

RHODE ISLAND COMMERCE CORPORATION
315 Iron Horse Way, Suite 101
Providence, RI 02908

**STATEMENT OF FINDINGS FOR EMERGENCY ADOPTION OF RHODE ISLAND
COMMERCE CORPORATION RULES AND REGULATION 870-RICR-30-00-8
REGARDING THE SMALL BUSINESS DEVELOPMENT FUND ACT**

Pursuant to R.I. Gen. Laws § 42-35-2.10, an agency may, if it finds that immediate promulgation of an emergency rule is necessary because of imminent peril to the public health, safety, or welfare and if it publishes reasons for such finding in a record with the Secretary of State and on its agency website, adopt an emergency rule without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable. The rule so adopted may be effective for a period not exceeding one hundred twenty (120) days renewable once for a period not exceeding sixty (60) days. *Id.* Furthermore, § 42-35-4(e)(2) provides that an emergency rule under § 42-35-2.10 becomes effective upon signature by the agency head and the Governor, or the Governor's designee.

The above-referenced regulations ("Emergency Regulations") are to become effective immediately upon signature by Chief Executive Officer (the "CEO") of Rhode Island Commerce Corporation (the "Corporation") and the Governor, or the Governor's designee.

The Corporation has determined that conditions exist that necessitate the adoption of the Emergency Regulations on an emergency basis to be effective upon signature by the CEO and the Governor, or the Governor's designee. The Corporation finds that there is imminent peril to the public health, safety or welfare in that the enactment of the Small Business Development Fund Act ("SBDF") poses imminent peril to the prudent investment of the State's funds and taxpayers' dollars. Therefore, the Emergency Regulations will protect the public welfare by, among other things, (1) ensuring that rules and regulations are promulgated on or before the application submission time frame provided for in the SBDF; (2) implementing rules and regulations that attempt to align the SBDF with appropriate standards for operation of a tax credit program; (3) assuring that tax credits are awarded based upon measurable criteria, such as a showing of actual positive economic impact; (4) assuring that awarded tax credits can be reclaimed or recouped for failure to cause a positive economic impact; and (5) ensuring that taxpayers' dollars are adequately safeguarded and prudently invested.

In accordance with the provisions of § 42-35-2.10, the CEO of the Corporation hereby approves the emergency promulgation, filing, and publication of the attached Rhode Island Commerce Corporation Rules and Regulation 870-RICR-30-00-8. Pursuant to § 42-35-4(e)(2), this Emergency Regulation shall take effect upon the signature of the CEO and the Governor, or the Governor's designee. In accordance with § 42-35-2.10, this Emergency Regulation shall remain in effect for a period equal to one hundred twenty (120) days from such effective date and any

renewal thereof for a period not exceeding sixty (60) days, or, if sooner, until repeal of this Emergency Regulation pursuant to regulations subsequently promulgated by the Corporation.

While the Regulation is in effect, SBDF Regulations will be adopted by the Corporation pursuant to the Administrative Procedures Act. The Corporation reserves its right to consider all comments submitted in the rule-making process in any further Regulations. Any future Regulations will be proposed consistent with the requirements of § 42-35-1 et seq. This Emergency Regulation is available for inspection at the Rhode Island Commerce Corporation, 315 Iron Horse Way, #101, Providence, RI 02908, or on the Corporation's website: <https://commerceri.com>, and will also be available on the Rhode Island Secretary of State's website: <http://sos.ri.gov/rules/>.