeasance, or nonfeasance by local government officials; (6) Financial administration, including the levy, assessment, and collection of taxes; and (7) The preparation and submission of reports necessary for the efficient administration of state laws.

(b) All statutes having a fiscal impact on cities and towns shall include a provision stating whether these statutes conform to the definition and exemptions prescribed by §§ 45-13-7 – 45-13-10.

(c) Provided further that none of the provisions of §§ 45-13-7 – 45-13-10 are applied in a manner inconsistent with state law. “

Rhode Island General Laws 45-13-7(4) provides a further statutory exemption as follows:

“Where the cost of a single state mandate does not exceed the sum of five hundred dollars (\$500) the state mandate shall not be reimbursable.”

Table 1 lists those General Assembly 2013 Enactments considered by the Division of Municipal Finance for reimbursement eligibility, according to Rhode Island General Laws.

Table 1

Year	Public Law Chapter	Description	General Law Reference	Reimbursement Determination
2013	381 / 532	This act would require that housing for the elderly complexes serviced by one or more elevators must be equipped with emergency generators in a single building which includes more than 100 residential living units. The current standard is 150 living units.	42-66.9-1	Reimbursable Mandate
2013	185 /235	This act requires municipalities to establish and maintain a public notice registry allowing persons to register for electronic notice of any changes to local regulations (subdivision and zoning), along with a requirement to provide on an annual basis public notice of the existence of the registry in a newspaper of general circulation.	45-23-53 45-24-53	Reimbursable Mandate
2013	296	This act concerns environmental clean up objectives for buildings used as schools. It would strengthen the safety standards which must be adhered to prior to using properties previously used for industrial and manufacturing purposes for school construction by adding substantial language concerning eliminating the potential for migration of contaminated vapors or gases into these buildings.	23-19.14-4	Reimbursable Mandate
2013	168 / 199	School districts must adopt the statewide dual enrollment policy, which means that a student is enrolled in a secondary school while also enrolled at a local institution of higher learning. School districts also would have to report various types of information concerning these enrollees to the Dept. of Elementary and Secondary Education.	16-100-4 16-100-5	Reimbursable Mandate

2013	179 / 218	This act changes the requirements for the provision of interpretative services for deaf and hearing impaired persons in all civil and criminal cases, which applies also to any cases in municipal court. Current law calls for the use of a qualified interpreter, while the amendment requires the provision of a sign language interpreter/transliterater, or a Communication Access Real-time Translation (CART) provider appointed by the court.	8-5-8 8-5-8.1	Reimbursable Mandate
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In conclusion, it was determined that 5 legislative acts reviewed met all of the tests to be “eligible for application” as state mandates for the next cycle of reimbursement applications.

Part 2 –Qualifying Mandated Costs – July 1, 2011 to June 30, 2012

Rhode Island General Laws section 45-13-9 states:

“The Department of Revenue shall submit to the budget office by October 1 of each year, a report by each city and town, of the cost of state mandates established after January 1, 1979, to be reimbursed for the next preceding July 1 – June 30 period.”

Rhode Island General Laws 45-13-8 (C) (2) entitled “Reports” requires the following:

“Cities and towns shall submit to the department of revenue in any form that may be established by the department, a report of the cost of each state mandate established after January 1, 1979, to the city or town. The reports shall be submitted by April 1 each year and shall state costs incurred by the city or town during the preceding July 1 – June 30 period.”

The Division of Municipal Finance received no reports from municipalities documenting the costs of state mandates for the preceding fiscal period. The budget officer was advised that there were no qualifying mandated costs eligible for reimbursement.

Part 3 – Application Eligible State Mandates 1979 – 2013

The following table merges the updates resulting from enactments and regulations occurring in the 2013 enactment period with previous recorded application eligible mandates.

Table 2
State Mandates Eligible for Reimbursement 1979 to 2013

Mandate #	Year	Public Law Chapter	Description	General Law Reference
1	1979	79-93 90-298	Damage done by dogs – city or town must pay	4-13-20
2	1979	79-296 90-338	Educational incentive pay – law enforcement tuition reimbursement for masters or juris doctorate	42-28.1
3	1979	79-299	Domestic steel – municipality must use domestic steel if domestic product is within 15% of imported.	37-2.1
4	1979	79-317	Publication of Ordinances – Requires distribution of printed municipal ordinances to the state library.	45-6-7
5	1979	79-86 91- 252&326	List of Tax Exemptions – Requires distribution of available tax exemptions to residents.	44-3-19
6	1979	79-383	Historic cemeteries – signage for historical cemeteries	23-18-10.1
7	1979	79-68	Minimum wage – municipal cost increases associated with state mandated changes in minimum wage.	28-12-3 28-12-5
8	1982	82-359	Wetlands Act – costs associated with training eligible for reimbursement.	23-27.3-12
9	1983	83-18	Hazardous substances – costs associated with maintaining lists of hazardous substances.	28-21
10	1984		Point source discharges – potential user fees charged to municipal sewer treatment plants.	46-12-4
11	1984	84-327	Occupational health and safety for firefighters.	23-28.4

12	1986	86-68	Cancer benefits for firefighters – net costs of salary and benefits paid for firefighters and retired firefighters with cancer.	45-19.1
13	1986	86-69	Firefighter’s arbitration – costs of the arbitration associated with rescue personnel and dispatchers.	28-9.1
14	1986	86-178	Reporting sexual misconduct – costs associated with collecting and transmitting information.	11-37-3.5
15	1986	86-252	Missing children – municipal costs associated with developing and maintaining a flagging system.	42-28.8
16	1986	86-277	Tax sales elderly – municipal costs associated with advising DEA on pending tax sales.	44-9-10
17	1986	86-288	Infectious diseases – advising public safety personnel of their exposure to infectious diseases	23-28.36
18	1986	86-315	Minimum wage – Municipal cost differential between state and Federal minimum wage	28-12-3
19	1986	86-401	Special bus stops – municipal police costs associated bus stop review.	31-20-10.3
20	1986	86-492	Life insurance benefits – now exempt.	45-21-57
21	1987	87-242	Continuation of health insurance for employees on workers compensation	28-33-44
22	1987	87-327	No birth registration fee for children born out of wedlock	23-3-10
23	1987	87-333	City or town must replace trees cut down	2-15-6
24	1987	87-366	Requires municipalities to provide health benefits during parental leave.	28-48
25	1987	87-388	Maintain dog registry	4-13-4.1
26	1988	88-247	Police departments to conduct national criminal records check of child care personnel	16-48.1 & 40-13.2
27	1989	89-68	Increases types of municipal personnel eligible for collective bargaining.	28-9.4
28	1989	89-179	Municipal costs associated with appointment of special building officials.	23-27.3

29	1989	89-248	Municipal costs for those municipalities which had not previously observed Martin Luther King day as a holiday.	25-1-1
30	1989	89-417	Municipal costs associated with supplying legislators with copies of ordinances.	45-6-1
31	1989	89-478	Health insurance coverage for infertility testing	27-18-30
32	1990	90-388	Fire Department costs associated with NFPA 1500 planning and implementation.	23-28.4
33	1990	90-67	Notification costs that a resident has been transported by emergency vehicles.	23-4.1-14
34	1990	90-89,200,273	Notification costs associated with advising widowers of annuity eligibility.	45-19-4-12
35	1990	90-90	Additional weights and measures testing requirements.	47-2-3
36	1990	90-168	Health insurance coverage for mid-wife services.	27-18-31
37	1990	90-173	Costs of high speed pursuit plans.	31-12-6
38	1991	91-368	Police departments to conduct national criminal records check of employees hired by health department certified facilities.	23-17.4-27-30
39	1992	239	Requires those local public libraries, which receive state library aid to prepare both a preservation plan and a disaster preparedness plan.	29-6-3
40	1992	385	This RI Land Development and Subdivision Review Enabling Act of 1992 requires every city and town to adopt land development and subdivision review regulations which comply with the provisions of this act.	45-23-25 to 45-23-74
41	1992	495	Requires any facility which employs a lifeguard, including those owned or maintained by a city or town, to maintain and provide an area which is not exposed to sunlight, and must provide sunscreen or other physical protection to insure against overexposure to the sun.	23-22.5-13
42	1993	24	Any fines collected by the animal releasing agency must be transmitted to the city/town	4-19-19

			clerk, and how these monies may be spent is set forth.	
43	1993	420	Cities/towns must use standard signs developed by the Coastal Resources Management Council to mark designated rights-of-way.	46-23-6
44	1994	81	Requires cities and towns to pass ordinances or administrative orders directing their appropriate departments and employees to exercise due care and caution while performing tasks of brush removal and cleaning in the area of stone walls and boundaries; and to repair any damage that they may have caused.	45-2-39
45	1995	188	Duties of public water suppliers include development of management plans and programs for billing and collection of charges.	46-15.4
46	1995	271	Policemen's arbitration – contractual provisions shall be continued in subsequent bargaining agreements unless party to the agreement proposes a change in writing during a designated time frame.	28-9.2-17
47	1996	378	Requires cities and towns to directly pay police officers who are working traffic details and to bill and be reimbursed by the withholding authority.	37-12-10
48	1997	193	Requires local police officers, who are involved in high speed pursuits, to submit written reports to be kept on file. Also requires the officer in charge to file a written report of the pursuit. Also requires local police departments to enact policies and procedures regarding high speed pursuits and to provide copies of these policies and procedures to the Attorney General's office.	31-27-4.2
49	1997	259	Requires cities and towns to supply and maintain 150 feet of rope and a lifesaving buoy at ponds and lakes located within their respective boundaries during designated times.	23-22.5-14
50	1998	276	This act requires local purchasing agents, when they determine that the city or town needs the services of a professional architect or engineer, to follow the qualification-based selection process for the procurement of architectural and engineering consulting services.	45-55-8.1

51	1999	236	Municipal buildings open to the public must provide baby changing tables in both the ladies' room and men's room.	23-27.3-701
52	1999	462	Political subdivisions must adopt regulations and zoning ordinances concerning any airport hazard areas within their jurisdiction.	1-3-5 1-3-8
53	1999	462	Establishes procedures that must be followed by political subdivisions when granting a permit to construct or change structures in an airport hazard area	1-3-14
54	1999	195	Foreign domestic violence protection orders are to be given full faith and credit and enforced as if issued in this state, and the provision that limits enforcement in this state to no more than 20 days is repealed.	12-29-1.1 15-15-8
55	1999	494	Probate courts must, when 'Good Samaritan' guardianships are being sought, prepare all the forms necessary as part of the application process.	33-15-4.1
56	1999	346	All harbor masters are required to have training and education in first aid and cardiopulmonary resuscitation.	46-4-2
57	2000	247	Community water systems serving populations of 10,000 or more shall deliver a full copy of the Consumer Confidence Report to each household within water systems' service area.	46-13-18
58	2000	170	Each city/town must establish by local ordinance an emergency management agency.	30-15-12
59	2002	324/414	Under the annual post audit requirement the selection of auditors by the city/town is subject to the approval of the state auditor general.	45-10-4
60	2002	324/414	If the city/town fails to file the audit report the audit work-papers must be transmitted to the state auditor general.	45-10-5.2

61	2002	324/414	If the auditor issues a qualified opinion the chief financial officer of the city/town must prepare and submit a detailed corrective action plan and timetable.	45-10-6.1
62	2003	106/107	Comprehensive fire safety code act – which contains various amendments to the fire safety code, which provisions must be adhered to by local fire inspectors.	23-28.1 23-28.01
63	2003	309/327	All vehicles with fire apparatus plates must be annually inspected according to NFPA standards.	31-22-29
64	2004	220 & 225	Requires extensive amendments to the State Fire Code.	23-28.1
65	2004	203 & 208	Requires cities and towns to amend their comprehensive plans to conform with the state guide plan elements adopted or amended to effectuate G.L. 46-31 within one (1) year.	46-31-10
66	2004	3 & 4	Requires certain cities and towns to prepare a comprehensive plan housing element for low and moderate income housing	45-53-4
67	2004	286 & 324	Requires cities and towns to follow certain procedural requirements regarding affordable housing plans.	45-53-4
68	2005	314	Requires cities and towns to provide by ordinance for the notification to farmers (agricultural operations) regarding zoning and/or permitted uses of land used for farming, development rights, etc.	2-23.1-1 to 2-23.1-4
69	2005	293	Requires cities and towns to bring any pension benefits of employees on military leave into conformance with the Uniformed Services Employment and Reemployment Rights Act.	36-5-3
70	2005	325 & 350	Requires all harbormasters to attend the Rhode Island Harbormasters Training Academy.	46-4-2

71	2006	58/62	Local communities required to prepare emergency action plans for high hazard dams.	46-19-9
72	2006	246 – Art.4	Exemption for cities and towns from the 911 emergency telephone surcharge has been eliminated.	39-21.1-14
73	2006	364/446	A storm drainage system that is part of a small municipal separate storm sewer system must be inspected annually.	45-61.1-2
74	2007	243/284	Allows a police officer or firefighter to collect a salary when incapacitated due to rendering emergency assistance whether on duty or off duty.	45-19-1
75	2007	382/406	Local school districts which enroll special education students to a charter public school shall receive from the sending district the average per pupil special education cost of the sending district.	16-77-6
76	2007	510	Requires cities and towns to provide domestic partners of teachers, firefighters, police officers, and municipal employees with certain pension, death, and other retirement benefits currently available to spouses of such employees.	See 16-16-1 & 45-19 various
77	2007	Regents Regulation	Established standards, procedures and limitations on school districts applying for new school construction including limitations on the scope of the proposed project and reimbursement by the state for completed projects.	See 16-7 and 16-20
78	2008	244	Requires cities and towns and regional schools districts, under certain circumstances, to have a performance audit conducted in compliance with the generally acceptable governmental auditing standards.	16-2-21
79	2008	254	Requires local school districts to accept a particular health and physical education curricula commencing September 1, 2012.	16-22-4

80	2008	93	Requires any city or town which enters into a contract with the Resource Recovery Corporation to recycle at least 35% of its solid waste and to divert a minimum of 50% of its solid waste by July 1, 2012. These cities and towns must also prepare a plan by fiscal year 2010 which describes how they plan to accomplish these goals.	23-18.9-1 23-19-13
81	2008	158 174	Requires cities and towns, as employers , to continue to provide family medical benefits to any of their employees who leave their jobs by reason of entering the armed forces of the United States. The coverage shall continue during the duration of the employee's deployment.	30-6-6
82	2009	92/103	Increases the time frame from 48 hours to 72 hours for notice to be provided by a public agency responsible for excavation near a public utility facility, with an extension for completion of the excavation from 30 days to 60 days; also the excavator must premark the area of proposed excavation in a manner that will enable the owner of the public utility facilities to identify the boundaries of the proposed excavation activities.	39-1.2-5 39-1.2-7
83	2009	92/103	Requires all cities and towns that own or operate a sewer system to require as-built drawings and plans to be submitted to the sewer authority on any new sewer main extension and on certain sewer main upgrades or repairs.	45-14-1.1
84	2009	212	Requires that all major facility projects of a public school district, when the project receives any funding from the state, shall be designed and constructed to at least the LEED certified standard or the Northeast Collaborative for High-Performance Schools Protocol, Version 1.1.	37-24-4

85	2009	360/361	It would now be mandatory for cities, towns and fire districts to indemnify public officials, employees, and elected officials for claims arising out of the performance of their official duties.	45-15-16
86	2009	288/341	Municipalities would be required to include executive summary of water supply systems management plans within the services and facilities element of their comprehensive plans; and to formulate and carry out a program for installation of radio frequency reading systems no later than 12/31/2012.	46-15.3-5.1 46-15.3-22
87	2010	21/22	Under the “School and Youth Programs Concussion Act” school districts are required to use training materials available through the Center for Disease Control and Prevention, and all coaches, trainers, and volunteers involved in a youth sport or activity must complete a training course in concussions.	16-90-3
88	2010	171/184	Requires that all school buses added to current fleets or all buses included in a new contract be equipped with a closed crankcase ventilation system and several other environmental protections. Reimbursements will be provided by DEM based on available federal or state monies.	31-47.3-3
89	2010	206/213	Requires that the construction of sidewalks and curbs are to be owned by all cities/towns, and that the maintenance of these sidewalks and curbs must be in compliance with state regulations promulgated by the director of transportation.	24-7-1
90	2010	206/213	Standards would be set by state regulations governing city/town construction and maintenance of sidewalks and curbs. These standards would require the installation of curb cuts and/or ramps at both ends of any new pedestrian crosswalks to make the use of the sidewalks more easily accessible to people who are disabled.	42-13-1

91	2010	299	Requires that school committee members annually undertake a minimum of 6 hours of professional development	16-2-9
92	2011	117/126	These provisions impose certain requirements regarding historical cemeteries . The recorder of deeds must maintain a register of all historical cemeteries located within the city/town, and endorse a notation upon the deed of transfer that a historical cemetery is located on the property. Also, the tax assessor must note the location of each historical cemetery on the tax assessor's map.	23-18-10.1 34-11-1.5
93	2011	151- Art. 10	These provisions concern certain equipment and operational requirements for " pupil transportation vehicles " and " school extra-curricular vehicles " used by school committees. Vehicles must have an audible open door warning alarm and an audible back up warning alarm; be equipped with an approved Emergency Airway Kit and a bodily fluid spill kit; and all operators of these vehicles must hold a R.I. chauffeur's license, have passed a written test, and submit to a national and statewide criminal and driving record background check.	31-22.1-3 31-22-11.6
94	2011	151- Art. 12	These provisions primarily concern some additional reporting requirements and timelines for cities/towns concerning budgets and other financial operations. This reporting would be directed to the Division of Municipal Finance and to the Auditor General. Included in this reporting requirement would be certification of tax rolls, adopted budget surveys, 5 year forecasts, quarterly reports, fiscal impact statements, corrective action plans, deficit notifications, and municipality must join electronic reporting and implement municipal Uniform Chart of Accounts (UCOA) within six months of implementation. (Reimbursable mandate for costs related to the implementation of a municipal UCOA, should such a system be implemented)	44-5-22 44-35-10 45-12-22.2 45-12-22.3

95	2011	227/337	Under the “School and Youth Programs Concussion Act” all coaches and volunteers must complete a refresher course in concussions and traumatic brain injuries annually after initial completion of a training course (currently required). A youth athlete who has been removed from play must receive written clearance to return to play from a licensed physician who must be trained in the evaluation and management of concussions.	16-91-3
96	2011	408/409	Under this section of the chapter known as the “Pathway to Retirement Security for Locally Administered Pension Funds Act” every municipality which maintains a locally administered pension plan must submit an actuarial valuation study on an annual basis and an actuarial experience study no less frequently than every three years to the Study Commission for locally administered plans. Municipalities which have plans deemed to be in critical status must provide notification of critical status to various entities, and submit to the Study Commission a reasonable alternative funding improvement plan to emerge from critical status.	45-65-6
97	2012	108/146	This section requires the Department of Elementary and Secondary Education and the Department of Health to incorporate into their rules and regulations a procedure whereby a parent or legal guardian expressly authorizes the school department and additionally school bus drivers and monitors to administer epinephrine in cases of anaphylactic emergency. School bus drivers and monitors must receive training in the administration epinephrine, and must administer the epinephrine auto-injector to an identified student.	16-21-22

98	2012	163/179	<p>This section concerns environmental clean up objectives for buildings used as schools. It establishes various criteria that must be met by school construction project sponsors if there exists the potential for contamination by hazardous materials on the property where the school is located.</p> <p>This section requires school districts undertaking new school construction to provide for necessary wiring which is consistent with current standards for computer networking technology in schools</p>	<p>23-19.14-4</p> <p>16-9-4.1</p>
99	2013	296	<p>This act concerns environmental clean up objectives for buildings used as schools. It would strengthen the safety standards which must be adhered to prior to using properties previously used for industrial and manufacturing purposes for school construction by adding substantial language concerning eliminating the potential for migration of contaminated vapors or gases into these buildings.</p>	23-19.14-4
100	2013	381 / 532	<p>This act would require that housing for the elderly complexes serviced by one or more elevators must be equipped with emergency generators in a single building which includes more than 100 residential living units. The current standard is 150 living units.</p>	42-66.9-1
101	2013	185 /235	<p>This act requires municipalities to establish and maintain a public notice registry allowing persons to register for electronic notice of any changes to local regulations (subdivision and zoning), along with a requirement to provide on an annual basis public notice of the existence of the registry in a newspaper of general circulation.</p>	<p>45-23-53</p> <p>45-24-53</p>

102	2013	179 / 218	This act changes the requirements for the provision of interpretative services for deaf and hearing impaired persons in all civil and criminal cases, which applies also to any cases in municipal court. Current law calls for the use of a qualified interpreter, while the amendment requires the provision of a sign language interpreter/transliterator, or a Communication Access Realtime Translation (CART) provider appointed by the court.	8-5-8 8-5-8.1
103	2013	168 / 199	School districts must adopt the statewide dual enrollment policy , which means that a student is enrolled in a secondary school while also enrolled at a local institution of higher learning. School districts also would have to report various types of information concerning these enrollees to the Dept. of Elementary and Secondary Education.	16-100-4 16-100-5