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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION

Introduced By: Representative Christopher R. Blazewski

Date Introduced: May 01, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 **ARTICLE I -- STATUTORY REENACTMENT**

2 SECTION 1. It is the express intention of the General Assembly to reenact chapters 1-16,
3 18-26, 27-52 and 53-70 of title 45 of the General Laws of Rhode Island, including every section
4 therein, and any chapters and sections thereof not included in this act may be, and are hereby,
5 reenacted as if fully set forth herein.

6 SECTION 2. Section 45-9-7 of the General Laws in Chapter 45-9 entitled "Budget
7 Commissions" is hereby amended to read as follows:

8 **45-9-7. Appointment of receiver.**

9 (a) If the budget commission established by § 45-9-5 concludes that its powers are
10 insufficient to restore fiscal stability to the city, town, or fire district, it shall so notify the director
11 of revenue and shall forward to the director of revenue a statement of the reasons why it has been
12 unable to restore fiscal stability to the city, town, or fire district. Upon receipt of such statement,
13 the director of revenue shall terminate the existence of the budget commission, notwithstanding §
14 45-9-5, and the director of revenue shall appoint a receiver for the city, town, or fire district for a
15 period as the director of revenue may determine. The director of revenue may, at any time, and
16 without cause, remove the receiver and appoint a successor, or terminate the receivership.

17 (b) The receiver shall have the following powers:

18 (1) All powers of the fiscal overseer and budget commission under §§ 45-9-2 and 45-9-6.
19 Such powers shall remain through the period of any receivership;

1 (2) The power to exercise any function or power of any municipal or fire district officer or
2 employee, board, authority or commission, whether elected or otherwise relating to or impacting
3 the fiscal stability of the city, town, or fire district including, without limitation, school and zoning
4 matters; and

5 (3) The power to file a petition in the name of the city, town, or fire district under Chapter
6 9 of Title 11 of the United States Code, and to act on the city's, town's, or fire district's behalf in
7 any such proceeding.

8 (c) Upon the appointment of a receiver, the receiver shall have the right to exercise the
9 powers of the elected officials under the general laws, special laws and the city, town, or fire district
10 charter and ordinances and rules and regulations relating to or impacting the fiscal stability of the
11 city, town, or fire district including, without limitation, school and zoning matters; provided,
12 further, that the powers of the receiver shall be superior to and supersede the powers of the elected
13 officials of the city, town, or fire district who shall continue to be elected in accordance with the
14 city or town or fire district charter, and shall serve in an advisory capacity to the receiver. The
15 receiver shall allow the city's, town's, or fire district's elected officials to serve their constituents
16 by providing advice to the receiver on the matters relating to the operation of the city, town, or fire
17 district. In the event a conflict arises between the chief elected official or city or town council or
18 fire district governing body and the receiver, the receiver's decision shall prevail. The director of
19 revenue shall determine the salary of the receiver, which salary shall be payable by the city, town,
20 or fire district.

21 SECTION 3. Sections 45-19-1 and 45-19-2 of the General Laws in Chapter 45-19 entitled
22 "Relief of Injured and Deceased Fire Fighters and Police Officers" are hereby amended to read as
23 follows:

24 **45-19-1. Salary payment during line of duty illness or injury.**

25 (a)(1) Whenever any police officer of the Rhode Island airport corporation or whenever
26 any police officer, firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or
27 deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially
28 incapacitated by reason of injuries received or sickness contracted in the performance of their duties
29 or due to their rendering of emergency assistance within the physical boundaries of the state of
30 Rhode Island at any occurrence involving the protection or rescue of human life which necessitates
31 that they respond in a professional capacity when they would normally be considered by their
32 employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island, or
33 Rhode Island airport corporation by which the police officer, firefighter, crash rescue crewperson,
34 fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the period

1 of the incapacity, pay the police officer, firefighter, crash rescue crewperson, fire marshal, chief
2 deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which the police
3 officer, firefighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire
4 marshal, would be entitled had he or she not been incapacitated, and shall pay the medical, surgical,
5 dental, optical, or other attendance, or treatment, nurses, and hospital services, medicines, crutches,
6 and apparatus for the necessary period, except that if any city, town, fire district, the state of Rhode
7 Island, or Rhode Island airport corporation provides the police officer, firefighter, crash rescue
8 crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage
9 for the related treatment, services, or equipment, then the city, town, fire district, the state of Rhode
10 Island, or Rhode Island airport corporation is only obligated to pay the difference between the
11 maximum amount allowable under the insurance coverage and the actual cost of the treatment,
12 service, or equipment. In addition, the cities, towns, fire districts, the state of Rhode Island, or
13 Rhode Island airport corporation shall pay all similar expenses incurred by a member who has been
14 placed on a disability pension and suffers a recurrence of the injury or illness that dictated his or
15 her disability retirement, subject to the provisions of subsection (j) herein.

16 (2) A police officer or firefighter diagnosed with post-traumatic stress disorder (as
17 described in the Diagnostic and Statistical Manual of Mental Disorders, current edition, published
18 by the American Psychiatric Association) by an individual who holds the title of an independent
19 licensed mental health professional with a master's degree, related to the exposure of potentially
20 traumatic events, resulting from their acting within the course of their employment or from the
21 rendering of emergency assistance in the state of Rhode Island, at any occurrence involving the
22 protection or the rescue of human life while off-duty, as set forth in subsection (h) of this section,
23 shall be presumed to have sustained an injury in the line of duty, as that term is used in subsection
24 (a)(1) of this section, unless the contrary is proven by a fair preponderance of the evidence that the
25 post-traumatic stress injury/PTSD is not related to their job as a police officer or firefighter. The
26 benefits provided for under this section shall not be extended to a police officer or firefighter, if
27 their post-traumatic stress injury/PTSD diagnosis arises out of any disciplinary action, work
28 evaluation, job transfer, layoff, demotion, termination, or similar adverse job actions.

29 (b) As used in this section, "police officer" means and includes any chief or other member
30 of the police department of any city or town regularly employed at a fixed salary or wage and any
31 deputy sheriff, member of the fugitive task force, or capitol police officer, permanent
32 environmental police officer or criminal investigator of the department of environmental
33 management, or airport police officer.

34 (c) As used in this section, "firefighter" means and includes any chief or other member of

1 the fire department or rescue personnel of any city, town, or fire district, and any person employed
2 as a member of the fire department of the town of North Smithfield, or fire department or district
3 in any city or town.

4 (d) As used in this section, “crash rescue crewperson” means and includes any chief or
5 other member of the emergency crash rescue section, division of airports, or department of
6 transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

7 (e) As used in this section, “fire marshal,” “chief deputy fire marshal,” and “deputy fire
8 marshal” mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals
9 regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title
10 23.

11 (f) Any person employed by the state of Rhode Island, except for sworn employees of the
12 Rhode Island state police, who is otherwise entitled to the benefits of chapter 19 of this title, shall
13 be subject to the provisions of chapters 29 — 38 of title 28 for case management procedures and
14 dispute resolution by the workers’ compensation court, for all petitions filed on or after July 1,
15 2025, for the following benefit and disability determinations:

- 16 (1) The nature and status of disability of the injured employee;
- 17 (2) The nature and location of injury relative to the work incident;
- 18 (3) Maximum medical improvement (MMI), as it is defined under § ~~28-33-2(9)~~ 28-29-2;
- 19 (4) All issues of legal and/or medical causation; and
- 20 (5) The assignment of fees and costs pursuant to the provisions of § 28-35-32.

21 The court may, in its discretion, appoint an impartial medical examiner in accordance with
22 § 28-33-35. The court shall hereby be empowered to enforce all of its orders, decrees, and consent
23 agreements of the parties.

24 (g) In order to receive the benefits provided for under this section, a police officer or
25 firefighter must prove to their employer that they had reasonable grounds to believe that there was
26 an emergency that required an immediate need for their assistance for the protection or rescue of
27 human life.

28 (h) Any claims to the benefits provided for under this section resulting from the rendering
29 of emergency assistance in the state of Rhode Island at any occurrence involving the protection or
30 rescue of human life while off-duty, shall first require those covered by this section to submit a
31 sworn declaration to their employer attesting to the date, time, place, and nature of the event
32 involving the protection or rescue of human life causing the professional assistance to be rendered
33 and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn
34 declarations shall also be required from any available witness to the alleged emergency involving

1 the protection or rescue of human life.

2 (i) All declarations required under this section shall contain the following language:

3 “Under penalty of perjury, I declare and affirm that I have examined this declaration,
4 including any accompanying schedules and statements, and that all statements contained herein are
5 true and correct.”

6 (j) Any person, not employed by the state of Rhode Island, receiving injured-on-duty
7 benefits pursuant to this section, and subject to the jurisdiction of the state retirement board for
8 accidental retirement disability, for an injury occurring on or after July 1, 2011, shall apply for an
9 accidental disability retirement allowance from the state retirement board not later than the later of
10 eighteen (18) months after the date of the person’s injury that resulted in the person’s injured-on-
11 duty status or sixty (60) days from the date on which the treating physician certifies that the person
12 has reached maximum medical improvement. Nothing herein shall be construed to limit or alter
13 any and all rights of the parties with respect to independent medical examination or otherwise, as
14 set forth in the applicable collective bargaining agreement. Notwithstanding the forgoing, any
15 person receiving injured-on-duty benefits as the result of a static and incapacitating injury whose
16 permanent nature is readily obvious and ascertainable shall be required to apply for an accidental
17 disability retirement allowance within sixty (60) days from the date on which the treating physician
18 certifies that the person’s injury is permanent, or sixty (60) days from the date on which the
19 determination of permanency is made in accordance with the independent medical examination
20 procedures as set forth in the applicable collective bargaining agreement.

21 (1) If a person with injured-on-duty status fails to apply for an accidental disability
22 retirement allowance from the state retirement board within the time frame set forth above, that
23 person’s injured-on-duty payment shall terminate. Further, any person suffering a static and
24 incapacitating injury as set forth in subsection (j) above and who fails to apply for an accidental
25 disability benefit allowance as set forth in subsection (j) shall have their injured-on-duty payment
26 terminated.

27 (2) A person who so applies shall continue to receive injured-on-duty payments, and the
28 right to continue to receive IOD payments of a person who so applies shall terminate in the event
29 of a final ruling of the workers’ compensation court allowing accidental disability benefits. Nothing
30 herein shall be construed to limit or alter any and all rights of the parties with respect to independent
31 medical examination or otherwise, as set forth in the applicable collective bargaining agreement.

32 (k) Any person employed by the state of Rhode Island who is currently receiving injured-
33 on-duty benefits or any person employed by the state of Rhode Island who in the future is entitled
34 to injured-on-duty benefits pursuant to this chapter, and subject to the jurisdiction of the state

1 retirement board for accidental retirement disability, shall apply for an accidental disability
2 retirement allowance from the state retirement board the later of eighteen (18) months after the date
3 of the person's injury that resulted in the person's injured-on-duty status or sixty (60) days from
4 the date on which the treating physician certifies that the person has reached maximum medical
5 improvement. Nothing herein shall be construed to limit or alter any and all rights of the parties
6 with respect to independent medical examination or otherwise, as set forth in the applicable
7 collective bargaining agreement. Notwithstanding the forgoing, any person receiving injured-on-
8 duty benefits as the result of a static and incapacitating injury whose permanent nature is readily
9 obvious and ascertainable shall be required to apply for an accidental disability retirement
10 allowance within sixty (60) days from the date on which a treating physician or an independent
11 medical examiner certifies that the person's injury is permanent, or sixty (60) days from the date
12 on which such determination of permanency is made in accordance with the independent medical
13 examination procedures as set forth in the applicable collective bargaining agreement.

14 (1) If a person employed by the state of Rhode Island with injured-on-duty status fails to
15 apply for an accidental disability retirement allowance from the state retirement board within the
16 time frame set forth in subsection (k) above, that person's injured-on-duty payment shall terminate.
17 Further, any person employed by the state of Rhode Island suffering a static and incapacitating
18 injury as set forth in subsection (k) above and who fails to apply for an accidental disability benefit
19 allowance as set forth in subsection (k) shall have his or her injured-on-duty payment terminated.

20 (2) A person employed by the state of Rhode Island who so applies shall continue to receive
21 injured-on-duty payments, and the right to continue to receive injured-on-duty payments of a
22 person who so applies shall terminate upon final adjudication by the state retirement board
23 approving or denying either ordinary or accidental disability payments and, notwithstanding § 45-
24 31.2-9, this termination of injured-on-duty benefits shall not be stayed.

25 (3)(i) Notwithstanding any other provision of law, all persons employed by the state of
26 Rhode Island entitled to benefits under this section who were injured prior to July 1, 2019, and who
27 have been receiving injured-on-duty benefits pursuant to this section for a period of eighteen (18)
28 months or longer as of July 1, 2019, shall have up to ninety (90) days from July 1, 2019, to apply
29 for an accidental disability retirement benefit allowance. Any person employed by the state of
30 Rhode Island receiving injured-on-duty benefits for a period less than eighteen (18) months as of
31 July 1, 2019, shall apply for an accidental disability retirement benefit allowance within eighteen
32 (18) months of the date of injury that resulted in the person receiving injured-on-duty pay; provided
33 however, said person shall have a minimum of ninety (90) days to apply.

34 Applications for disability retirement received by the state retirement board by any person

1 employed by the State of Rhode Island receiving injured-on-duty payments that shall be deemed
2 untimely pursuant to § 36-10-14(b) shall have ninety (90) days from July 1, 2019, to apply for an
3 accidental disability retirement benefit allowance. Failure to apply for an accidental disability
4 retirement benefit allowance within the timeframe set forth herein shall result in the termination of
5 injured-on-duty benefits.

6 (ii) Any person employed by the state of Rhode Island receiving injured-on-duty payments
7 who has been issued a final adjudication of the state retirement board on an application for an
8 ordinary or accidental disability benefit, either approving or denying the application, shall have his
9 or her injured-on-duty payments terminated.

10 (4) If awarded an accidental disability pension, any person employed by the state of Rhode
11 Island covered under this section shall receive benefits consistent with § 36-10-15.

12 **45-19-2. Board of police officer's relief.**

13 Within the department of labor and training there is a board of police officer's relief
14 consisting of seven (7) members which administers the fund for the relief of police officers as
15 provided by law. Five (5) members of the board appointed by the director of labor and training;
16 provided, that four (4) of the five (5) members must be actually occupied and working as full-time
17 police officers in the police force of some municipality in this state. These four (4) full-time police
18 are selected, two (2) each, from a list of six (6) candidates submitted by the Rhode Island State
19 Lodge Fraternal Order of Police and the International Brotherhood of Police Officers. The sixth
20 member is appointed by the Rhode Island Police Chiefs' Association as a representative of the
21 ~~conference~~ [association](#) on the board. The seventh member is appointed by the Providence Retired
22 Police and Fire Association, and must be a retired Providence police officer; provided, further, that
23 all financial powers and duties concerning the board of police officer's relief are administered by
24 the general treasurer.

25 SECTION 4. Section 45-21-52 of the General Laws in Chapter 45-21 entitled "Retirement
26 of Municipal Employees" is hereby amended to read as follows:

27 **45-21-52. Automatic increase in service retirement allowance.**

28 (a) The local legislative bodies of the cities and towns may extend to their respective
29 employees automatic adjustment increases in their service retirement allowances, by a resolution
30 accepting any of the plans described in this section:

31 (1) **Plan A.** All employees and beneficiaries of those employees receiving a service
32 retirement or disability retirement allowance under the provisions of this chapter on December 31
33 of the year their city or town accepts this section, receive a cost of living adjustment equal to one
34 and one-half percent (1.5%) per year of the original retirement allowance, not compounded, for

1 each calendar year the retirement allowance has been in effect. This cost of living adjustment is
2 added to the amount of the retirement allowance as of January 1 following acceptance of this
3 provision, and an additional one and one-half percent (1.5%) is added to the original retirement
4 allowance in each succeeding year during the month of January, and provided, further, that this
5 additional cost of living increase is three percent (3%) for the year beginning January 1 of the year
6 the plan is accepted and each succeeding year.

7 (2) **Plan B.** All employees and beneficiaries of those employees receiving a retirement
8 allowance under the provisions of this chapter on December 31 of the year their municipality
9 accepts this section, receive a cost of living adjustment equal to three percent (3%) of their original
10 retirement allowance. This adjustment is added to the amount of the retirement allowance as of
11 January 1 following acceptance of this provision, and an additional three percent (3%) of the
12 original retirement allowance, not compounded, is payable in each succeeding year in the month
13 of January.

14 (3) **Plan C.** All employees and beneficiaries of those employees who retire on or after
15 January 1 of the year following acceptance of this section, on the first day of January next following
16 the date of the retirement, receive a cost of living adjustment in an amount equal to three percent
17 (3%) of the original retirement allowance.

18 (b) In each succeeding year in the month of January, the retirement allowance is increased
19 an additional three percent (3%) of the original retirement allowance, not compounded.

20 (c) This subsection (c) shall be effective for the period July 1, 2012, through June 30, 2015.

21 (1) Notwithstanding any other subsections of this section, and subject to subsection (c)(2)
22 below, for all present and former employees, active and retired members, and beneficiaries
23 receiving any retirement, disability or death allowance or benefit of any kind by reason of adoption
24 of this section by their employer, the annual benefit adjustment provided in any calendar year under
25 this section shall be equal to (A) multiplied by (B) where (A) is equal to the percentage determined
26 by subtracting five and one-half percent (5.5%) (the "subtrahend") from the Five-Year Average
27 Investment Return of the retirement system determined as of the last day of the plan year preceding
28 the calendar year in which the adjustment is granted, said percentage not to exceed four percent
29 (4%) and not to be less than zero percent (0%), and (B) is equal to the lesser of the member's
30 retirement allowance or the first twenty-five thousand dollars (\$25,000) of retirement allowance,
31 such twenty-five thousand dollars (\$25,000) amount to be indexed annually in the same percentage
32 as determined under (c)(1)(A) above. The "Five-Year Average Investment Return" shall mean the
33 average of the investment returns of the most recent five (5) plan years as determined by the
34 retirement board. Subject to subsection (c)(2) below, the benefit adjustment provided by this

1 subsection (c)(1) shall commence upon the third (3rd) anniversary of the date of retirement or the
2 date on which the retiree reaches their Social Security retirement age, whichever is later; or for
3 municipal police and fire retiring under the provisions of chapter 21.2 of this title, the benefit
4 adjustment provided by this subsection (c)(1) shall commence on the later of the third (3rd)
5 anniversary of the date of retirement or the date on which the retiree reaches age fifty-five (55). In
6 the event the retirement board adjusts the actuarially assumed rate of return for the system, either
7 upward or downward, the subtrahend shall be adjusted either upward or downward in the same
8 amount.

9 (2) Except as provided in subsection (c)(3) the benefit adjustments provided under this
10 section for any plan year shall be reduced to twenty-five percent (25%) of the benefit adjustment
11 for each municipal plan within the municipal employees' retirement system unless the municipal
12 plan is determined to be funded at a Funded Ratio equal to or greater than eighty percent (80%) as
13 of the end of the immediately preceding plan year in accordance with the retirement system's
14 actuarial valuation report as prepared by the system's actuary, in which event the benefit adjustment
15 will be reinstated for all members for such plan year.

16 In determining whether a funding level under this subsection (c)(2) has been achieved, the
17 actuary shall calculate the funding percentage after taking into account the reinstatement of any
18 current or future benefit adjustment provided under this section.

19 (3) Notwithstanding subsection (c)(2), for each municipal plan that has a Funded Ratio of
20 less than eighty percent (80%) as of June 30, 2012, in each fifth plan year commencing after June
21 30, 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of
22 five (5) plan years, a benefit adjustment shall be calculated and made in accordance with subsection
23 (c)(1) above until the municipal plan's Funded Ratio exceeds eighty percent (80%).

24 (d) This subsection (d) shall become effective July 1, 2015.

25 (1)(A) As soon as administratively reasonable following the enactment into law of this
26 subsection (d)(1)(A), a one-time benefit adjustment shall be provided to members and/or
27 beneficiaries of members who retired on or before June 30, 2012, in the amount of two percent
28 (2%) of the lesser of either the employee's retirement allowance or the first twenty-five thousand
29 dollars (\$25,000) of the member's retirement allowance. This one-time benefit adjustment shall be
30 provided without regard to the retiree's age or number of years since retirement.

31 (B) Notwithstanding the prior subsections of this section, for all present and former
32 employees, active and retired employees, and beneficiaries receiving any retirement, disability or
33 death allowance or benefit of any kind by reason of adoption of this section by their employer, the
34 annual benefit adjustment provided in any calendar year under this section for adjustments on and

1 after January 1, 2016, and subject to subsection (d)(2) below, shall be equal to (I) multiplied by
2 (II):

3 (I) shall equal the sum of fifty percent (50%) of (i) plus fifty percent (50%) of (ii) where:

4 (i) is equal to the percentage determined by subtracting five and one-half percent (5.5%)
5 (the “subtrahend”) from the five-year average investment return of the retirement system
6 determined as of the last day of the plan year preceding the calendar year in which the adjustment
7 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
8 (0%). The “five-year average investment return” shall mean the average of the investment returns
9 of the most recent five (5) plan years as determined by the retirement board. In the event the
10 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
11 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

12 (ii) is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
13 Price Index for All Urban Consumers (CPI-U) as published by the U.S. Department of Labor
14 Statistics determined as of September 30 of the prior calendar year.

15 In no event shall the sum of (i) plus (ii) exceed three and one-half percent (3.5%) or be less
16 than zero percent (0%).

17 (II) is equal to the lesser of either the member’s retirement allowance or the first twenty-
18 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount
19 to be indexed annually in the same percentage as determined under (d)(1)(B)(I) above.

20 The benefit adjustments provided by this subsection (d)(1)(B) shall be provided to all
21 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
22 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
23 date of retirement or the date on which the retiree reaches their Social Security retirement age,
24 whichever is later; or for municipal police and fire retiring under the provisions of § ~~45-21.2-~~
25 ~~5(b)(1)(A)~~ 45-21.2-5(b)(1), the benefit adjustment provided by this subsection (d)(1)(B) shall
26 commence on the later of the third anniversary of the date of retirement or the date on which the
27 retiree reaches age fifty-five (55); or for municipal police and fire retiring under the provisions of
28 § ~~45-21.2-5(b)(1)(B)~~ 45-21.2-5(b)(2), the benefit adjustment provided by this subsection (d)(1)(B)
29 shall commence on the later of the third anniversary of the date of retirement or the date on which
30 the retiree reaches age fifty (50).

31 (2) Except for municipal employees and/or beneficiaries of municipal employees who
32 retired on or before June 30, 2012, the benefit adjustments under subsection (d)(1)(B) for any plan
33 year shall be reduced to twenty-five percent (25%) of the benefit adjustment for each municipal
34 plan within the municipal employees’ retirement system unless the municipal plan is determined to

1 be funded at a funded ratio equal to or greater than eighty percent (80%) as of the end of the
2 immediately preceding plan year in accordance with the retirement system's actuarial valuation
3 report as prepared by the system's actuary, in which event the benefit adjustment will be reinstated
4 for all members for such plan year. Effective July 1, 2024, the funded ratio for each municipal plan
5 within the municipal employees' retirement system, calculated by the system's actuary, of equal to
6 or greater than eighty percent (80%) for the benefit adjustment to be reinstated for all members for
7 such plan year shall be replaced with seventy-five percent (75%).

8 In determining whether a funding level under this subsection (d)(2) has been achieved, the
9 actuary shall calculate the funding percentage after taking into account the reinstatement of any
10 current or future benefit adjustment provided under this section.

11 (3) Effective for members and/or beneficiaries of members who retired after June 30, 2012,
12 or on or before June 30, 2015, the dollar amount in (d)(1)(B)(II) of twenty-five thousand eight
13 hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six
14 dollars (\$31,026) until the municipal plan's funded ratio exceeds eighty percent (80%). Effective
15 July 1, 2024, the funded ratio for each municipal plan within the municipal employees' retirement
16 system, calculated by the system's actuary, of exceeding eighty percent (80%) for the benefit
17 adjustment to be reinstated for all members for such plan year shall be replaced with seventy-five
18 percent (75%).

19 (e) Upon acceptance of any of the plans in this section, each employee shall on January 1
20 next succeeding the acceptance, contribute by means of salary deductions, pursuant to § 45-21-41,
21 one percent (1%) of the employee's compensation concurrently with and in addition to
22 contributions otherwise being made to the retirement system.

23 (f) The city or town shall make any additional contributions to the system, pursuant to the
24 terms of § 45-21-42, for the payment of any benefits provided by this section.

25 (g) The East Greenwich town council shall be allowed to accept Plan C of subsection (a)(3)
26 of this section for all employees of the town of East Greenwich who either, pursuant to contract
27 negotiations, bargain for Plan C, or who are non-union employees who are provided with Plan C
28 and who shall all collectively be referred to as the "Municipal-COLA Group" and shall be separate
29 from all other employees of the town and school department, union or non-union, who are in the
30 same pension group but have not been granted Plan C benefits. Upon acceptance by the town
31 council, benefits in accordance with this section shall be available to all such employees who retire
32 on or after January 1, 2003.

33 (h) Effective for members and/or beneficiaries of members who have retired on or before
34 July 1, 2015, and without regard to whether the retired member or beneficiary is receiving a benefit

1 adjustment under this section, a one-time stipend of five hundred dollars (\$500) shall be payable
2 within sixty (60) days following the enactment of the legislation implementing this provision, and
3 a second one-time stipend of five hundred dollars (\$500) in the same month of the following year.
4 These stipends shall not be considered cost of living adjustments under the prior provisions of this
5 section.

6 SECTION 5. Section 45-31-9 of the General Laws in Chapter 45-31 entitled
7 "Redevelopment Agencies" is hereby amended to read as follows:

8 **45-31-9. Agencies created.**

9 (a) There is created in each community a redevelopment agency to be known as the
10 redevelopment agency of the community.

11 (b) Redevelopment agencies may also be created by public law for the purposes of
12 exercising the powers set forth in chapters 31-33 of this title, provided an ordinance of the
13 legislative body of the community authorizes the exercise of the provisions of the public law for
14 the purposes of these chapters. The provisions of §§ 45-31-12, 45-31-13, 45-31-14, 45-31-15, and
15 45-31-21 that are inconsistent with such a public law shall be deemed to be superseded by the
16 public law and not applicable to the redevelopment agency thereby created, upon adoption of the
17 ordinance putting into effect the purposes of the public law. Where authorized by such a special
18 act, the term "blighted area and substandard area" shall be deemed to include areas where the
19 presence of hazardous materials, as defined in § 23-19.14-2, impairs the use, reuse, or
20 redevelopment of impacted sites.

21 SECTION 6. Section 45-31.2-10 of the General Laws in Chapter 45-31.2 entitled "Uniform
22 Relocation Payments" is hereby amended to read as follows:

23 **45-31.2-10. Payments not to be considered as income or resources.**

24 No payment received by a displaced person under this chapter shall be considered income
25 or resources for the purpose of determining the eligibility or extent of eligibility of any person for
26 assistance under any state law, ~~or for the purposes of determining the eligibility or extent of~~
27 ~~eligibility of any person for assistance under any state law,~~ or for the purposes of the state's
28 personal income tax law, corporation tax law, or other tax laws. These payments shall not be
29 considered income or resources of any recipient of public assistance and the payments shall not be
30 deducted from the amount of aid to which the recipient would otherwise be entitled.

31 SECTION 7. Section 45-38.2-1 of the General Laws in Chapter 45-38.2 entitled "School
32 Building Authority Capital Fund" is hereby amended to read as follows:

33 **45-38.2-1. Definitions.**

34 As used in this chapter, the following terms, unless the context requires a different

1 interpretation, shall have the following meanings:

2 (1) "Application" means a project proposed by a city, town, or LEA that would make
3 capital improvements to public school facilities consistent with project evaluation criteria and
4 chapter 41.1 of title 16-7;

5 (2) "Approved project" means any project approved for financial assistance by the Council
6 on Elementary and Secondary Education;

7 (3) "Corporation" means the Rhode Island health and educational building corporation as
8 set forth in chapter 38.1 of title ~~42~~ 45;

9 (4) "Department" means the department of elementary and secondary education as
10 established under title 16;

11 (5) "Eligible project" means an application, or a portion of an application, that meets the
12 project evaluation criteria and approved by the council on elementary and secondary education;

13 (6) "Financial assistance" means any form of financial assistance provided by the
14 corporation to a city, town, or LEA in accordance with this chapter for all or any part of the cost of
15 an approved project, including, without limitation, loans, guarantees, insurance, subsidies for the
16 payment of debt service on loans, lines of credit, and similar forms of financial assistance;

17 (7) "Fund" means the school building authority capital fund;

18 (8) "LEA" means a local education agency, a public board of education, school committee
19 or other public authority legally constituted within the state for administrative control or direction
20 of one or more Rhode Island public elementary or secondary schools;

21 (9) "Market rate" means the rate the city, town, or LEA would receive on the open market
22 at the time of the original loan agreement as determined by the corporation in accordance with its
23 rules and regulations;

24 (10) "Project evaluation criteria" means the criteria used by the school building authority
25 to evaluate applications and rank eligible projects;

26 (11) "Project priority list" means the list of eligible projects approved by the council on
27 elementary and secondary education ranked in the order in which financial assistance shall be
28 awarded by the corporation; and

29 (12) "Subsidy assistance" means the credit enhancements and other measures to reduce the
30 borrowing costs for a city, town, or LEA.

31 SECTION 8. Sections 45-39.2-11 and 45-39.2-12 of the General Laws in Chapter 45-39.2
32 entitled "Clear River Electric and Water District" are hereby amended to read as follows:

33 **45-39.2-11. Bonds.**

34 (a) The electric and water district shall have the power and is hereby authorized from time

1 to time to issue its negotiable bonds for any of its corporate or district purposes and to secure the
2 payment of the bonds in such manner and by such means as may be provided in the resolution or
3 resolutions of the electric and water district authorizing the bonds, subject to the regulatory
4 jurisdiction of the division of public utilities and carriers in the manner prescribed in § 39-3-15,
5 where applicable.

6 (b) The electric and water district is specifically authorized to secure bonds that it may
7 issue from time to time by a pledge of, or creation of other security interest in, the revenues of the
8 electric and water district, which pledge or security interest may be enforceable by the grant of a
9 conditional franchise, in the event of default in the payment of the bonds, entitling the secured party
10 or trustee to enter upon and take control of the electric and water district's facilities and service and
11 to provide utility service and receive the revenues from the electric and water district's facilities
12 and service for such period, not exceeding forty (40) years, as may be necessary to recover all
13 payments due on the bonds.

14 (c) The bonds of the electric and water district shall be authorized by resolution of the board
15 of utility commissioners. The bonds shall bear such date or dates, mature at such time or times not
16 exceeding forty (40) years from their issuance, bear interest at such rate or rates payable at such
17 time or times, be in such denominations and in such form, carry such registration privileges, be
18 executed in such manner, be payable in such medium of payment, at such place or places and such
19 time or times and be subject to redemption at such premium, if required, and on such terms, as the
20 resolution may provide. The bonds so authorized and issued pursuant to this chapter may be sold
21 at public or private sale for any price or prices that the electric and water district shall determine.

22 (d) Pending the issuance of bonds in definitive form, the electric and water district may
23 issue bond anticipation notes or interim receipts in such form as the board of utility commissioners
24 may elect.

25 (e) The electric and water district is hereby authorized to provide for the issuance of
26 refunding bonds of the electric and water district for the purpose of refunding any bonds then
27 outstanding which shall have been issued under the provisions of this chapter, including the
28 payment of any redemption premium on the bonds or interest accrued or to accrue to the earliest or
29 subsequent date of redemption, purchase, or maturity of the bonds and, if deemed advisable by the
30 electric and water district, for the additional purpose of paying all or a part of the cost of acquiring,
31 constructing, reconstructing, rehabilitating, or improving any property, facilities, or systems or
32 parts of property, facilities, or systems of the electric and water district. The proceeds of bond or
33 notes issued for the purpose of refunding outstanding bonds or notes may be applied, in the
34 discretion of the electric and water district, to the purchase, retirement at maturity, or redemption

1 of outstanding bonds or notes either on their earliest or a subsequent redemption date and may,
2 pending that application, be placed in escrow in the same manner and through the same means as
3 are generally available to and incumbent upon political subdivisions of the state.

4 (f) It is hereby declared that the electric and water district and the carrying out of its
5 corporate, district, and political subdivision purposes is in all respects for the benefit of the people
6 of the state and for the improvement of their health, welfare, and prosperity, and the electric and
7 water district will be performing an essential governmental function in the exercise of the powers
8 conferred by this chapter. The state therefore covenants with the holders of the electric and water
9 district's bonds that the electric and water district shall not be required to pay taxes or payments in
10 lieu of taxes to the state or any other political subdivision of the state upon any property of the
11 electric and water district or under its jurisdiction, control, or supervision, or upon any of the
12 electric and water district's activities in the operation or maintenance of the property or upon any
13 earnings, revenues, monies, or other income derived by the electric and water district, and that the
14 bonds of the electric and water district and the income from the bonds shall at all times be exempt
15 from taxation by the state and its political subdivisions. Notwithstanding the foregoing, nothing in
16 this section shall be deemed to prohibit the division of public utilities and carriers, the public
17 utilities commission, and the department of attorney general from assessing the utility in
18 accordance with the provisions of §§ 39-1-23, 39-1-26, 39-19-9, and 39-19-14.

19 (g) The state does hereby pledge to and agree with the holders of the bonds, notes, or other
20 evidence of an indebtedness of the electric and water district that the state will not limit or alter the
21 rights vested in the electric and water district until the bonds, notes, or other evidence of
22 indebtedness, together with the interest on the debt, are fully met and discharged.

23 (h) Any resolution or resolutions authorizing any bond, or any issue of bonds, may contain
24 provisions which shall be a part of the contract with the bondholders of the bonds thereby
25 authorized, as to:

26 (1) Pledging all or any part of the money, earnings, income, and revenues derived from all
27 or any part of the property of the electric and water district to secure the payment of any bonds or
28 of any issue of bonds subject to such agreements with bondholders as may then exist;

29 (2) The rates to be fixed and the charges to be collected and the amounts to be raised in
30 each year and the use and disposition of the earnings and other revenue;

31 (3) The setting aside of reserves and the creation of sinking funds and the regulation and
32 disposition thereof;

33 (4) Limitations on the right of the electric and water district to restrict and regulate the use
34 of the properties in connection with which the bonds are issued;

1 (5) Limitations on the purposes to which the proceeds of sale of any issue of bonds may be
2 put;

3 (6) Limitations on the issuance of additional bonds, including refunding bonds and the
4 terms upon which additional bonds may be issued and secured;

5 (7) The procedure, if any, by which the terms of any contract with bondholders may be
6 amended or abrogated, the percentage of bondholders whose consent shall be required for such
7 amendment or abrogation, and the manner in which consent may be given;

8 (8) The creation of special funds into which any earnings or revenues of the electric and
9 water district may be deposited, and the investment of the funds;

10 (9) The appointment of a fiscal agent and the determination of its powers and duties;

11 (10) Limitations on the power of the electric and water district to sell or otherwise dispose
12 of its properties;

13 (11) The preparation of annual budgets by the ~~authority~~ electric and water district and
14 the employment of consultants and auditors;

15 (12) The rights and remedies of bondholders in the event of failure on the part of the electric
16 and water district to perform any covenant or agreement relating to a bond indenture;

17 (13) Covenanting that as long as any bonds are outstanding the electric and water district
18 shall use its best efforts to establish and maintain its rates and charges at levels adequate at all times
19 to pay and provide for all operating expenses of the electric and water district, all payments of
20 principal, redemption premium (if any), and interest on bonds, notes, or other evidences of
21 indebtedness incurred or assumed by the electric and water district, all renewals, repairs, and
22 replacements to the property and facilities of the electric and water district, and all other amounts
23 which the electric and water district may be required by law to pay; and

24 (14) Any other matters of like or different character which in any way affect the security
25 or protection of the bonds.

26 (i) The bonds of the electric and water district are hereby made securities in which all public
27 officers and bodies of this state and all municipalities and municipal subdivisions, all insurance
28 companies and associations and other persons carrying on an insurance business, all banks, bankers,
29 trust companies, savings banks, and savings associations (including savings and loan associations),
30 building and loan associations, investment companies and other persons carrying on a banking
31 business, all administrators, guardians, executors, trustees and other fiduciaries and all other
32 persons whomsoever, who are now or may thereafter be authorized to invest in bonds or other
33 obligation of the state may properly and legally invest funds including capital in their control or
34 belonging to them. The bonds are also hereby made securities which may be deposited with and

1 shall be received by all public officers and bodies of this state, and all municipalities and municipal
2 subdivisions, for any purpose for which the deposit of bonds or other obligations of this state is
3 now or may thereafter be required.

4 **45-39.2-12. Money of the electric and water district.**

5 (a) All money of the electric and water district, from whatever source derived, shall be paid
6 to the treasurer of the electric and water district. The money on receipt shall be deposited forthwith
7 in a separate bank account or accounts. The money in the accounts shall be paid out with a check
8 of the treasurer, on requisition by the electric and water district, or of any other person or persons
9 that the electric and water district may authorize to make the requisitions. All deposits of money
10 shall be secured by obligations of the United States or of the state, of a market value at all times
11 not less than the amount of deposits, and all banks and trust companies are authorized to give
12 security for the deposits. The electric and water district shall have the power, notwithstanding the
13 provisions of this section, to contract with the holders of any of its bonds as to the custody,
14 collection, security, investment, and payment of any money of the ~~authority~~ electric and water
15 district, or any money held in trust or otherwise for the payment of bonds or in any way to secure
16 the bonds, and to carry out any contract notwithstanding that the contract may be inconsistent with
17 the previous provisions of this section. Money held in trust or otherwise for the payment of bonds
18 or in any way to secure bonds and deposits of money may be secured in the same manner as the
19 money of the ~~authority~~ electric and water district, and all banks and trust companies are
20 authorized to give security for the deposits.

21 (b) Notwithstanding subsection (a) of this section, or any other provision of this chapter,
22 the board of utility commissioners shall have the power to authorize by resolution a loan or advance
23 from one utility fund of the electric and water district to another. Any such interfund advance or
24 loan shall be for a term specified in the authorizing resolution of the board of utility commissioners
25 and shall bear interest at a rate reasonably determined by the board of utility commissioners to be
26 consistent with the public interest implicated in all funds involved in the interfund loan or advance;
27 provided, however, that an interest rate set at the rate applicable to the electric and water district's
28 most recent borrowing from a bank or other financial institution shall be presumptively reasonable
29 as the rate of interest for an interfund loan or advance.

30 SECTION 9. Section 45-48.1-8 of the General Laws in Chapter 45-48.1 entitled "West
31 Greenwich Water District" is hereby amended to read as follows:

32 **45-48.1-8. Condemnation power.**

33 (a) If for any of the purposes of this ~~act~~ chapter, the district shall find it necessary to
34 acquire any real property, whether for immediate or future use, the district may find and determine

1 that the property, whether a fee simple absolute or a lesser interest, is required for the acquisition,
2 construction or operation of a water supply facility, and upon that determination, the property shall
3 be deemed to be required for public use until otherwise determined by the district; and with the
4 exceptions hereinafter specifically noted, the determination shall not be affected by the fact that the
5 property has theretofore been taken for, or is then devoted to, a public use; but the public use in the
6 hands or under the control of the district shall be deemed superior to the public use in the hands of
7 any other person, association or corporation; provided further, however, that no real property or
8 interest, estate or right belonging to the state shall be acquired without consent of the state; and no
9 real property or interest, estate or right belonging to any municipality shall be acquired without the
10 consent of the municipality.

11 (b) The district may proceed to acquire and is hereby authorized to and may proceed to
12 acquire property, whether a fee simple absolute or a lesser interest, by the exercise of the right of
13 eminent domain in the manner prescribed in this ~~act~~ [chapter](#).

14 (c) Nothing in this section shall be construed to prohibit the district from bringing any
15 proceedings to remove a cloud on title or other proceedings as it may, in its discretion, deem proper
16 and necessary, or from acquiring any property by negotiation or purchase.

17 (d) The necessity for the acquisition of property under this ~~act~~ [chapter](#) shall be
18 conclusively presumed upon the adoption by the district of a vote determining that the acquisition
19 of property or any interest in property described in its vote is necessary for the acquisition,
20 construction or operation of a water supply facility. Within six (6) months after its passage, the
21 district shall cause to be filed in the appropriate land evidence records a copy of its vote together
22 with a statement signed by the chairperson or treasurer of the district that the property is taken
23 pursuant to this ~~act~~ [chapter](#), and also a description of real property indicating the nature and extent
24 of the estate or interest therein taken as aforesaid and a plat thereof, a copy of the vote and statement
25 of the chairperson or treasurer shall be certified by the secretary of the district and the description
26 and plat shall be certified by the city or town clerk for the city or town where the real property lies.

27 (e) Forthwith thereafter the district shall cause to be filed in the superior court in and for
28 the county within which the real property lies a statement of the sum of money estimated to be just
29 compensation for the property taken, and shall deposit in the superior court to the use of the persons
30 entitled thereto the sum set forth in the statement. The district shall satisfy the court that the amount
31 so deposited with the court is sufficient to satisfy the just claims of all persons having an estate or
32 interest in the real property. Whenever the district satisfies the court that the claims of all persons
33 interested in the real property taken have been satisfied, the unexpended balance shall be ordered
34 repaid forthwith to the district.

1 (f) Upon the filing of the copy of the vote, statement, description and plat in the land
2 evidence records and upon the making of the deposit in accordance with the order of the superior
3 court, title to the real property in fee simple absolute or such lesser estate or interest specified in
4 the resolution shall vest in the district, and the real property shall be deemed to be condemned and
5 taken for the use of the district and the right to just compensation for the same shall vest in the
6 persons entitled thereto, and the district thereupon may take possession of the real property. No
7 sum so paid into the court shall be charged with clerks' fees of any nature.

8 (g) After the filing of the copy of the vote, statement, description and plat, notice of the
9 taking of land or other real property shall be served upon the owners or persons having any estate
10 or interest in the real property by the sheriff or his or her deputies of the county in which the real
11 estate is situated by leaving a true and attested copy of the vote, statement, description and plat with
12 each of the persons personally, or at the last and usual place of abode in this state with some person
13 living there, and in case of any such persons absent from this state and have no last and usual place
14 of abode therein occupied by any person, the copy shall be left with the person or persons, if any,
15 in charge of, or having possession of the real property taken of such absent persons, and another
16 copy thereof shall be mailed to the address of such person, if the address is known to the officer
17 serving the notice.

18 (h) After the filing of the vote, description and plat, the district shall cause a copy of the
19 vote and description to be published in some newspaper having general circulation in the city or
20 town in which the real property lies at least once a week for three (3) successive weeks.

21 (i) If any party shall agree with the district upon the price to be paid for the value of the
22 real property so taken and of appurtenant damage to any remainder or for the value of his or her
23 estate, right or interest therein, the court, upon application of the parties in interest, may order that
24 the sum agreed upon be paid forthwith from the money deposited, as the just compensation to be
25 awarded in the proceedings; provided, however, that no payment shall be made to any official or
26 employee of the district for any property or interest therein acquired from such official or employee
27 unless the amount of the payment is determined by the court to constitute just compensation to be
28 awarded in the proceedings.

29 (j) Any owner of, or person entitled to any estate or right in, or interested in any part of the
30 real property so taken, who cannot agree with the district upon the price to be paid for his or her
31 estate, right or interest in the real property so taken and the appurtenant damage to the remainder,
32 may, within three (3) months after personal notice of the taking, or if he or she has no personal
33 notice, may within one year from the time the sum of money estimated to be just compensation is
34 deposited in the superior court to the use of the persons entitled thereto, apply by petition to the

1 superior court for the county in which the real property is situated, setting forth the taking of his or
2 her land, his or her estate or interest therein, and paying for an assessment or damages by the court
3 or by a jury. Upon the filing of the petition, the court shall cause twenty (20) days' notice of the
4 pendency thereof to be given to the district by serving the chairperson or treasurer of the district
5 with a certified copy thereof.

6 (k) After the service of notice, the court may proceed to trial. The trial shall be conducted
7 as other civil actions at law are tried. The trial shall determine all questions of fact relating to the
8 value of the real property, and any estate or interest therein, and the amount thereof and the
9 appurtenant damage to any remainder and the amount thereof, and the trial and decision or verdict
10 of the court or jury shall be subject to all rights to except to rulings, to move for new trial, and to
11 appeal, as are provided by law. Upon the entry of judgment in the proceedings, execution shall be
12 issued against the money so deposited in court and in default thereof against any other property of
13 the district.

14 (l) In case two (2) or more petitioners make claim to the same real property, or to any estate
15 or interest therein, or to different estates or interests in the same real property, the court shall, upon
16 motion, consolidate their several petitions for trial at the same time and may frame all necessary
17 issues for the trial thereof.

18 (m) If any real property or any estate or interest in property or an estate, in which any infant
19 or other person not capable in law to act in his or her own behalf is interested, is taken under the
20 provisions of this ~~act~~ [chapter](#), the superior court, upon the filing of a petition by or in behalf of an
21 infant or person or by the district may appoint a guardian ad litem for the infant or other person.
22 Guardians may, with the advice and consent of the superior court, and upon terms the superior court
23 may prescribe, release to the district all claims for damages for the land of the infant or other person
24 or for any estate or interest therein. Any lawfully appointed, qualified and acting guardian or other
25 fiduciary of the estate of any infant or other person, with the approval of the court of probate within
26 this state having jurisdiction to authorize the sale of lands and properties within this state of the
27 infant or other person, may before the filing of any petition, agree with the infant or other person
28 for any taking of his or her real property or of his or her interest or estate, and may upon receiving
29 the amount, release to the district all claims for damages for the infant or other person for the taking.

30 (n) In case any owner of or any person having an estate or interest in real property shall fail
31 to file his or her petition as above provided, the superior court for the county in which the real
32 property is situated, in its discretion, may permit the filing of a petition within one year subsequent
33 to the year following the time of the deposit in the superior court of the sum of money estimated to
34 be just compensation for the property taken; provided, the person shall have had no actual

1 knowledge of the taking of land in season to file the petition; and provided, no other person or
2 persons claiming to own the real property or estate or interest therein shall have been paid the value
3 thereof; and provided, no judgment had been rendered against the district for the payment of the
4 value to any other person or persons claiming to own the real estate.

5 (o) In any real property or any estate or interest therein is unclaimed or held by a person or
6 persons whose whereabouts are unknown, after making inquiry satisfactory to the superior court
7 for the county in which the real property lies, the district, after the expiration of two (2) years from
8 the first publication of the copy of the vote, statement and description, may petition the court that
9 the value of the estate or interest or the unknown person or persons be determined. After notice by
10 publication to the person or persons as the court in its discretion may order, and after hearing on
11 the petition, the court shall fix the value of the estate or interest and shall order the sum to be
12 deposited in the registry of the court in a special account to accumulate for the benefit of the person
13 or persons, if any, entitled thereto. The receipt of the clerk of the superior court shall constitute a
14 discharge of the district from all liability in connection with the taking. When the person entitled
15 to the money deposited shall have satisfied the superior court of his or her right to receive the same,
16 the court shall cause it to be paid over to him or her, with all accumulations thereon.

17 (p) The superior court shall have power to make orders with respect to encumbrances, liens,
18 taxes and other charges on the land, if any, as shall be just and equitable.

19 (q) Whenever in the opinion of the district a substantial saving in the cost of acquiring title
20 can be effected by conveying other real property, title to which is in the district, to the person or
21 persons from whom the estate or interest in real property is being purchased or taken, or by the
22 construction or improvement by the district of any work or facility upon the remaining real property
23 of the person or persons from whom the estate or interest in real property is being purchased or
24 taken, the district shall be and hereby is authorized to convey other real property to the person or
25 persons from whom the estate or interest in real property is being purchased or taken and to
26 construct or improve any work or facility upon the remaining land of the person or persons.

27 (r) At any time during the pendency of any proceedings for the assessment of damages for
28 property or interests taken or to be taken by eminent domain by the district, the district or any owner
29 may apply to the court for an order directing an owner or the district, as the case may be, to show
30 cause why further proceedings should not be expedited, and the court may upon the application
31 make an order requiring that the hearings proceed and that any other steps be taken with all possible
32 expedition.

33 SECTION 10. Section 45-50-13 of the General Laws in Chapter 45-50 entitled "Municipal
34 Public Buildings Authorities" is hereby amended to read as follows:

1 **45-50-13. Eminent domain proceedings.**

2 (a) The authority has the right to acquire any land, or any interest in it, including
3 development rights, by the exercise of the power of eminent domain, whenever it is determined by
4 the authority that the acquisition of the land, or interest, is necessary for the construction or the
5 operation of any project.

6 (1)(i) The power of eminent domain shall be exercised only within the boundaries of the
7 city or town whose council established the authority, except that any authority in existence on the
8 effective date of this chapter shall have the power to acquire, by exercise of eminent domain, only
9 the development rights, except as stated in subsection (a) (5), in the land described in the tax
10 assessor's plats for the towns of Foster, Scituate, Johnston, and Gloucester, as of February 14, 1989,
11 for the purpose of protecting the water supply as follows:

12 (ii) That certain land situated in the town of Foster delineated as Foster tax assessor's lot
13 47, plat 15 consisting of 32 acres, more or less; that certain land situated in the town of Scituate
14 delineated as Scituate tax assessor's lot 147, plat 17 consisting of 5.6 acres, more or less; that certain
15 land situated in the town of Scituate described as Scituate tax assessor's lot 60, plat 20 consisting
16 of 5.8 acres, more or less; that certain land situated in the town of Scituate delineated as Scituate
17 tax assessor's lot 5, plat 42 consisting of 12 acres, more or less; that certain land situated in the
18 town of Johnston delineated as Johnston tax assessor's lot 5, plat 57 consisting of 3.9 acres, more
19 or less; that certain land situated in the town of Johnston delineated as Johnston tax assessor's lot
20 58, plat 57 consisting of .7 acres, more or less; that certain land situated in the town of Johnston
21 delineated as Johnston tax assessor's lot 6, plat 57 consisting of .4 acres, more or less; that certain
22 land situated in the town of Johnston delineated as Johnston tax assessor's lot 7, plat 57 consisting
23 of .4 acres, more or less; that certain land situated in the town of Foster delineated as Foster tax
24 assessor's lot 52, plat 15 consisting of 80 acres, more or less; that certain land situated in the town
25 of Foster delineated as Foster tax assessor's lot 41A, plat 12 consisting of 9.8 acres, more or less;
26 that certain land situated in the town of Scituate delineated as Scituate tax assessor's lot 1, plat 38
27 consisting of 67 acres, more or less; that certain land situated in the town of Scituate delineated as
28 Scituate tax assessor's lot 4, plat 42 consisting of 10.7 acres, more or less; that certain land situated
29 in the town of Scituate delineated as Scituate tax assessor's lot 251, plat 49 consisting of 129 acres,
30 more or less; that certain land situated in the town of Scituate delineated as Scituate tax assessor's
31 lot 3, plat 47 consisting of 29.6 acres, more or less; that certain land situated in the town of Scituate
32 delineated as Scituate tax assessor's lot 41, plat 41 consisting of 140 acres, more or less; that certain
33 land situated in the town of Johnston delineated as Johnston tax assessor's lot 17, plat 57 consisting
34 of 45 acres, more or less; that certain land situated in the town of Johnston delineated as Johnston

1 tax assessor's lot 20, plat 59 consisting of 55 acres, more or less; that certain land situated in the
2 town of Scituate delineated as Scituate tax assessor's lot 15, plat 47 consisting of 9 acres, more or
3 less; that certain land situated in the town of Gloucester delineated as Gloucester tax assessor's lot
4 164, plat 18 consisting of 211.7 acres, more or less; that certain land situated in the town of Foster
5 delineated as Foster tax assessor's lot 31, plat 21 consisting of 22 acres, more or less; that certain
6 land situated in the town of Scituate delineated as Scituate tax assessor's lot 14, plat 37 consisting
7 of 15 acres, more or less; that certain land situated in the town of Foster delineated as Foster tax
8 assessor's lot 49, plat 15 consisting of 4.5 acres, more or less; that certain land situated in the town
9 of Scituate delineated as Scituate tax assessor's lot 35, plat 14 consisting of 57 acres, more or less;
10 that certain land situated in the town of Scituate delineated as Scituate tax assessor's lot 1, plat 37
11 consisting of 16 acres, more or less; that certain land situated in the town of Scituate delineated as
12 Scituate tax assessor's lot 5, plat 11 consisting of 33.8 acres, more or less; that certain land situated
13 in the town of Foster delineated as Foster tax assessor's lot 34A, plat 9 consisting of 20 acres, more
14 or less; that certain land situated in the town of Scituate delineated as Scituate tax assessor's lot 47,
15 plat 51 consisting of 10 acres, more or less; that certain land situated in the town of Foster delineated
16 as Foster tax assessor's lot 42, plat 12 consisting of .3 acres, more or less; that certain land situated
17 in the town of Scituate delineated as Scituate tax assessor's lot 82, plat 49 consisting of 10 acres,
18 more or less; that certain land situated in the town of Foster delineated as Foster tax assessor's lot
19 41, plat 12 consisting of 8 acres, more or less; that certain land situated in the town of Scituate
20 delineated as Scituate tax assessor's lot 16, plat 37 consisting of 10 acres more or less; that certain
21 land situated in the town of Scituate delineated as Scituate tax assessor's lot 83, plat 49 consisting
22 of 20 acres, more or less; that certain land situated in the town of Scituate delineated as Scituate
23 tax assessor's lot 46, plat 9 consisting of 40 acres, more or less; that certain land situated in the
24 town of Gloucester delineated as Gloucester tax assessor's lot 162, plat 18 consisting of 50.6 acres,
25 more or less; that certain land situated in the town of Scituate delineated as Scituate tax assessor's
26 lot 15, plat 37 consisting of 15 acres, more or less; that certain land situated in the town of Scituate
27 delineated as Scituate tax assessor's lot 29, plat 52 consisting of .2 acres, more or less; that certain
28 land situated in the town of Scituate delineated as Scituate tax assessor's lot 37, plat 17 consisting
29 of 29 acres, more or less; that certain land situated in the town of Scituate delineated as Scituate
30 tax assessor's lot 11, plat 38 consisting of 17 acres, more or less; that certain land situated in the
31 town of Foster delineated as Foster tax assessor's lot 42A, plat 12 consisting of .4 acres, more or
32 less; that certain land situated in the town of Scituate delineated as Scituate tax assessor's lot 53,
33 plat 20 consisting of 9 acres, more or less; that certain land situated in the town of Scituate
34 delineated as Scituate tax assessor's lot 30, plat 52 consisting of .2 acres, more or less; that certain

1 land situated in the town of Scituate delineated as Scituate tax assessor's lot 81, plat 49 consisting
2 of 73 acres, more or less; that certain land situated in the town of Foster delineated as Foster tax
3 assessor's lot 48A, plat 15 consisting of 15.5 acres, more or less;

4 and that certain land situated in the town of Foster delineated as Foster tax assessor's lot
5 48, plat 15 consisting of 28.9 acres, more or less, for the purpose of protecting the public water
6 supply.

7 (2) In addition to the powers previously granted, any authority in existence on July 7, 1989
8 has the power to acquire by exercise of eminent domain the land, or any interest in it, described as
9 that certain land situated in the town of Scituate delineated as Scituate tax assessor's lots 45, 48,
10 49, 60, 61, 62, and 63, plat 51 consisting of 542.11 acres, more or less, and commonly known as
11 the "Joslin Farm" for the purpose of protecting the water supply.

12 (3) Notwithstanding the preceding, in the event that the authority ceases to use any land or
13 development rights acquired by exercise of eminent domain, pursuant to subsections (a) (1) or (a)
14 (2), for the purpose of protecting the public water supply, the authority shall notify by certified mail
15 return receipt requested, the original owner of the parcel or his or her lawful heirs, and the original
16 owner or his or her lawful heirs shall have a right to recover the land or development rights. The
17 land or development rights shall revert to the original owner or his or her heirs upon the payment
18 of an amount equal to the price originally paid to the owner plus simple interest at the rate of six
19 percent (6%) per annum (or any other purchase price that is mutually agreed upon between the
20 parties) of the property or the development rights. Any transfer of the land or development rights
21 to the city whose city council established a need for an authority or any department, commission,
22 board, or agency of the city shall not constitute a cessation of the use of the land or development
23 rights for purposes of protecting the water supply.

24 (4)(i) For the purposes of this section, the term "development rights" means the rights to:

25 (A) Prohibit the ability of the fee owner to act on or with respect to or regarding uses of a
26 land or water area; or

27 (B) Require the performance by the fee owner of acts on or with respect to or regarding
28 uses of a land or water area, which prohibition or requirement retains or maintains the land or water
29 area in its natural condition or any other condition that is consistent with the protection of
30 environmental quality or provides the public with the benefit of the unique features of the land or
31 water area, provided, that development rights will not be construed to deprive the original owner,
32 his or her successors or assigns, of the right to continue to use the land for agricultural purposes so
33 long as that use conforms to acceptable agricultural practices as established by the department of
34 ~~the environment~~ environmental management and/or the United States soil conservation service.

1 (ii) "Development rights" may also have any meaning as may be mutually agreed upon by
2 the fee owner and the authority in any contract, agreement, deed to development rights, or
3 proceeding before the authority. The proceeding shall be initiated by a fee owner's filing a petition
4 before the authority and/or any lessee or successor agency seeking permission to use the land or
5 water area for development. The authority has sixty (60) days to determine if the activity described
6 in the petition endangers the environmental quality of the land or water area. Upon a finding of no
7 danger to the environmental quality of the land or water area, the authority shall grant the petition;
8 provided, if no finding is made within sixty (60) days the petition is deemed approved.

9 (5) In the event the authority has initiated condemnation proceedings for development
10 rights, the original affected owner may notify the authority and the superior court of his or her
11 request that the authority take a fee simple interest in the land. Upon notification, the authority has
12 the power to acquire the land in fee simple by the exercise of the power of eminent domain and
13 shall exercise power to acquire a fee simple interest in the land.

14 (6)(i) Prior to the authority's taking the actions described in subsections (b) through (h),
15 for the purposes of this section, fair market value of the property or development rights are
16 determined as follows:

17 (ii) Each party (the authority and the landowner) shall appoint one appraiser (who shall be
18 a qualified member of the American institute of real estate appraisers, the society of real estate
19 appraisers, the American society of farm managers and rural appraisers, the international
20 association of assessing officers, the national society of real estate appraisers, the national society
21 of independent fee appraisers, the American society of appraisers or the international right of way
22 association, or any successor organization). Each appraiser shall, within twenty (20) business days
23 of his or her appointment, arrive at an independent determination of the fair market value of the
24 property. If the difference between the two (2) appraisals as so determined does not exceed ten
25 percent (10%) of the lesser of the two (2) appraisals, then the fair market value is deemed to be an
26 amount equal to fifty percent (50%) of the sum of the two (2) appraisals. If the difference between
27 the appraisals exceeds ten percent (10%) of the lesser appraisal, then the two (2) appraisers have
28 ten (10) calendar days within which to appoint a third appraiser, who shall, within twenty (20)
29 calendar days, make his or her own independent determination of the fair market value of the
30 property. All three (3) appraisals shall then be compared and the appraisal which differs most in
31 dollar amount from the other two (2) appraisals shall be excluded from consideration, and the fair
32 market value of the property shall be deemed to be fifty percent (50%) of the sum of the remaining
33 two (2) appraisals. The authority shall make an offer to purchase the property or rights in property
34 based upon the fair market value, which offer shall remain open for thirty (30) days or until the

1 time the offer is accepted or rejected. If the offer of the authority is rejected, the authority may
2 proceed with condemnation proceedings within ten (10) days.

3 (b) The necessity for acquisition is conclusively presumed upon the adoption by the
4 authority of a resolution declaring that the acquisition of the land, or interest in it, described in the
5 resolution is necessary for the construction or operation of any project. Within six (6) months of
6 the adoption of a resolution, the authority shall cause to be filed, in the land evidence records of the
7 city or town in which the land is located, a copy of the resolution of the authority, together with a
8 plat of the land, or interest in it described, and a statement, signed by the chairperson of the
9 authority, that the land, or interest in it, is taken pursuant to the provisions of this chapter.
10 Thereupon, the authority shall file, in the superior court in and for the county in which the land, or
11 interest in it, lies, a statement of the sum of money estimated by the authority to be just
12 compensation for the land taken.

13 (c) Upon the filing of the copy of the resolution, plat, and statement in the land evidence
14 records of the city or town, the filing, in the superior court, of the statement, and the depositing in
15 the superior court, to the use of the person entitled to it, of a sum that the court determines to be
16 amply sufficient to satisfy the claims of all persons interested in the land (and the court may, in its
17 discretion, take evidence on the questions to determine the sum to be deposited), title to the land,
18 or interest in it, vests in the authority in fee simple absolute, and the authority may take possession
19 of the land, or interest in it.

20 (d) No sum paid into the court shall be charged with clerk's fees of any nature. After the
21 filing of the copy, plat, and statement, notice of the taking of the land, or interest in it, shall be
22 served upon the owners of, and persons having an estate in and interested in the land, by the sheriff
23 or the sheriff's deputies of the county in which the land, or interest in it, lies, leaving a true and
24 attested copy of the description and statement with each of the persons personally, or at their last
25 and usual place of abode in this state with some person living there, and in case any of the persons
26 are absent from this state and have no last and usual place of abode in this state occupied by any
27 person, the copy shall be left with the persons, if any, in charge of or having possession of the land,
28 or interest in it, taken of the absent persons if the persons are known to the officer; and after the
29 filing of the resolution, plat, and statement, the secretary of the authority shall cause a copy of the
30 resolution and statement to be published in some newspaper published or having general circulation
31 in the county where the land, or interest in it, may be located, at least once a week for three (3)
32 successive weeks. If any person agrees with the authority for the price of land, or interest in it taken,
33 the court, upon the application of the parties in interest, may order that the sum agreed upon be paid
34 immediately from the money deposited, as the just compensation to be awarded in the proceeding.

1 (e) Any owner of or person entitled to any estate in or interested in any part of the land, or
2 interest in it, taken, who cannot agree with the authority for the price of the land, or interest in it,
3 taken, in which he or she is interested, may, within three (3) months after personal notice of the
4 taking, or, if he or she has no personal notice, within one year from the first publication of the copy
5 of the resolution and statement, apply, by petition, to the superior court in and for the county in
6 which the land, or interest in it, lies, setting forth the taking of his or her land or interest in it, and
7 praying for an assessment of damages by a jury. Upon filing of the petition, the court shall cause
8 twenty (20) days' notice of the pendency of the petition to be given to the authority with a certified
9 copy, and may proceed after the notice to the trial; and the trial shall determine all questions of fact
10 relating to the value of the land, or interest in it, and the amount, and judgment shall be entered
11 upon the verdict of the jury, and execution shall be issued against the money so deposited in court
12 and in default against any other property of the authority. In case two (2) or more conflicting
13 petitioners make claim to the same land, or to any interests in it, or to different interests in the same
14 parcel of land, the court, upon motion, shall consolidate their several petitions for trial at the same
15 time by the same jury, and may frame all necessary issues for the trial; and all proceedings taken
16 pursuant to the provisions of this chapter shall take precedence over all other civil matters then
17 pending before the court, or if the superior court, in and for the county in which the land, or interest
18 in it, lies, is not in session in that county, then the proceedings may be heard in the superior court
19 for the counties of Providence and Bristol.

20 (f) If any lands, or interests in them, in which any minor, or other person not capable in law
21 to act in his or her own behalf, is interested are taken by the authority under the provisions of this
22 chapter, the superior court, upon the filing in the court of any petition by or in behalf of the minor
23 or other person, may appoint a guardian ad litem for the minor or other person, and the guardian
24 may appear and be heard in behalf of the minor or other person; and the guardian may also, with
25 the advice and consent of the superior court and upon any terms that the superior court may
26 prescribe, release to the authority all claims for damages for the lands of the minor or other person
27 or for any interest in them. Any lawfully appointed, qualified, and acting guardian or other fiduciary
28 of the estate of any minor or other person, with the approval of the court of probate within this state
29 having jurisdiction to authorize the sale of lands and properties within this state of any minor or
30 other person, may, before the filing of any petition, agree with the authority upon the amount of
31 damages suffered by the minor or other person by any taking of his or her lands or of his or her
32 interests in any lands, and may, upon receiving that amount, release to the authority all claims of
33 damages of the minor or other person for the taking.

34 (g) Whenever, from time to time, the authority has satisfied the court that the amount

1 deposited with the court is greater than is amply sufficient to satisfy the claims of all persons
2 interested in the land, the court may order that the amount of any excess including any interest or
3 increment on any sums so deposited be repaid to the authority. Whenever the authority has satisfied
4 the court that the claims of all persons interested in the land taken have been satisfied, the
5 unexpended balance, including any interest or increment on any sums deposited, shall be paid
6 immediately to the authority.

7 (h) In any proceedings for the assessment of compensation and damages for land or interest
8 in it taken, or to be taken by eminent domain by the authority, the following provisions are
9 applicable:

10 (1) At any time during the pendency of any action or proceeding, the authority or an owner
11 may apply to the court for an order directing an owner or the authority, as the case may be, to show
12 cause why further proceedings should not be expedited, and the court may, upon that application,
13 make an order requiring that the hearings proceed and that any other steps be taken with all possible
14 expedition.

15 (2) If any of the land, or interest in it, is devoted to a public use, it may nevertheless be
16 acquired, and the taking shall be effective, provided, that no land, or interest in it, belonging to a
17 public utilities administrator or other officer or tribunal having regulatory power over such a
18 corporation is taken. Any land, or interest in it, already acquired by the authority may, nevertheless,
19 be included within the taking for the purpose of acquiring any outstanding interests in the land.

20 SECTION 11. Section 45-51-2 of the General Laws in Chapter 45-51 entitled
21 "Environmental Advocacy Act" is hereby amended to read as follows:

22 **45-51-2. Conservation commission — Appointment.**

23 The mayor or town administrator of any city or town may designate the municipal
24 conservation commission as defined in § ~~45-31-1~~ 45-35-1 to serve as an environmental advocate,
25 subject to approval by the city or town council, which shall perform the duties as established in this
26 chapter.

27 SECTION 12. Section 45-52-10 of the General Laws in Chapter 45-52 entitled "The
28 Quonochontaug East Beach Water District" is hereby amended to read as follows:

29 **45-52-10. District council.**

30 (a) The moderator, the treasurer, the district clerk, the chairperson of the finance committee
31 and the chairperson of the public works committee, constitute a district council. It is the duty of the
32 district council to:

33 (1) Supervise and coordinate the activities of all of the officers, commissions, and
34 committees of the district;

1 (2) Fill vacancies in offices as provided in § ~~45-52-6(b)~~ 45-52-6(c);

2 (3) Prepare, or have prepared, ordinances relative to the district and its activities, and
3 present the ordinances to either the annual or special meeting of the district for action; and

4 (4) Develop for, and present to, the annual or a special meeting called for the purpose, plans
5 for the improvement and development of the district.

6 (b) The council also has the care, management, and control of all property and equipment
7 owned by the district, subject to any ordinances, bylaws, and regulations which the district may
8 make with respect to them. Three (3) members of the council constitute a quorum. Notice of the
9 time and place of the meeting shall be given by the member calling the meeting by mailing written
10 notice of the meeting at least five (5) days prior to the meeting to each of the members of the
11 council.

12 (c) The district council shall, at least twenty (20) days before each and every annual
13 meeting, sit in open meeting to receive requests for funds to defray the cost of the activities of the
14 district, and to receive suggestions for expenditures to improve the property of the district, extend
15 the usefulness of the district to residents, and for all other purposes, and shall report thereon to the
16 annual meeting with its recommendations.

17 SECTION 13. Section 45-59-18 of the General Laws in Chapter 45-59 entitled "District
18 Management Authorities" is hereby amended to read as follows:

19 **45-59-18. Petition for relief from assessment.**

20 (a) Any person aggrieved on any ground whatsoever by any assessment against him or her
21 by a district management authority in any municipality may within three (3) months after the last
22 day appointed for the payment without penalty of the assessment, or the first installment of the
23 payment, if the assessment is payable in installments, file a notice of appeal with the district
24 management authority, and within thirty (30) days thereafter, file a petition in the superior court
25 for the county within which the municipality is located for relief from the assessment, to which
26 petition the district management authority will be made a party respondent, and the clerk of the
27 superior court will thereupon issue a citation substantially in the following form:

28 THE STATE OF RHODE ISLAND

29 To the sheriff of the several counties, or to the deputies, Greetings:

30 We command you to summon the treasurer of (the district management authority): to wit,
31 of (if to be found in your precinct) to answer the
32 complaint of of on the return day hereof (said
33 return day being the day of, A.D. 20.....) in the superior court to be holden
34 at the county's courthouse in as by petition filed in court is fully set forth; and to show cause why

1 said petition should not be granted.

2 Hereof fail not, and make true return of this writ with your doings thereon.

3 Witness, the seal of our superior court, at this day of

4 in the year, A.D. 20.....

5 _____, Clerk

6 (b) The petition will be subject to the provisions of §§ 44-5-26 — [44-5-30](#), 44-5-31

7 [\[Repealed\]](#) insofar as those sections may be applicable.

8 **ARTICLE II -- STATUTORY CONSTRUCTION**

9 SECTION 1. Sections 5-48.2-3 and 5-48.2-9 of the General Laws in Chapter 5-48.2 entitled
10 "Professional Licensing and Regulation of Speech-Language Pathologists and Audiologists" are
11 hereby amended to read as follows:

12 **5-48.2-3. Definitions.**

13 As used in this chapter, the following words and terms shall have the following meanings,
14 except where the context clearly indicates otherwise:

15 (1) "Accredited/approved" means that an institution/program holds regional accreditation
16 from one of six (6) regional accrediting bodies: Middle States Association of Colleges and Schools,
17 New England Association of Schools and Colleges, North Central Association of Colleges and
18 Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and
19 Schools, and Western Association of Schools and Colleges.

20 (2) "Act" means chapter 48 of this title entitled, "speech-language pathology and
21 audiology," as well as the provisions of this chapter, where the context so indicates.

22 (3) "Audiologist" means an individual who is licensed by the board to practice audiology
23 either in person or via telepractice.

24 (4) "Audiology" means the audiologist applies the principles, methods, and procedures
25 related to hearing and the disorders of the hearing and balance systems, to related language and
26 speech disorders, and to aberrant behavior related to hearing loss. A hearing disorder is defined as
27 altered sensitivity, acuity, function, processing, and/or damage to the integrity of the physiological
28 auditory/vestibular systems, in individuals or groups of individuals who have or are suspected of
29 having such disorders.

30 (5) "Audiology support personnel" shall operate under the title "audiometric aide" or
31 "audiology assistant" and means an individual who meets minimum qualifications established by
32 the board, which are less than those established by the act as necessary for licensing as an
33 audiologist; does not act independently; is limited to hearing screening with pass/fail criteria; and
34 works under the direction and supervision of an audiologist licensed under the act who has been

1 actively working in the field for twenty-four (24) months after completion of the postgraduate
2 professional experience and who accepts the responsibility for the acts and performances of the
3 audiometric aide or audiology assistant while working under the act.

4 (6) “Board” means the state board of examiners of speech-language pathology and
5 audiology established pursuant to § 5-48-2.

6 (7) “Clinical fellow” means the person who is practicing speech-language pathology under
7 the supervision of a licensed speech-language pathologist while completing the postgraduate
8 professional experience as required by the act and who holds a current provisional license in
9 accordance with the requirements described in this chapter.

10 (8) “Clinical fellowship or traineeship” means the direct clinical work, consultation, or
11 other duties relevant to clinical speech-language pathology work with individuals presenting
12 disorders in communication, for a cumulative or equivalent total of nine (9) months of full-time
13 employment following completion of professional speech-language pathology education under
14 supervision pursuant to § 5-48-7 and the provisions of this chapter.

15 (9) “Department” means the Rhode Island department of health.

16 (10) “Director” means the director of the Rhode Island department of health.

17 (11) “Graduate program” means a post-baccalaureate accredited program leading to a
18 master’s or doctoral degree, including a professional doctoral degree, whether offered through an
19 accredited graduate or professional school.

20 (12) “Newborn hearing screener” means an audiometric aide or audiology assistant
21 working in a hospital-based newborn hearing screening program under the direction of the
22 department of health newborn hearing screening program, or its appointee.

23 (13) “Person” means an individual, partnership organization, or corporation, except that
24 only individuals can be licensed under this chapter.

25 (14) “The practice of audiology” means an audiologist rendering or offering to render any
26 service in audiology either in person or via telepractice as defined in § 5-48-1 and in this section.

27 (15) “The practice of speech-language pathology” means rendering or offering to render
28 any service in speech-language pathology either in person or via telepractice as defined in this
29 section.

30 (16) “Regionally accredited” means the official guarantee that a college or university or
31 other educational institution is in conformity with the standards of education prescribed by a
32 regional accrediting commission recognized by the United States Secretary of Education.

33 (17) “School hearing screener” means an audiometric aide or audiology assistant working
34 in a school-based hearing screening program under the direction of the Rhode Island department

1 of elementary and secondary education or its appointee.

2 (18) “Speech-language pathologist ([SLP](#))” means an individual who is licensed by the
3 board to practice speech-language pathology either in person or via telepractice.

4 (19) “Speech-language pathology” means the activities defined in § 5-48-1 and in this
5 section.

6 (20) “Speech-language pathology assistant (SLPA) support personnel” means an
7 individual who meets minimum qualifications established by the board, which are less than those
8 established by the act as necessary for licensing as a speech-language pathologist; does not act
9 independently; and works under the direction and supervision of a speech-language pathologist
10 licensed under the act who has been actively working in the field for twenty-four (24) months after
11 completion of the postgraduate professional experience and who accepts the responsibility for the
12 acts and performances of the speech-language pathology assistant while working under this chapter.

13 (21) “Telepractice” means the use of telecommunication technology to deliver speech-
14 language pathology and audiology services remotely. Other terms such as teleaudiology,
15 telespeech, and speech teletherapy are also used in addition to telepractice. Use of telepractice
16 should be of equal quality to services provided in person and consistent with adherence to the
17 American Speech-Language-Hearing Association (ASHA)’s Code of Ethics (ASHA, 2016a),
18 Scope of Practice in Audiology (ASHA, 2018), Scope of Practice in Speech-Language Pathology
19 (ASHA, 2016b), and Assistants Code of Conduct (ASHA, 2020).

20 **5-48.2-9. Supervision and responsibility.**

21 (a)(1) A supervising professional must be a speech-language pathologist or audiologist who
22 is licensed under this chapter; and who has been actively working in the field for twenty-four (24)
23 months after completion of the postgraduate professional experience; and must be responsible for
24 the acts and performances, patient screening, and specific tasks assigned by the licensee to the
25 speech-language pathology assistant (SLPA)/audiometric aide or audiology assistant.

26 (2) A licensee who supervises support personnel must:

27 (i) Utilize the services of only those who meet the minimum requirements enumerated
28 under this chapter;

29 (ii) Ensure that the support personnel are assigned only those duties and responsibilities for
30 which the person has been specifically trained and which the assistant is qualified to perform;

31 (iii) Ensure that persons who will be receiving services from support personnel, or the
32 person’s legal representative, are informed that services are being rendered by support personnel;

33 (iv) Provide supervision of the support personnel (other than newborn hearing screeners
34 and school hearing screeners); and

1 (v) Complete a minimum of two (2) hours of professional development in clinical
2 instruction/supervision.

3 (b) A speech-language pathologist supervisor may only supervise one full-time equivalent
4 speech-language pathology assistant (SLPA) support personnel and not more than two (2) SLPAs
5 at any time and an audiologist supervisor may only supervise three (3) full-time equivalent
6 audiometric aides or audiology assistants unless otherwise approved by the board. At no time
7 should support personnel perform tasks when a supervising ~~SLPA~~ SLP cannot be reached by
8 personal contact, phone, pager, or other immediate means. When multiple supervisors are used, the
9 supervisors are encouraged to coordinate and communicate with each other.

10 (c) Observations of support audiometric aides must be completed and documented as to
11 date, amount of time, and accuracy and efficacy of service according to the following: Direct on-
12 site observations of the first ten (10) hours of direct client contact; and five percent (5%) of all
13 clinical sessions after the first ten (10) hours for every forty (40) consecutive hours worked; and
14 indirect supervision (e.g., home, interactive television, audio/video review, or patient record
15 review) of five percent (5%) of each forty (40) consecutive hours worked.

16 (d) Observations of a speech-language pathology assistant (SLPA) pathology support
17 personnel shall be completed and documented as to date, amount of time, and accuracy and efficacy
18 of service according to the following:

19 (1) Direct supervision means in-view observation and guidance while the SLPA is
20 performing a clinical activity. Direct supervision does not include reviewing an audio or video
21 recorded session later.

22 (2) A minimum of twenty percent (20%) direct supervision and ten percent (10%) indirect
23 supervision is required of all the time that assistant is providing services during the first ninety (90)
24 days of employment. After the first ninety (90) days, the supervising SLPA may adjust their amount
25 of supervision if they determine that the SLPA meets appropriate competencies. A minimum of ten
26 percent (10%) direct and ten percent (10%) indirect supervision is required every one hundred
27 eighty (180) days regardless of employment status.

28 (e) Before any SLPA begins to provide support independently, the supervising SLP must
29 have first contact with all individuals on the caseload. For purposes of this section, first contact
30 includes establishing rapport, gathering baseline data, and securing other necessary documentation
31 to begin (or continue) the plan of care for the student, patient, or client.

32 (f) Supervisors shall maintain records which document the frequency and type of
33 supervision of support personnel, such records to be available for audit upon request by the board.

34 SECTION 2. Section 5-64-5 of the General Laws in Chapter 5-64 entitled

1 "Dietitian/Nutritionist Act" is hereby amended to read as follows:

2 **5-64-5. Rhode Island state board of dietetics practice.**

3 (a) Within the division of professional regulation in the Rhode Island department of health
4 there is a board of dietetics practice.

5 (1) The board shall consist of nine (9) members appointed for terms of three (3) years each
6 ~~with~~ ~~and~~ no member shall be appointed for more than two (2) consecutive terms. Upon expiration
7 of the term of office, a member shall continue to serve until a successor is appointed and qualified.
8 One shall be the director of the department of health or designee. Five (5) shall be licensed
9 dietitians/nutritionists appointed by the director of the department of health, with the approval of
10 the governor, except that the appointments made initially need not be licensed under this chapter.
11 (In the director's initial appointment, the director shall designate the licensed dietitian/nutritionist
12 members of the board as follows: one member to serve for a term of one year; two (2) members to
13 serve for a term of two (2) years; and two (2) members to serve for a term of three (3) years). One
14 member shall be a physician licensed to practice medicine in this state appointed by the governor.
15 Two (2) shall be consumers appointed by the governor. A majority of seats filled shall constitute a
16 quorum.

17 (2) The director of the department of health may remove any member of the board for
18 cause.

19 (3) Vacancies shall be filled for the unexpired portion of any term in the same manner as
20 the original appointment.

21 (b) The duties of the board shall be to:

22 (1) Recommend to the director rules and regulations necessary to implement this chapter;

23 (2) Determine the qualification and fitness of applicants and to issue and/or reinstate
24 licenses; and

25 (3) Recommend to the director revocation, suspension, and/or denial of a license.

26 SECTION 3. Section 5-64.2-3 of the General Laws in Chapter 5-64.2 entitled "Dietitian
27 Licensure Compact" is hereby amended to read as follows:

28 **5-64.2-3. Definitions.**

29 For purposes of this ~~section~~ ~~chapter~~, the following terms shall have the following
30 meanings:

31 (1) "ACEND" means the Accreditation Council for Education in Nutrition and Dietetics or
32 its successor organization.

33 (2) "Active military member" means any individual with full-time duty status in the active
34 armed forces of the United States, including members of the National Guard and Reserve.

1 (3) “Adverse action” means any administrative, civil, equitable, or criminal action
2 permitted by a state’s laws which is imposed by a licensing authority or other authority against a
3 licensee, including actions against an individual’s license or compact privilege such as revocation,
4 suspension, probation, monitoring of the licensee, limitation on the licensee’s practice, or any other
5 encumbrance on licensure affecting a licensee’s authorization to practice, including issuance of a
6 cease and desist action.

7 (4) “Alternative program” means a non-disciplinary monitoring or practice remediation
8 process approved by a licensing authority.

9 (5) “CDR” means the Commission on Dietetic Registration or its successor organization.

10 (6) “Charter member state” means any member state which enacted the compact by law
11 before the effective date pursuant to § 5-64.2-13.

12 (7) “Compact commission” means the government agency whose membership consists of
13 all states that have enacted the compact, which is known as the dietitian licensure compact
14 commission, pursuant to § 5-64.2-9, and which shall operate as an instrumentality of the member
15 states.

16 (8) “Compact privilege” means a legal authorization, which is equivalent to a license,
17 permitting the practice of dietetics in a remote state.

18 (9) “Continuing education” means a requirement, as a condition of license renewal, to
19 provide evidence of participation in, and completion of, educational and professional activities
20 relevant to practice or area of work.

21 (10) “Current significant investigative information” means:

22 (i) Investigative information that a licensing authority, after a preliminary inquiry that
23 includes notification and an opportunity for the subject licensee to respond, if required by state law,
24 has reason to believe is not groundless and, if proved true, would indicate more than a minor
25 infraction; or

26 (ii) Investigative information that indicates that the subject licensee represents an
27 immediate threat to public health and safety regardless of whether the subject licensee has been
28 notified and had an opportunity to respond.

29 (11) “Data system” means a repository of information about licensees, including, but not
30 limited to, continuing education, examination, licensure, investigative, compact privilege and
31 adverse action information.

32 (12) “Encumbered license” means a license in which an adverse action restricts a licensee’s
33 ability to practice dietetics.

34 (13) “Encumbrance” means a revocation or suspension of, or any limitation on a licensee’s

1 full and unrestricted practice of dietetics by a licensing authority.

2 (14) “Executive committee” means a group of delegates elected or appointed to act on
3 behalf of, and within the powers granted to them by, the compact, and the compact commission.

4 (15) “Home state” means the member state that is the licensee’s primary state of residence
5 or that has been designated pursuant to § 5-64.2-7.

6 (16) “Investigative information” means information, records, and documents received or
7 generated by a licensing authority pursuant to an investigation.

8 (17) “Jurisprudence requirement” means an assessment of an individual’s knowledge of
9 the state laws and regulations governing the practice of dietetics in such state.

10 (18) “License” means an authorization from a member state to either:

11 (i) Engage in the practice of dietetics (including medical nutrition therapy); or

12 (ii) Use the title “dietitian,” “licensed dietitian,” “licensed dietitian nutritionist,” “certified
13 dietitian,” or other title describing a substantially similar practitioner as the compact commission
14 may further define by rule.

15 (19) “Licensee” or “licensed dietitian” means an individual who currently holds a license
16 and who meets all of the requirements set forth in § 5-64.2-5.

17 (20) “Licensing authority” means the board or agency of a state, or equivalent, that is
18 responsible for the licensing and regulation of the practice of dietetics.

19 (21) “Member state” means a state that has enacted the compact.

20 (22) “Practice of dietetics” means the synthesis and application of dietetics, primarily for
21 the provision of nutrition care services, including medical nutrition therapy, in person or via
22 telehealth, to prevent, manage, or treat diseases or medical conditions and promote wellness.

23 (23) “Registered dietitian” means a person who:

24 (i) Has completed applicable education, experience, examination, and recertification
25 requirements approved by CDR;

26 (ii) Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

27 (iii) Is legally authorized to use the title registered dietitian or registered dietitian
28 nutritionist and the corresponding abbreviations “RD” or “RDN.”

29 (24) “Remote state” means a member state other than the home state, where a licensee is
30 exercising or seeking to exercise a compact privilege.

31 (25) “Rule” means a regulation promulgated by the compact commission that has the force
32 of law.

33 (26) “Single state license” means a license issued by a member state within the issuing
34 state and does not include a compact privilege in any other member state.

1 (27) "State" means any state, commonwealth, district, or territory of the United States of
2 America.

3 (28) "Unencumbered license" means a license that authorizes a licensee to engage in the
4 full and unrestricted practice of dietetics.

5 SECTION 4. Section 5-65.4-1 of the General Laws in Chapter 5-65.4 entitled "Residential
6 Contractor Licensing" is hereby amended to read as follows:

7 **5-65.4-1. Short title and purpose.**

8 This chapter shall be known and may be cited as the "Rhode Island residential contractor
9 licensing law" ~~to safeguard the public health, the~~ The purpose of this chapter is to ~~establish~~
10 safeguard the public health by establishing a licensing program and minimum standards for
11 contractors supervising or performing structural work in residences of one to four (4) family
12 dwelling units.

13 SECTION 5. Section 6-13.1-1 of the General Laws in Chapter 6-13.1 entitled "Deceptive
14 Trade Practices" is hereby amended to read as follows:

15 **6-13.1-1. Definitions. [Effective March 31, 2026.]**

16 As used in this chapter:

17 (1) "Documentary material" means the original or a copy of any book, record, report,
18 memorandum, paper, communication, tabulation, map, chart, photograph, mechanical
19 transcription, or other tangible document or recording wherever situated.

20 (2) "Examination" of documentary material includes the inspection, study, or copying of
21 any documentary material, and the taking of testimony under oath or acknowledgment in respect
22 of any documentary material or copy of any documentary material.

23 (3) "Person" means natural persons, corporations, trusts, partnerships, incorporated or
24 unincorporated associations, and any other legal entity.

25 (4) "Rebate" means the return of a payment or a partial payment that serves as a discount
26 or reduction in price.

27 (5) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution
28 of any services and any property, tangible or intangible, real, personal, or mixed, and any other
29 article, commodity, or thing of value wherever situate, and include any trade or commerce directly
30 or indirectly affecting the people of this state.

31 (6) "Unfair methods of competition and unfair or deceptive acts or practices" means any
32 one or more of the following:

33 (i) Passing off goods or services as those of another;

34 (ii) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship,

- 1 approval, or certification of goods or services;
- 2 (iii) Causing likelihood of confusion or of misunderstanding as to affiliation, connection,
3 or association with, or certification by, another;
- 4 (iv) Using deceptive representations or designations of geographic origin in connection
5 with goods or services;
- 6 (v) Representing that goods or services have sponsorship, approval, characteristics,
7 ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship,
8 approval, status, affiliation, or connection that the person does not have;
- 9 (vi) Representing that goods are original or new if they are deteriorated, altered,
10 reconditioned, reclaimed, used, or secondhand; and if household goods have been repaired or
11 reconditioned, without conspicuously noting the defect that necessitated the repair on the tag that
12 contains the cost to the consumer of the goods;
- 13 (vii) Representing that goods or services are of a particular standard, quality, or grade, or
14 that goods are of a particular style or model, if they are of another;
- 15 (viii) Disparaging the goods, services, or business of another by false or misleading
16 representation of fact;
- 17 (ix) Advertising goods or services with intent not to sell them as advertised;
- 18 (x) Advertising goods or services with intent not to supply reasonably expectable public
19 demand, unless the advertisement discloses a limitation of quantity;
- 20 (xi) Making false or misleading statements of fact concerning the reasons for, existence of,
21 or amounts of price reductions;
- 22 (xii) Engaging in any other conduct that similarly creates a likelihood of confusion or of
23 misunderstanding;
- 24 (xiii) Engaging in any act or practice that is unfair or deceptive to the consumer;
- 25 (xiv) Using any other methods, acts, or practices that mislead or deceive members of the
26 public in a material respect;
- 27 (xv) Advertising any brand name goods for sale and then selling substituted brand names
28 in their place;
- 29 (xvi) Failure to include the brand name and/or manufacturer of goods in any advertisement
30 of the goods for sale, and, if the goods are used or secondhand, failure to include the information
31 in the advertisement;
- 32 (xvii) Advertising claims concerning safety, performance, and comparative price unless
33 the advertiser, upon request by any person, the consumer council, or the attorney general, makes
34 available documentation substantiating the validity of the claim;

1 (xviii) Representing that work has been performed on or parts replaced in goods when the
2 work was not in fact performed or the parts not in fact replaced;

3 (xix) Failing to separately state the amount charged for labor and the amount charged for
4 services when requested by the purchaser as provided for in § ~~44-18-12(b)(3)~~ [44-18-12\(b\)\(ii\)](#);

5 (xx) Advertising for sale at a retail establishment the availability of a manufacturer's rebate
6 by displaying the net price of the advertised item (the price of the item after the rebate has been
7 deducted from the item's price) in the advertisement, unless the amount of the manufacturer's
8 rebate is provided to the consumer by the retailer at the time of the purchase of the advertised item.
9 It shall be the retailer's burden to redeem the rebate offered to the consumer by the manufacturer;

10 (xxi) Advertising, displaying, or offering a price for live-event tickets or short-term lodging
11 in violation of 16 C.F.R. Part 464; or

12 (xxii) Engaging in any act or practice that is unfair or deceptive by a person advising or
13 assisting any veteran filing a claim for disability benefits with the Department of Veterans Affairs.

14 SECTION 6. Sections 6-61-1 and 6-61-5 of the General Laws in Chapter 6-61 entitled
15 "Right to Consumer Access to Powered Wheelchair Repairs" are hereby amended to read as
16 follows:

17 **6-61-1. Definitions.**

18 For purposes of this chapter, unless the context otherwise requires:

19 (1) "Authorized repair supplier" means an individual or business who or that is unaffiliated
20 with an original equipment manufacturer and who or that has an arrangement with the original
21 equipment manufacturer, for a definite or indefinite period, under which the original equipment
22 manufacturer grants to the individual or business a license to use a trade name, service mark, or
23 other proprietary identifier for the purposes of offering the services of inspection, diagnosis,
24 maintenance, or repair of powered wheelchairs under the name of the original equipment
25 manufacturer, or other arrangement with the original equipment manufacturer to offer those
26 services on behalf of the original equipment manufacturer. An original equipment manufacturer
27 who or that offers the services of inspection, diagnosis, maintenance, or repair of its own powered
28 wheelchairs, and who or that does not have an arrangement with an unaffiliated individual or
29 business, shall be considered an authorized repair supplier with respect to that equipment.

30 (2) "Commissioner" means the health insurance commissioner.

31 (3) "Complex manual wheelchair" means a manually driven complex wheelchair that can
32 accommodate rehabilitative accessories and features.

33 (4) "Complex power wheelchair" means a power-driven complex wheelchair, as defined
34 by the Centers for Medicare and Medicaid Services ("CMS") that is classified as a Group 2 power

1 wheelchair with power options that can accommodate rehabilitative features to include, but not
2 limited to, tilt in space; or a Group 3, Group 4, or Group 5 power wheelchair.

3 (5) “Complex rehabilitation technology (CRT)” or “complex wheelchair” means items that
4 are individually configured for individuals to meet their specific and unique medical, physical, and
5 functional needs and capacities for basic activities of daily living and instrumental activities of
6 daily living identified as medically necessary, and shall include options and accessories related to
7 any of such items. Current healthcare common procedure coding system (“HCPCS”) shall fall
8 under the definition of complex rehabilitation technology, and any amendments to HCPCS
9 subsequently added or created by the federal government shall be included within the definition of
10 complex rehabilitation technology and shall be added to the covered HCPC list.

11 (6) “Complex rehabilitation wheelchair manufacturer” or “manufacturer” means a person
12 or company who or that designs, develops, tests, and produces finished systems or components of
13 those systems and sells all products or components to:

14 (i) Authorized providers for distribution; or

15 (ii) To other manufacturers for the production of more complex wheelchair systems.

16 Manufacturers are also responsible for maintaining compliance with relevant production
17 regulations and standards and reporting as designated by federal and state authorities.

18 (7) “Consumer” means a member of a health carrier who or that uses a complex rehab
19 technology with which the CRT supplier has a contractual relationship.

20 (8) “Consumer-owned backup complex power wheelchair” means a retired power
21 wheelchair that can be safely used by the consumer when a manual backup or suitable loaner
22 wheelchair cannot be supplied to meet the consumer’s medical needs.

23 (9) “Covered person” means a policyholder, subscriber, or other person participating in a
24 policy, contract, or plan that provides for third-party payment or prepayment of health or medical
25 expenses.

26 (10) “Defect” means an abnormality that impairs the quality, function, or utility of a
27 wheelchair from its intended design and purpose.

28 (11) “Department” means the department of business regulation established pursuant to the
29 provisions of chapter 14 of title 42.

30 (12) “Embedded software” means any programmable instructions provided on firmware
31 delivered with an electronic component of equipment, or with a part for that equipment, for
32 purposes of equipment operation, including all relevant patches and fixes made by the manufacturer
33 of the equipment or part for these purposes.

34 (13) “Evaluation/diagnostic time” means time and labor during which a qualified

1 technician troubleshoots and diagnoses any wheelchair adjustments or repair needs.

2 (14) “Executive office” means the executive office of health and human services, the
3 agency designated by state law and the Medicaid state plan as the Medicaid single state agency.

4 (15) “Fair and reasonable terms and costs,” with respect to obtaining manufacturer
5 documentation, parts, embedded software, firmware, or tools from a manufacturer to provide
6 services, means terms that are equivalent to the most favorable terms that the manufacturer offers
7 to an authorized repair supplier and costs to the buyer that are no greater than the manufacturer’s
8 suggested retail price:

9 (i) For documentation, including any relevant updates, “fair and reasonable terms and
10 costs” also means at no charge, except that, when the documentation is requested in physical printed
11 form, a charge may be included for the reasonable actual costs of preparing and sending the copy;

12 (ii) For software tools, “fair and reasonable terms and costs” also means all of the
13 following:

14 (A) Provided at no charge and without requiring authorization or internet access;

15 (B) Without imposing impediments to access or use, in the course of effecting the
16 diagnosis, maintenance, or repair and without impairing the efficient and cost-effective
17 performance of the diagnosis, maintenance, or repair;

18 (C) Enables full functionality;

19 (iii) If an original equipment manufacturer does not utilize an authorized repair supplier,
20 “fair and reasonable terms and costs” means an equitable price charged to the buyer in consideration
21 of the actual cost to the original equipment manufacturer to prepare and distribute the part, tool,
22 service access method, or documentation, exclusive of any research and development costs
23 incurred.

24 (16) “Firmware” means a software program or set of instructions programmed on
25 equipment, or on a part for that equipment, to allow the equipment or part to communicate within
26 itself or with other computer hardware.

27 (17) “Healthcare professional” means an individual who is licensed, registered, or certified
28 under federal or state law or regulation to provide healthcare services.

29 (18) “Health plan” or “payer” means an entity subject to the insurance laws of this state, or
30 subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide health
31 insurance coverage including, but not limited to, an insurance company, a health maintenance
32 organization and a nonprofit hospital and medical service corporation.

33 (19) “Independent repair provider” means an individual or business, other than the
34 manufacturer, that is engaged in the services of inspection, diagnosis, maintenance, or repair of

1 equipment for the purposes of returning it to the safety and performance specifications established
2 by the manufacturer and to meet its original intended use.

3 (20) “Inoperable” means when a wheelchair becomes unusable due to a mechanical or
4 electronic breakdown or failure.

5 (21) “Loaner” means a properly working wheelchair that performs the essential functions
6 of the original wheelchair and that is provided to the consumer on a temporary basis while the
7 consumer’s wheelchair is being repaired/replaced. A “loaner” wheelchair is further defined to be
8 in good working order, does not create any threat to the consumer’s health or safety, and need not
9 be new or identical to or have the same functional capabilities as those of the original wheelchair.

10 (22) “Manufacturer documentation” means any manual, diagram, reporting output, service
11 code description, schematic, or other guidance or information used in effecting the services of
12 inspection, diagnosis, maintenance, or repair of powered wheelchairs.

13 (23) “Medical documentation” means any chart notes, letters of medical necessity,
14 prescriptions, or other clinical documentation demonstrating the initial or continued medical
15 necessity of qualifying complex rehabilitation technology.

16 (24) “Non-conformity” means a condition or defect that significantly impairs the use,
17 value, function, or safety of an assistive device or any of its components, but does not include a
18 condition or defect of the device that is the result of:

- 19 (i) Abuse, misuse, or neglect by a consumer;
- 20 (ii) Modifications or alterations not authorized by the manufacturer;
- 21 (iii) Normal wear;
- 22 (iv) Normal use which may be resolved through a fitting adjustment, routine maintenance,
23 preventative maintenance, or proper care; or
- 24 (v) A consumer’s failure to follow any manufacturer’s written service and maintenance
25 guidelines furnished to the customer at the time of purchase.

26 (25) “Prior authorization” means any requirement held by the payer that the covered person
27 or the qualified complex rehabilitation technology supplier obtain written or verbal approval from
28 the payer [or other insurer] before completing needed services or providing equipment to a covered
29 person.

30 (26) “Qualified complex rehabilitation technology professional” means an individual who
31 is certified as an assistive technology professional (ATP) by a professional organization providing
32 certification of assistive technology professions.

33 (27) “Qualified complex rehabilitation technology supplier” or “supplier” means a
34 company or entity that meets all of the following criteria:

1 (i) Is accredited by a recognized accrediting organization as a supplier of complex
2 rehabilitation technology;

3 (ii) Is an employer of at least one qualified complex rehabilitation technology professional
4 to analyze the needs and capacities of the complex needs consumer in consultation with qualified
5 healthcare professionals, to participate in the selection of appropriate complex rehabilitation
6 technology for those needs and capacities of the complex needs consumer, and to provide training
7 in the proper use of the complex rehabilitation technology;

8 (iii) Requires a qualified complex rehabilitation technology professional to be physically
9 present for the evaluation and determination of appropriate complex rehabilitation technology for
10 a complex needs consumer;

11 (iv) Has the capability to provide service and repair by trained technicians for all complex
12 rehabilitation technology it sells; and

13 (v) Provides written information at the time of delivery of the complex rehabilitation
14 technology to the complex needs consumer stating how the complex needs consumer may receive
15 service and repair for the complex rehabilitation technology.

16 (28) “Recipient” means a person receiving benefits under the state Medicaid program,
17 including a person whose Medicaid eligibility is being redetermined.

18 (29) “Third-party payer” means an entity other than the consumer ~~of~~ or healthcare supplier,
19 that reimburses and manages healthcare expenses, such as insurance companies and government
20 payers.

21 (30) “Tools” means any software program, hardware, or other apparatus used in inspection,
22 diagnosis, maintenance, or repair of powered wheelchairs, including software or other mechanisms
23 that provision, program, or pair a new part, calibrate functionality, or perform any other function
24 required to bring the product back to fully functional condition.

25 (31) “Trade secret” shall have the same meaning as set forth in § 6-41-1.

26 (32) “Trip/travel allowance” means compensation for travel to the recipient’s home or
27 location for the purpose of facilitating a repair to a complex wheelchair.

28 (33) “Warranty” means a guarantee made by a manufacturer regarding the integrity or
29 condition of the product and the terms and conditions under which repairs, refunds, or exchanges
30 shall be made if the product does not function as originally described or intended within a specified
31 period.

32 **6-61-5. Rules and regulations.**

33 The department of business regulation may promulgate rules and regulations to implement
34 and enforce the provisions of §§ 6-61-2, 6-61-3 and ~~6-61-2~~ 6-61-4.

1 SECTION 7. Section 6-62-5 of the General Laws in Chapter 6-62 entitled "Veterans'
2 Protection [Effective March 31, 2026.]" is hereby amended to read as follows:

3 **6-62-5. Penalty. [Effective March 31, 2026.]**

4 A violation of the provisions of this chapter shall be an unfair or deceptive act or practice
5 as defined in § 6-13.1-1, **and** the violator shall be subject to the civil penalties provided pursuant
6 to the provisions of § 6-13.1-8.

7 SECTION 8. Section 11-49-4 of the General Laws in Chapter 11-49 entitled "Credit Card
8 Crime Act" is hereby amended to read as follows:

9 **11-49-4. Fraudulent use of credit or debit cards.**

10 A person who, with intent to defraud the issuer or a person or organization providing
11 money, goods, services, or anything else of value or any other person, uses, for the purpose of
12 obtaining money, goods, services, or anything else of value, a credit card or debit card obtained or
13 retained in violation of this law or a credit card or debit card which they know is forged, expired,
14 or revoked, or who obtains money, goods, services, or anything else of value by representing,
15 without the consent of the cardholder, that they are the holder of a specified card or by representing
16 that they are the holder of a card and the card has not in fact been issued, violates this section and
17 is subject to the penalties set forth in § 11-49-10(a), if the value of all moneys, goods, services, and
18 other things of value obtained in violation of this ~~subsection~~ **section** does not exceed one hundred
19 dollars (\$100) in any six-month (6) period. The violator is subject to the penalties set forth in § 11-
20 49-10(b) if the value does exceed one hundred dollars (\$100) in any six-month (6) period.
21 Knowledge of revocation shall be presumed to have been received by a cardholder four (4) days
22 after it has been mailed to them at the address set forth on the credit card or debit card or at their
23 last known address by registered or certified mail, return receipt requested, and, if the address is
24 more than five hundred (500) miles from the place of mailing, by air mail. If the address is located
25 outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, or Canada, notice shall
26 be presumed to have been received ten (10) days after mailing by registered or certified mail.

27 SECTION 9. Section 16-21-43 of the General Laws in Chapter 16-21 entitled "Health and
28 Safety of Pupils" is hereby amended to read as follows:

29 **16-21-43. Policy on use of personal electronic devices in schools. [Effective August 1,**
30 **2026.]**

31 (a)(1) Each public school shall have a policy regarding the use of personal electronic
32 devices on school grounds and during school-sponsored activities to reduce distractions, maintain
33 environments focused on learning, and protect the privacy and safety of students and staff. Each
34 public school shall notify the parents or guardians of all students attending the school of the policy.

1 The policy shall include, but not be limited to, a prohibition on physical access to a personal
2 electronic device by students during the school day as defined by the department of education and
3 the ~~commission~~ commissioner of elementary and secondary education pursuant to §§ 16-2-2 and
4 16-2-9 and any regulations promulgated thereunder including, but not limited to, 200-RICR-20-05-
5 1.

6 (2) The district shall make exceptions for student personal device use that provide access
7 to assistive technology necessary to comply with individualized student 504 plans, individualized
8 education plans (IEP), medical needs such as glucose monitoring, and/or a plan to support emergent
9 multilingual learners (MLL) students with appropriate language access programs and services to
10 ensure the provision of appropriate, meaningful public education. The allowable exceptions shall
11 be written into the student's identified plan and approved by the appropriate team or coordinator.

12 (3) Students provided an exception to this policy shall not be segregated from students
13 without such exception. Exceptions shall also be made in the event of an emergency.

14 (b) For the purposes of this section, a "personal electronic device" means a smartphone,
15 mobile phone, tablet, computer, smartwatch, or other electronic device not owned or provided to a
16 student by a public school that is capable of communication through the internet or a wireless
17 network.

18 (c) The policy and any standards and rules enforcing the policy shall be prescribed by the
19 school committee in conjunction with the superintendent or the board of trustees of a charter school
20 and in consultation with any collective bargaining agents that represent school staff. The policy
21 shall be enforced consistently by school administration, be systematic in nature, and should
22 minimize the potential for conflict between students, parents, educators, and staff.

23 (d) No school official, employee, or agent of the school shall search the contents of any
24 personal electronic device covered by this ~~chapter~~ section that is retained by the school during
25 school hours and not in the student's possession in a locked pouch or container.

26 (e) The department of elementary and secondary education shall, in consultation with the
27 attorney general's office and the department of health, provide guidance and recommendations to
28 assist schools with developing and implementing effective policies regarding the use of personal
29 electronic devices on school grounds and during school-sponsored activities consistent with this
30 section and shall make such guidance and recommendations publicly available on the department's
31 website. Guidance and recommendations shall be reviewed annually and regularly updated to
32 reflect applicable research and best practices.

33 (f) Each school district and charter school shall file its school personal electronic device
34 use policy with the department of elementary and secondary education in a manner and form

1 prescribed by the department.

2 SECTION 10. Section 16-45-6.1 of the General Laws in Chapter 16-45 entitled "Regional
3 Vocational Schools [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is
4 hereby amended to read as follows:

5 **16-45-6.1. Career and technical education.**

6 (a) The general assembly finds that career and technical education ("CTE") programs that
7 meet the CTE board of trustees' industry developed standards prepare Rhode Island's students to
8 succeed in a wide variety of employment settings [and](#) are a critical component of the state's public
9 education system and a necessary element of the state's economic development. CTE programs
10 that meet the CTE board of trustees' standards are located in the regional career and technical
11 education centers and comprehensive high schools and are helping students graduate high school
12 with the skills to secure a job with a family-sustaining wage.

13 (b) The general assembly further finds that the proportion of students now enrolled in such
14 programs is inadequate to meet the needs of Rhode Island's growing economy. Rhode Island's
15 employers are best positioned to assist in establishing a high-quality system of secondary and
16 postsecondary career and technical education. To assist in the development of a high-quality system
17 of CTE, the CTE board of trustees shall review and annually provide recommendations to the board
18 of education regarding issues impacting secondary and postsecondary career and technical
19 education, including, but not limited to, program quality, industry alignment, the effective use of
20 state and federal CTE funding, the allocation of CTE funding, and expenditures of CTE funding,
21 program outcomes, work-based learning, transportation, and graduation requirements. The report
22 and recommendations shall be provided to the board of education no later than October 15 of each
23 year.

24 (c) [Deleted by P.L. 2021, ch. 278, § 1 and P.L. 2021, ch. 279, § 1.]

25 (d)(1) To sustain and advance the economic development of our communities, all students
26 retain the right to enroll in a state approved career and technical education program approved by
27 the CTE board of trustees in communities outside their community of residence. This right does
28 not apply to locally developed CTE programs, locally approved CTE programs, pathway programs,
29 or other programs that are not approved by the CTE board of trustees. Students shall have a right
30 to request enrollment and to enroll in a CTE board of trustees' approved program outside of their
31 community of residence when a substantially similar or same ("substantially similar") CTE board
32 of trustees approved program is not offered within their community of residence.

33 (2) In determining whether two programs are substantially similar, the CTE board of
34 trustees shall consider the following factors:

- 1 (i) Program type;
- 2 (ii) Information on the occupation that the student will be prepared for;
- 3 (iii) The credentials the student will earn;
- 4 (iv) The type of work-based learning that the student will be provided access to;
- 5 (v) The ability to access advanced course experiences; and
- 6 (vi) Such additional factors as the CTE board of trustees deem to be relevant, including
- 7 postsecondary attainment, industry partnerships and advisory boards, and program quality.

8 (3) Effective January 15, 2022, and every year thereafter, the CTE board of trustees and
9 the department of elementary and secondary education shall publish a detailed list of substantially
10 similar CTE programs for the upcoming school year. The list will be used to support students and
11 their families in accessing CTE board of trustees approved career and technical education
12 programs. There will be a thirty-day (30) period for schools and districts to appeal the substantially
13 similar designation to the board of education.

14 (4) Students enrolled in, accepted to, or attending a state CTE board-approved program
15 (the “program of choice”) prior to January 1, 2022, which program is outside of their home district
16 but is considered to be substantially similar to a program in their home district, shall be allowed to
17 remain enrolled in that program of choice as set forth in subsection (j) of this section.

18 (e) Students may request access to state CTE board-approved career preparation programs
19 outside their school district if their home district does not provide a substantially similar state-
20 approved CTE program. If a discrepancy exists as to whether two (2) state-approved programs are
21 substantially similar, the state CTE board shall use state CTE board program quality criteria set
22 forth in subsection (d) of this section to determine if the two (2) state CTE board-approved
23 programs are substantially similar programs. The decision of the CTE board shall be final.

24 (f)(1) A student’s request to enroll in an out of district state CTE board-approved career
25 and technical program shall not be denied, provided that:

- 26 (i) A substantially similar program is not available in the student’s home district;
- 27 (ii) The student meets any other criteria required of all students for admission to the out of
28 district program and the center; and

29 (iii) When there is more than one recognized CTE program in a transportation region, the
30 student is applying to the center that is geographically the closest program to the student’s
31 residence.

32 (g)(1) Students requesting access to state CTE board-approved career preparation programs
33 outside their established school transportation region may enroll in such programs that are not
34 substantially similar to a program in their home district. In such event, with respect to transportation

1 costs, the resident's local education agency shall only be responsible for paying the resident
2 district's average per pupil expenditure for student transportation for all students in the district. The
3 receiving district shall pay any remaining balance due for transportation costs associated with the
4 particular student.

5 (2) The sending district shall pay the average of the per-pupil expenditure of the receiving
6 district and sending district when paying out-of-district tuitions for students in CTE programs.

7 (3) When two or more substantially similar programs are available within a student's
8 transportation district, that student may enroll in the program that is not geographically closest only
9 if the receiving district agrees to pay all the transportation costs to and from the receiving district.

10 (h) All eligible CTE programs shall align to CTE board of trustees' program standards.
11 Programs that do not meet this standard shall not be eligible to enroll out-of-district students and
12 receive state or federal CTE funding.

13 (i) All state CTE board-approved programs shall align to industry standards or be
14 associated with a nationally recognized CTE board-approved program.

15 (j) Students enrolled in, accepted to, or attending a state CTE board-approved program of
16 choice outside of the students' home district as of January 1, 2022, shall be exempt from the
17 substantially similar provisions of this section and may continue to matriculate in grades nine (9)
18 through twelve (12) in their program of choice so that students and parents who made educational
19 decisions prior to January 1, 2022, shall retain the rights that were in place when they made those
20 decisions. If a substantially similar state-approved program is established in a student's home
21 district after the student has enrolled in a program of choice, the student may continue to matriculate
22 in grades nine (9) through twelve (12) in the student's program of choice provided the student
23 remains enrolled in the program. The sending district may request, and shall be provided by the
24 district with the chosen CTE program, information on the students' progress in programs, including
25 attendance and grades. The provisions of this subsection shall also apply and extend to other
26 siblings in the family who apply to attend the same program of choice.

27 (k) Career and technical funds allocated under § 16-7.2-6 shall be used solely for the
28 purpose of funding improvements to state CTE board-approved career and technical education
29 programs and facilities or for funding related to the establishment of new career and technical
30 programs in our state.

31 (l) The limitations related to enrollment in CTE programs contained within this chapter
32 shall not apply to the Metropolitan Regional Career and Technical Center or the William M. Davies,
33 Jr. Career and Technical High School. All eligible students, from any and all Rhode Island cities
34 and towns, have the right to pursue enrollment and enroll in, subject to applicable enrollment

1 procedures, the Metropolitan Regional Career and Technical Center or the William M. Davies, Jr.
2 Career and Technical High School's programs.

3 (m) Provided, effective July 1, 2025, any data collection and reporting for individual
4 students, that is required as part of the basic education program regulations data collection
5 including, but not limited to, data required pursuant to the provisions of chapters 7 and 7.2 of this
6 title, shall be the responsibility of the school district, wherein the student is attending and enrolled
7 in a career and technical education program, sometimes colloquially referred to as the "receiving
8 district," and not the responsibility of what is sometimes known as the student's "sending district."

9 SECTION 11. Section 19-14-35 of the General Laws in Chapter 19-14 entitled "Licensed
10 Activities" is hereby amended to read as follows:

11 **19-14-35. Information security program.**

12 (a) Each licensee shall develop, implement, and maintain a comprehensive information
13 security program that is written in one or more readily accessible parts and contains administrative,
14 technical, and physical safeguards that are appropriate to the licensee's size and complexity, the
15 nature and scope of activities, including its use of third-party service providers, and the sensitivity
16 of any customer information used by the licensee or is in the licensee's possession.

17 (b) As used in this chapter, the following terms shall have the following meanings:

18 (1) "Customer" means a consumer who has a customer relationship with a licensee.

19 (2) "Customer information" means any record containing nonpublic personal information
20 about a consumer that a licensee has a relationship with, whether in paper, electronic, or other form,
21 that is handled or maintained by or on behalf of a licensee or its affiliates.

22 (3) "Encryption" means the transformation of data into a form that results in a low
23 probability of assigning meaning without the use of a protective process or key, consistent with
24 current cryptographic standards and accompanied by appropriate safeguards for cryptographic key
25 material.

26 (4) "Information security program" means the administrative, technical, or physical
27 safeguards used to access, collect, distribute, process, protect, store, use, transmit, dispose of, or
28 otherwise handle customer information.

29 (5) "Information system" means a discrete set of electronic information resources
30 organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition
31 of electronic information, as well as any specialized system such as industrial or process controls
32 systems, telephone switching and private branch exchange systems, and environmental controls
33 systems that contains customer information or that is connected to a system that contains customer
34 information.

1 (6) "Notification event" means acquisition of unencrypted customer information without
2 the authorization of the individual to which the information pertains. Customer information is
3 considered unencrypted for this purpose if the encryption key was accessed by an unauthorized
4 person. Unauthorized acquisition will be presumed to include unauthorized access to unencrypted
5 customer information unless reliable evidence exists that proves there has not been, or could not
6 reasonably have been, unauthorized acquisition of such information.

7 (7) "Security event" means an event resulting in unauthorized access to, or disruption or
8 misuse of, an information system or information stored on such information system, or customer
9 information held in physical form, commonly known as a "cybersecurity event".

10 (c) In order to develop, implement, and maintain the information security program, the
11 licensee shall:

12 (1) Designate a qualified individual responsible for overseeing, implementing, and
13 enforcing the information security program. The qualified individual may be employed by the
14 licensee, an affiliate, or a service provider. To the extent the requirement in subsection (a) of this
15 section is met using a service provider or an affiliate, the licensee shall:

16 (i) Retain responsibility for compliance with this section;

17 (ii) Designate a senior member of the licensee responsible for direction and oversight of
18 the qualified individual; and

19 (iii) Require the service provider or affiliate to maintain an information security program
20 that protects the licensee in accordance with the requirements of this section.

21 (2) Perform a risk assessment that identifies reasonably foreseeable internal and external
22 risks to the security, confidentiality, and integrity of customer information that could result in the
23 unauthorized disclosure, misuse, alteration, destruction, or other compromise of such information,
24 and assesses the sufficiency of any safeguards in place to control these risks.

25 (i) The risk assessment shall be written and shall include:

26 (A) Criteria for the evaluation and categorization of identified security risks or threats;

27 (B) Criteria for the assessment of the confidentiality, integrity, and availability of
28 information systems and customer information, including the adequacy of the existing controls in
29 the context of identified risks or threats; and

30 (C) Requirements describing how identified risks will be mitigated or accepted based on
31 the risk assessment and how the information security program will address the risks.

32 (ii) A licensee shall periodically perform additional risk assessments that reexamine the
33 reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of
34 customer information that could result in the unauthorized disclosure, misuse, alteration,

1 destruction, or other compromise of such information, and reassess the sufficiency of any
2 safeguards in place to control these risks.

3 (3) Design and implement safeguards to control the risks identified through risk assessment
4 by:

5 (i) Implementing and periodically reviewing access controls, including technical and as
6 appropriate, physical controls to:

7 (A) Authenticate and permit access only to authorized users to protect against the
8 unauthorized acquisition of customer information; and

9 (B) Limit authorized users' access only to customer information that they need to perform
10 their duties and functions, or in the case of customers, to access their own information;

11 (ii) ~~Identify~~ Identifying and ~~manage~~ managing the data, personnel, devices, systems, and
12 facilities that enable the licensee to achieve business purposes in accordance with relative
13 importance to business objectives and the licensee's risk strategy;

14 (iii) ~~Protect~~ Protecting by encryption all customer information held or transmitted both in
15 transit over external networks and at rest. To the extent it is determined that encryption of customer
16 information, either in transit over external networks or at rest, is infeasible, the licensee may instead
17 secure such customer information using effective alternative compensating controls reviewed and
18 approved by the qualified individual;

19 (iv) ~~Adopt~~ Adopting secure development practices for in-house developed applications
20 utilized by the licensee for transmitting, accessing, or storing customer information and procedures
21 for evaluating, assessing, or testing the security of externally developed applications utilized to
22 transmit, access, or store customer information;

23 (v) ~~Implement~~ Implementing multi-factor authentication for any individual accessing any
24 information system, unless the qualified individual has approved in writing the use of reasonably
25 equivalent or more secure access controls;

26 (vi) Record retention:

27 (A) Develop, implement, and maintain procedures for the secure disposal of customer
28 information in any format no later than two (2) years after the last date the information is used in
29 connection with the provision of a product or service to the customer which relates, unless such
30 information is necessary for business operations or for other legitimate business purposes, is
31 otherwise required to be retained by law or regulation, or where targeted disposal is not reasonably
32 feasible due to the manner in which the information is maintained; and

33 (B) Periodically review data retention policies to minimize the unnecessary retention of
34 data;

1 (vii) ~~Adopt~~ Adopting procedures for change management; and
2 (viii) ~~Implement~~ Implementing policies, procedures, and controls designed to monitor
3 and log the activity of authorized users and detect unauthorized access or use of, or tampering with,
4 customer information by such users.

5 (4) Based on its risk assessment, the licensee shall perform ongoing testing by:

6 (i) Regularly testing or otherwise monitoring the effectiveness of the safeguards' key
7 controls, systems, and procedures, including those to detect actual and attempted attacks on, or
8 intrusions into, information systems;

9 (ii) For information systems, the monitoring and testing shall include continuous
10 monitoring or periodic penetration testing and vulnerability assessments. Absent effective
11 continuous monitoring or other systems to detect, on an ongoing basis, changes in information
12 systems that may create vulnerabilities, the licensee shall conduct:

13 (A) Annual penetration testing of its information systems determined each given year based
14 on relevant identified risks in accordance with the risk assessment; and

15 (B) Vulnerability assessments, including any systemic scans or reviews of information
16 systems reasonably designed to identify publicly known security vulnerabilities in the licensee's
17 information systems based on the risk assessment, at least every six (6) months; and whenever there
18 are material changes to operations or business arrangements; and whenever there are circumstances
19 that the licensee knows or has reason to know may have a material impact on the information
20 security program.

21 (5) Implement policies and procedures to ensure that personnel have the ability to enact the
22 information security program by:

23 (i) Providing personnel with security awareness training that is updated as necessary to
24 reflect risks identified by the risk assessment;

25 (ii) Utilizing qualified information security personnel employed by the licensee or an
26 affiliate or service provider sufficient to manage information security risks and to perform or
27 oversee the information security program;

28 (iii) Providing information security personnel with security updates and training sufficient
29 to address relevant security risks; and

30 (iv) Verifying that key information security personnel take steps to maintain current
31 knowledge of changing information security threats and countermeasures.

32 (6) Monitor service providers by:

33 (i) Taking reasonable steps to select and retain service providers that are capable of
34 maintaining appropriate safeguards for the customer information at issue;

1 (ii) Requiring service providers by contract to implement and maintain such safeguards;
2 and

3 (iii) Periodically assessing service providers based on the risk they present and the
4 continued adequacy of their safeguards.

5 (7) Evaluate and adjust the information security program considering the results of the
6 testing and monitoring required by subsection (c)(4) of this section; any material changes to the
7 licensee's operations or business arrangements; the results of risk assessments performed under
8 subsection (c)(2)(ii) of this section; or any other circumstances that the licensee knows or has reason
9 to know may have a material impact on the information security program.

10 (8) Establish a written incident response plan designed to promptly respond to, and recover
11 from, any security event materially affecting the confidentiality, integrity, or availability of
12 customer information in your control. Such incident response plan shall address the following
13 areas:

14 (i) The goals of the incident response plan;

15 (ii) The internal processes for responding to a security event;

16 (iii) The definition of clear roles, responsibilities, and levels of decision-making authority;

17 (iv) External and internal communications and information sharing;

18 (v) Identification of requirements for the remediation of any identified weaknesses in
19 information systems and associated controls;

20 (vi) Documentation and reporting regarding security events and related incident response
21 activities; and

22 (vii) The evaluation and revision as necessary of the incident response plan following a
23 security event.

24 (9) Require the qualified individual to report in writing, at least annually, to the board of
25 directors or equivalent governing body. If no such board of directors or equivalent governing body
26 exists, such report shall be timely presented to a senior officer responsible for the information
27 security program. The report shall include the following information:

28 (i) The overall status of the information security program and compliance with this chapter
29 and associated rules; and

30 (ii) Material matters related to the information security program, addressing issues such as
31 risk assessment, risk management and control decisions, service provider arrangements, results of
32 testing, security events or violations and management's responses thereto, and recommendations
33 for changes in the information security program.

34 (10) Establish a written plan addressing business continuity and disaster recovery.

1 (d) The provisions of this section shall not apply to any regulated institution as defined in
2 § 19-1-1, or subsidiary of such regulated institution, or any bank holding company or subsidiary of
3 a bank holding company subject to federal bank holding company laws and regulations.

4 SECTION 12. Section 19-14.3-3.10 of the General Laws in Chapter 19-14.3 entitled
5 "Currency Transmissions" is hereby amended to read as follows:

6 **19-14.3-3.10. Disclosures.**

7 A virtual currency kiosk operator shall disclose in a clear, conspicuous, and easily readable
8 manner in a chosen language made available to and preferred by the customer, all relevant terms
9 and conditions generally associated with the products, services, and activities of the virtual currency
10 kiosk operator and virtual currency.

11 (1) The virtual currency kiosk operator shall provide an acknowledgement of receipt of all
12 disclosures required under this section to be acknowledged by the customer as confirmation of
13 consent.

14 (2) The disclosures under this ~~subsection~~ section shall include, at a minimum, the
15 following provisions:

16 (i) A warning, written prominently and in bold type, and provided separately from the
17 disclosures below, stating: "WARNING: LOSSES DUE TO FRAUDULENT OR ACCIDENTAL
18 TRANSACTIONS ARE NOT RECOVERABLE AND TRANSACTIONS IN VIRTUAL
19 CURRENCY ARE IRREVERSIBLE. VIRTUAL CURRENCY TRANSACTIONS MAY BE
20 USED TO STEAL YOUR MONEY BY CRIMINALS IMPERSONATING THE
21 GOVERNMENT, ORGANIZATIONS, OR YOUR LOVED ONES. WRONGDOERS OFTEN
22 THREATEN JAIL TIME, SAY YOUR IDENTITY HAS BEEN STOLEN, ALLEGE YOUR
23 COMPUTER HAS BEEN HACKED, INSIST YOU WITHDRAW MONEY FROM YOUR
24 BANK ACCOUNT TO PURCHASE VIRTUAL CURRENCY, OR UTILIZE A NUMBER OF
25 OTHER ILLEGAL MEANS TO SCAM YOU. IF YOU BELIEVE YOU ARE BEING
26 SCAMMED, CALL YOUR LOCAL LAW ENFORCEMENT.";

27 (ii) A written statement disclosing the material risks associated with virtual currency and
28 virtual currency transactions, including:

29 (A) A warning that once completed, the transaction may not be reversed;

30 (B) A disclosure relating to the virtual currency kiosk operator's liability for unauthorized
31 virtual currency transactions;

32 (C) A disclosure relating to the virtual currency kiosk customer's liability for unauthorized
33 currency transactions;

34 (D) A statement that virtual currency is not legal tender, backed or insured by the

1 government, and accounts and value balances are not subject to Federal Deposit Insurance
2 Corporation, National Credit Union Administration, or Securities Investor Protection Corporation
3 protections;

4 (E) A statement that some virtual currency transactions are deemed to be made when
5 recorded on a public ledger which may not be the date or time when the person initiates the
6 transaction;

7 (F) A statement that virtual currency value may be derived from market participants'
8 continued willingness to exchange fiat currency for virtual currency, which may result in the
9 permanent and total loss of a particular virtual currency's value if the market for virtual currency
10 disappears;

11 (G) A statement that a person who accepts virtual currency as payment today is not required
12 to accept and might not accept virtual currency in the future;

13 (H) A statement that the volatility and unpredictability of the price of virtual currency
14 relative to fiat currency may result in a significant loss over a short period of time;

15 (I) A statement that the nature of virtual currency means that any technological difficulties
16 experienced by virtual currency kiosk operators may prevent access to or use of a person's virtual
17 currency; and

18 (J) A disclosure that any bond maintained by the virtual currency kiosk operator for the
19 benefit of a person may not cover all losses a person incurs;

20 (iii) A statement disclosing the amount of the transaction denominated in U.S. Dollars as
21 well as the applicable virtual currency;

22 (iv) A disclosure of any fees or expenses charged by the virtual currency kiosk operator;

23 (v) A disclosure of any applicable exchange rates;

24 (vi) Notice of a change in the virtual currency kiosk operator's rules or policies;

25 (vii) The name, address, and telephone number of the owner of the kiosk and the days,
26 times and means by which a consumer can contact the owner for consumer assistance shall be
27 displayed on or at the location of the kiosk, or on the first screen of such kiosk;

28 (viii) A disclosure of the circumstances under which the virtual currency kiosk operator,
29 without a court or government order, discloses a person's account information to third parties; and

30 (ix) Other disclosures that are customarily given in connection with a virtual currency
31 transaction.

32 (3) **Transaction receipt.** Effective November 1, 2025, upon each transaction's completion,
33 the virtual currency kiosk operator shall provide a person with a physical receipt in a chosen
34 language made available to and preferred by the customer which shall contain the following

1 information:

2 (i) The virtual currency kiosk operator's name and contact information, including a
3 telephone number to answer questions and register complaints;

4 (ii) The type, value, date, and precise time of the transaction, transaction hash, and each
5 applicable virtual currency address;

6 (iii) The name and contact information of the sender;

7 (iv) The name and contact information of the designated recipient;

8 (v) All fees charged;

9 (vi) The exchange rate of the virtual currency to U.S. Dollars;

10 (vii) A statement of the virtual currency kiosk operator's liability for non-delivery or
11 delayed delivery;

12 (viii) A statement of the virtual currency kiosk operator's refund policy; and

13 (ix) Any additional information or formatting the department of business regulation may
14 require.

15 SECTION 13. Section 21-28.12-3 of the General Laws in Chapter 21-28.12 entitled "The
16 Rhode Island Kratom Act [Effective April 1, 2026.]" is hereby amended to read as follows:

17 **21-28.12-3. Kratom and kratom product limitations. [Effective April 1, 2026.]**

18 (a) A person shall not prepare, distribute, sell, possess, or advertise any of the following:

19 (1) A kratom product that is a conventional food or beverage or labeled as a conventional
20 food or beverage product.

21 (2) A kratom product that contains any substance that is poisonous, harmful, or injurious
22 to health.

23 (3) A kratom product that contains a substance other than a non-psychoactive substance
24 necessary for the preparation, processing, or manufacturing of said product.

25 (4) A kratom extract that contains levels of residual solvents higher than is allowed in the
26 U.S. Pharmacopeia 467.

27 (5) A kratom product containing any synthetic alkaloids including synthetic mitragynine,
28 synthetic 7-hydroxymitragynine, or any other synthetically derived compounds of the kratom plant.

29 (6) A kratom product that contains a heavy metal that exceeds any of the following limits
30 in parts per million:

31 (i) Arsenic <2

32 (ii) Cadmium <0.82

33 (iii) Lead <1.2

34 (iv) Mercury <0.4

1 (7) A kratom product in any form that is combustible or intended to be used for
2 vaporization, aerosolization, or injection.

3 (8) A kratom product in any form that mimics a candy product or is manufactured,
4 packaged, or advertised in a way that can be reasonably considered to appeal to individuals under
5 twenty-one (21) years.

6 (9) A kratom product not contained in child-resistant packaging that meets the standards
7 set forth in 16 C.F.R 1700.15(b) when tested in accordance with 16 C.F.R 1700.20. All persons
8 holding valid licenses pursuant to § ~~21-28.12~~ 21-28.12-6 shall ensure that kratom and/or any kratom
9 product sold by the licensee and intended for human consumption shall meet requirements related
10 to child-resistant packaging.

11 (10) A kratom product that contains a concentration ratio that is:

12 (i) Greater than 150 mg of mitragynine per serving;

13 (ii) Greater than 0.5 mg 7-hydroxymitragynine per gram; or

14 (iii) Greater than 1 mg 7-hydroxymitragynine per serving.

15 (11) A kratom product that contains more than one percent of 7-hydroxymitragynine by
16 percentage of total kratom alkaloids.

17 (12) Kratom or a kratom product that does not provide clearly visible labeling including,
18 but not limited to:

19 (i) A recommendation to consult a healthcare professional prior to use;

20 (ii) A statement that kratom may be habit forming;

21 (iii) A statement that kratom is not safe for use while pregnant or breastfeeding;

22 (iv) A warning that the product may result in dangerous medication interactions.

23 (v) The following statement: “These statements have not been evaluated by the United
24 States Food and Drug Administration. This product is not intended to diagnose, treat, cure, or
25 prevent any disease.”;

26 (vi) The net quantity of contents declared in numerical count (e.g., thirty (30) capsules), or
27 in volume or weight in United States Customary System terms;

28 (A) The amount of mitragynine and/or 7-hydroxymitragynine contained in a serving in said
29 kratom product;

30 (B) A recommended amount of the kratom product per serving; and

31 (C) A recommended number of servings that can be safely consumed in a twenty-four-hour
32 (24) period.

33 (vii) The total amount of mitragynine and 7-hydroxymitragynine contained in the kratom
34 product;

- 1 (viii) A statement that this product should be stored safely and out of the reach of children;
- 2 (ix) The name, physical non-post office box address of the manufacturer.
- 3 (b) Kratom and kratom products sold at retail must be sold by a licensed retailer and must
- 4 be obtained from a licensed manufacturer, importer, or distributor.
- 5 (c) All kratom and kratom products that do not comply with subsection (a) of this section
- 6 shall be deemed contraband.

7 SECTION 14. Section 23-14.1-9 of the General Laws in Chapter 23-14.1 entitled "Health

8 Professional Loan Repayment Program" is hereby amended to read as follows:

9 **23-14.1-9. Penalty for failure to complete contract.**

10 (a) If the eligible health professional fails to begin or fails to complete service, they will

11 incur a debt to the state in an amount not less than the damages that would be owed under the

12 National Health Service Corps Loan Repayment Program default provisions pursuant to 42 U.S.C.

13 6(A), Subchapter II, Part D, Subpart iii, § 254o. Upon determination by the director, ~~if~~ that the

14 eligible health professional has failed to fulfill the terms and conditions of the contract, and no

15 exception has been determined under subsection (c), the eligible health professional shall pay an

16 amount equal to the sum of the following:

17 (1) The total of the amounts paid by the director on behalf of the eligible health professional

18 for any period of obligated service not served;

19 (2) An amount equal to the number of months of obligated service not served, multiplied

20 by seven thousand five hundred dollars (\$7,500); and

21 (3) Interest on the above amounts at the maximum legal prevailing rate, as determined by

22 the Treasurer of the United States, from the date of breach; except that the amount to recover will

23 not be less than thirty one thousand dollars (\$31,000).

24 (b) All payments pursuant to subsections (a)(1), (a)(2), and (a)(3) of this section shall be

25 made to the state of Rhode Island, for the benefit of the Rhode Island health professional loan

26 repayment program, within one year after being notified by the director in writing that the eligible

27 health professional has failed to abide by the terms and conditions of their contract. The director is

28 authorized to recover payments and/or penalties and return the funds to the Rhode Island health

29 professional loan repayment program to avoid having the amounts deducted from the department's

30 federal grant by the federal grant funding authority. Eligible health professionals are considered to

31 be in default or breach if they do not complete the period of obligated service at an eligible site in

32 accordance with their contract, or otherwise fail to comply with the terms of their contract, even if

33 no monies have yet been disbursed to or on behalf of the participant.

34 (c) Where the director, subject to the approval of the board and/or as defined in regulation,

1 determines that there exists justifiable cause for the failure of a recipient to practice pursuant to the
2 terms and conditions of the contract, the director may relieve the recipient of the obligation to fulfill
3 any or all of the terms of the contract.

4 SECTION 15. Section 23-17.5-34 of the General Laws in Chapter 23-17.5 entitled "Rights
5 of Nursing Home Patients" is hereby amended to read as follows:

6 **23-17.5-34. Nursing staff posting requirements.**

7 (a) Each nursing facility shall post its daily direct care nurse staff levels by shift in a public
8 place within the nursing facility that is readily accessible to and visible by residents, employees,
9 and visitors. The posting shall be accurate to the actual number of direct care nursing staff on duty
10 for each shift per day. The posting shall be in a format prescribed by the director, to include:

11 (1) The number of registered nurses, licensed practical nurses, certified nursing assistants,
12 medication technicians, licensed physical therapists, licensed occupational therapists, licensed
13 speech-language pathologists, mental health workers who are also certified nurse assistants,
14 physical therapist assistants, social workers, or any nurse aide with a valid license, even if it is
15 probationary;

16 (2) The number of temporary, outside agency nursing staff;

17 (3) The resident census as of twelve o'clock (12:00) a.m.; and

18 (4) Documentation of the use of unpaid eating assistants (if utilized by the nursing facility
19 on that date).

20 (b) The posting information shall be maintained on file by the nursing facility for no less
21 than three (3) years and shall be made available to the public upon request.

22 (c) Each nursing facility shall report the information compiled pursuant to section (a) of
23 this section and in accordance with department of health regulations to the department of health on
24 a quarterly basis in an electronic format prescribed by the director. The director shall make this
25 information available to the public on a quarterly basis on the department of health website,
26 accompanied by a written explanation to assist members of the public in interpreting the
27 information reported pursuant to this section.

28 (d) In addition to the daily direct nurse staffing level reports, each nursing facility shall
29 post the following information in a legible format and in a conspicuous place readily accessible to
30 and visible by residents, employees, and visitors of the nursing facility:

31 (1) The minimum number of nursing facility direct care staff per shift that is required to
32 comply with the minimum staffing level requirements in § 23-17.5-32; and

33 (2) The telephone number or internet website that a resident, employee, or visitor of the
34 nursing facility may use to report a suspected violation by the nursing facility of a regulatory

1 requirement concerning staffing levels and direct patient care.

2 (e) No nursing facility shall discharge or in any manner discriminate or retaliate against
3 any resident of any nursing facility, or any relative, guardian, conservator, or sponsoring agency
4 thereof or against any employee of any nursing facility or against any other person because the
5 resident, relative, guardian, conservator, sponsoring agency, employee, or other person has filed
6 any complaint or instituted or caused to be instituted any proceeding under this chapter, or has
7 testified or is about to testify in any such proceeding or because of the exercise by the resident,
8 relative, guardian, conservator, sponsoring agency, employee, or other person on behalf of
9 themselves, or others of any right afforded by §§ 23-17.5-32, 23-17.5-33, and 23-17.5-34.
10 Notwithstanding any other provision of law to the contrary, any nursing facility that violates any
11 provision of this section shall:

12 (1) Be liable to the injured party for treble damages; and

13 (2)(i) Reinstate the employee, if the employee was terminated from employment in
14 violation of any provision of this section; or

15 (ii) Restore the resident to the resident's living situation prior to such discrimination or
16 retaliation, including the resident's housing arrangement or other living conditions within the
17 nursing facility, as appropriate, if the resident's living situation was changed in violation of any
18 provision of this section. For purposes of this section, "discriminate or retaliate" includes, but is
19 not limited to, the discharge, demotion, suspension, or any other detrimental change in terms or
20 conditions of employment or residency, or the threat of any such action.

21 (f)(1) The nursing facility shall prepare an annual report showing the average daily direct
22 care nurse staffing level for the nursing facility by shift and by category of nurse to include:

23 (i) Registered nurses;

24 (ii) Licensed practical nurses;

25 (iii) Certified nursing assistants;

26 (iv) Medication technicians;

27 (v) Licensed physical therapists;

28 (vi) Licensed occupational therapists;

29 (vii) Licensed speech-language pathologists;

30 (viii) Mental health workers who are also certified nurse assistants;

31 (ix) Physical therapist assistants;

32 (x) Social workers; ~~or~~

33 (xi) Any nurse aide with a valid license, even if it is probationary;

34 (xii) The use of registered and licensed practical nurses and certified nursing assistant staff

1 from temporary placement agencies; and

2 (xiii) The nurse and certified nurse assistant turnover rates.

3 (2) The annual report shall be submitted with the nursing facility's renewal application and
4 provide data for the previous twelve (12) months and ending on or after September 30, for the year
5 preceding the license renewal year. Annual reports shall be submitted in a format prescribed by the
6 director.

7 (g) The information on nurse staffing shall be reviewed as part of the nursing facility's
8 annual licensing survey and shall be available to the public, both in printed form and on the
9 department's website, by nursing facility.

10 (h) The director of nurses may act as a charge nurse only when the nursing facility is
11 licensed for thirty (30) beds or less.

12 (i) Whenever the licensing agency determines, in the course of inspecting a nursing facility,
13 that additional staffing is necessary on any residential area to provide adequate nursing care and
14 treatment or to ensure the safety of residents, the licensing agency may require the nursing facility
15 to provide such additional staffing and any or all of the following actions shall be taken to enforce
16 compliance with the determination of the licensing agency:

17 (1) The nursing facility shall be cited for a deficiency and shall be required to augment its
18 staff within ten (10) days in accordance with the determination of the licensing agency;

19 (2) If failure to augment staffing is cited, the nursing facility shall be required to curtail
20 admission to the nursing facility;

21 (3) If a continued failure to augment staffing is cited, the nursing facility shall be subjected
22 to an immediate compliance order to increase the staffing, in accordance with § 23-1-21; or

23 (4) The sequence and inclusion or non-inclusion of the specific sanctions may be modified
24 in accordance with the severity of the deficiency in terms of its impact on the quality of resident
25 care.

26 (j) No nursing staff of any nursing facility shall be regularly scheduled for double shifts.

27 (k) A nursing facility that fails to comply with the provisions of this chapter, or any rules
28 or regulations adopted pursuant thereto, shall be subject to a penalty as determined by the
29 department.

30 SECTION 16. Sections 23-27.3-100.1.5 and 23-27.3-107.0 of the General Laws in Chapter
31 23-27.3 entitled "State Building Code" are hereby amended to read as follows:

32 **23-27.3-100.1.5. Building code — Adoption and promulgation by committee.**

33 (a) The state building code standards committee has the authority to adopt, promulgate,
34 and administer a state building code, which shall include:

1 (1) Provisions and amendments as necessary to resolve conflicts between fire safety codes
2 and building codes, as provided for in § 23-28.01-6; and

3 (2) A rehabilitation building and fire code for existing buildings and structures.

4 (b) The building code may be promulgated in several sections, with a section applicable
5 to: (1) One-, two (2)-, three (3)-, and four (4)-family dwellings using the International Residential
6 Code from the International Code Council (“ICC”) and any amendments thereto adopted by the
7 state building code standards committee; (2) ~~To multiple~~ Multiple dwellings with more than four
8 (4) residential units, and hotels and motels and other commercial structures using the Commercial
9 International Building Code from the ICC and any amendments thereto adopted by the state
10 building code standards committee; and (3) ~~To general~~ General building construction; to
11 plumbing; and to electrical.

12 (c) The building code shall incorporate minimum standards for the location, design,
13 construction, and installation of wells that are appurtenances to a building in applicable sections.
14 For purposes of this chapter, “appurtenance” includes the installation, alteration, or repair of wells
15 connected to a structure consistent with chapter 13.2 of title 46.

16 (d) The building code and the sections thereof shall be reasonably consistent with
17 recognized and accepted standards adopted by national model code organizations and recognized
18 authorities. To the extent that any state or local building codes, statutes, or ordinances are
19 inconsistent with the Americans with Disabilities Act, Title III, Public Accommodations and
20 Services Operated by Private Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards,
21 they are hereby repealed. The state building code standards committee is hereby directed to adopt
22 rules and regulations consistent with the Americans with Disabilities Act, Titles II and III (28
23 C.F.R. Part 35 and 28 C.F.R. Part 36, as amended), as soon as possible, but no later than February
24 15, 2012, to take effect on or before March 15, 2012. The state building code standards committee
25 is hereby authorized and directed to update those rules and regulations consistent with the future
26 revisions of the Americans with Disabilities Act Accessibility Standards.

27 (e) All electrical work done in the state shall be in accordance with the latest edition of the
28 National Electrical Code (NEC). The state building code standards committee shall adopt the latest
29 edition of the NEC, including any amendments to the NEC by the committee. The adoption of the
30 NEC by the commission shall be completed so that it will take effect on the first day of July of the
31 year the edition is dated.

32 **23-27.3-107.0. State building code office.**

33 There exists a state building code office within the office of the state fire marshal, who is
34 the head of the department of business regulation’s division of building, design and fire

1 professionals pursuant to § 23-28.2-1. The office is comprised of the state building code
2 commissioner, the commissioner’s staff, the contractors’ registration and licensing board, the
3 building code standards committee, the design ~~professionals~~ professionals’ registration boards for
4 engineers, land surveyors, architects and landscape architects and all other applicable
5 subcommittees.

6 SECTION 17. Sections 23-99-3 and 23-99-4 of the General Laws in Chapter 23-99 entitled
7 "The Rhode Island Life Science Hub Act" are hereby amended to read as follows:

8 **23-99-3. Definitions.**

9 As used in this chapter, the following words shall have the following meanings:

10 (1) “Affiliate” means any person or company who or that directly or indirectly controls or
11 is controlled by or is under direct or indirect common control of another company or person
12 including, but not limited to, any company that is merged or consolidated, or that purchases all or
13 substantially all of the assets of another company.

14 (2) “Board” means the board of directors of the hub.

15 (3) “Certification proposal” means a written proposal submitted by a life science company
16 for approval as a certified life sciences company.

17 (4) “Certified life sciences company” means a life science company that has been certified
18 by the board as being eligible to receive grants and incentives from the investment fund.

19 (5) “Commerce corporation” means the Rhode Island commerce corporation, established
20 pursuant to § 42-64-1 et seq.

21 (6) “Company” means a business corporation, partnership, firm, unincorporated
22 association, or other entity engaged or proposing to engage in economic activity within the state,
23 and any affiliate thereof.

24 (7) “Hub” means the Rhode Island life science hub established by § 23-99-4.

25 (8) “Investment fund” means the hub investment fund established by § 23-99-6.

26 (9) “Life science” means and shall include, but not be limited to, the science of: medical
27 devices, biomedical technology, biomedical engineering, biopharmaceuticals, **genomics**,
28 biomanufacturing, cell and gene therapies, health software and artificial intelligence, genomics,
29 diagnostics, digital health, marine science, agricultural science, veterinary science and the broader
30 life sciences to foster the development of cutting-edge medical breakthroughs.

31 (10) “Life science company” means a company engaged in life science research,
32 development, manufacturing, incubation, or commercialization in Rhode Island, and any affiliate
33 thereof.

34 (11) “Person” means a natural person, company, or other legal entity.

1 (12) "Revenue" means receipts, fees, rentals, or other payments or income received or to
2 be received by the hub in the exercise of its corporate powers under this chapter including, but not
3 limited to, income on account of the leasing, mortgaging, sale, or other disposition of property or
4 proceeds of a loan made by the hub, and amounts in reserves or held in other funds or accounts
5 established in connection with the issuance of bonds or notes and the proceeds of any investments
6 thereof, proceeds of foreclosure and other fees, charges, or other income received or receivable by
7 the hub.

8 (13) "State" means the state of Rhode Island.

9 (14) "State public body" means the state, or any city or town or any other subdivision or
10 public body of the state or of any city or town.

11 (15) "Venture" means, without limitation, any contractual arrangement with any person
12 whereby the corporation obtains rights from or in an invention or product or proceeds therefrom,
13 or rights to obtain from any person any and all forms of equity instruments including, but not limited
14 to, common and preferred stock, warrants, options, convertible debentures, and similar types of
15 instruments exercisable or convertible into capital stock, in exchange for the granting of financial
16 aid to such person.

17 **23-99-4. Rhode Island life science hub established.**

18 (a) There is hereby constituted as an independent public ~~a-public~~ corporation for the
19 purposes set forth in this chapter with a separate legal existence from the state to be known as the
20 Rhode Island life science hub hereinafter to be referred to as the "hub". The exercise by the hub of
21 the powers conferred by this chapter shall be considered to be the performance of an essential
22 governmental function and the hub shall be considered a "constituted authority" and an
23 "instrumentality" of the state acting on behalf of the state for federal tax purposes.

24 (b) The hub shall be governed and its corporate powers exercised by a board of directors
25 consisting of sixteen (16) directors: fifteen (15) of whom shall be appointed by the governor, and
26 one of whom shall be the person the board hires from time to time as president and chief executive
27 officer of the hub. The president and chief executive officer of the hub shall serve ex officio and,
28 except as otherwise provided in subsection (k) of this section, shall not be a voting member of the
29 board of directors. The fifteen (15) directors appointed by the governor shall consist of seven (7)
30 public directors and eight (8) institutional directors. The seven (7) public directors shall have the
31 following qualifications: one shall be a senior executive with extensive background in the banking,
32 grant making, or fundraising fields, or their designee; one shall be a member of a life science trade
33 association, or their designee; one shall be the president or a senior executive of a Rhode Island
34 based life science company, or their designee; two (2) shall be senior executives of Rhode Island

1 based life science companies specializing in biomanufacturing, or their designees; one shall be a
2 representative of organized labor, or their designee; and one shall be a member of the public who
3 shall be a certified public accountant and a member of the Rhode Island society of certified public
4 accountants, or their designee. The eight (8) institutional directors shall have the following
5 qualifications: one shall be the secretary of commerce, ex officio; three (3) shall be the president
6 of Rhode Island college, ex officio, or their designee, the president of the university of Rhode
7 Island, ex officio, or their designee, and the president of Brown university, ex officio, or their
8 designee; one shall be the dean of the Warren Alpert Medical School of Brown university, ex
9 officio, or their designee; one shall be the president and chief executive officer of Brown university
10 health, ex officio, or their designee; one shall be the president and chief executive officer of Care
11 New England Health System, ex officio, or their designee; and one shall be the director of economic
12 development for the city of Providence, ex officio, or their designee. To the extent that an institution
13 takes on a new legal name, the institutional director shall continue to serve as an institutional
14 director without the need for reappointment. To the extent that an institution merges, converts,
15 consolidates with, or sells or transfers all or substantially all of its assets to another company and
16 such company retains its primary operations in the state, the chief executive officer of such
17 company shall be qualified for appointment as an institutional director in accordance with this
18 section.

19 (c) The chair of the board shall be appointed by the governor, with the advice and consent
20 of the senate, and shall be an individual who served in the capacity as a senior executive with
21 extensive background in the banking, grant making, or fundraising fields. The vice-chair of the
22 board shall be the secretary of commerce. All directors, including ex officio directors, shall be
23 voting members of the board of directors, except for the director serving as president and chief
24 executive officer of the hub, who shall not be a voting member of the board. Eight (8) voting
25 directors shall constitute a quorum, and any action to be taken by the board under the provisions of
26 this chapter may be authorized by resolution approved by a majority of the directors present and
27 entitled to vote at any regular or special meeting at which a quorum is present. No votes on the
28 certification of any life science company nor on the allocation or award of any investment fund
29 resources to any certified life science company shall be taken unless the chair is present and voting.
30 A vacancy in the membership of the board of directors shall not impair the right of a quorum to
31 exercise all of the rights and perform all of the duties of the board. Pursuant to § 42-46-5(b)(6),
32 board directors are authorized to participate remotely using videoconferencing technology in open
33 public meetings of the board; provided, however, that:

34 (1) The remote director(s) and all persons present at the meeting location are clearly audible

1 and visible to each other;

2 (2) A quorum of the body is participating, either in person or by the use of remote
3 videoconferencing technology;

4 (3) A voting director who participates in a meeting of the board remotely shall be
5 considered present for purposes of a quorum and voting;

6 (4) If videoconferencing is used to conduct a meeting, the public notice for the meeting
7 shall inform the public that videoconferencing will be used and include instructions on how the
8 public can access the virtual meeting; and

9 (5) The board shall adopt rules defining the requirements of remote participation including
10 its use for executive session, and the conditions by which a director is authorized to participate
11 remotely.

12 (d) Each public director shall serve an initial term of four (4) years. At the expiration of the
13 initial terms of public directors in January 2028, the governor shall appoint two (2) directors for a
14 term of four (4) years, two (2) directors for a term of three (3) years, two (2) directors for a term of
15 two (2) years, and one director for a term of one year. Thereafter, the governor shall appoint a new
16 public director or directors to succeed the public director or directors whose terms then next expire,
17 to serve a term of four (4) years. The president and chief executive officer shall have a board term
18 coextensive with such person's employment contract with the hub. In the event that the chair of the
19 board position becomes vacant for any reason, or the chair is not able to perform the duties of that
20 position for any reason, the vice chair shall serve as the interim chair until the chair is able to resume
21 the chair's duties; provided, however, in the event that the chair is not able to resume the chair's
22 duties in that position, the governor shall appoint a new chair and, in making this appointment, the
23 governor shall give due consideration to appointing an individual from a list of six (6) candidates,
24 three (3) of whom shall be provided to the governor by the speaker of the house and three (3) of
25 whom shall be provided to the governor by the president of the senate. Any person appointed to fill
26 a vacancy in the office of a public director of the board shall be appointed in a like manner and
27 shall serve for the unexpired term of such public director. Any director shall be eligible for
28 reappointment.

29 (e) The public director who is a certified public accountant and a member of the Rhode
30 Island society of certified public accountants shall serve as treasurer and shall be charged with
31 keeping the funds, books of account, and accounting records of the hub. No grants, loans or other
32 financings, or incentives shall be issued by the hub to any certified life science company without
33 the approval of the board. The board shall annually elect a secretary who shall keep a record of the
34 proceedings of the board and shall be custodian of all books, documents, and papers.

1 (f) Board directors, other than the director who serves as the president and chief executive
2 officer of the hub, shall serve without compensation, but each director shall be entitled to
3 reimbursement for actual, reasonable, and necessary expenses while engaged in the performance
4 of official duties. Board directors, officers, and employees shall not be liable to the state, the hub,
5 or to any other person as a result of their activities except for malfeasance in office or intentional
6 violations of law.

7 (g) The board shall establish an application review committee consisting of not less than
8 three (3) directors of the board, which shall review certification proposals submitted by life sciences
9 companies that shall be supported by independently verifiable information, and the board shall
10 make a record of findings based on the certification proposal, documents submitted therewith, and
11 any additional evidence that the life science company meets all criteria that the hub may prescribe.

12 (h) Certified life science companies shall be eligible to receive funding from the hub, upon
13 a majority vote of the board, for the following benefits which shall be awarded by the board on a
14 competitive basis:

- 15 (1) Grants, loans, or other investments;
- 16 (2) Assistance from the hub in obtaining federal, state, and nonprofit monies; or
- 17 (3) Assistance from the hub in facilitating clinical trials.

18 (i) Notwithstanding any other provisions of law in relation to their tenure of office, the
19 governor may remove any director, including institutional directors, for the neglect of any duty
20 required by law, incompetence, unprofessional conduct, or willful misconduct. If an institutional
21 director is so removed, such institutional director's designee shall serve on the board in their place
22 for the remainder of their term.

23 (j) Each director shall make full disclosure, in accordance with §§ 36-14-1 — 36-14-7, of
24 any financial interest, if any, in any matter before the board. Such interest must be disclosed in
25 advance to the directors of the board, recorded in the minutes of the board, and the director having
26 such an interest shall recuse themselves and shall not participate in any decision of the board
27 relating to such interest.

28 (k) With the advice and consent of the senate, the board shall have the power to hire a
29 president, who shall also serve as the chief executive officer of the hub and who shall be a non-
30 voting member of the board of directors, but who shall be entitled to vote as a member of any
31 advisory committee to which the president/chief executive officer is appointed. The board also shall
32 have the power to establish compensation and conditions of employment for the president and chief
33 executive officer; provided, further, the board shall have the power to hire other employees and
34 establish compensation and conditions of employment for such employees.

1 (l) The commerce corporation shall provide operating quarters for the hub for, at a
2 minimum, the first year of the hub's operation.

3 (m) In addition to the application review committee, the board may establish one or more
4 advisory committees, each consisting of not less than three (3) and not more than seven (7)
5 directors, which may also include persons who are not directors, which committees shall support
6 the board on science, technology, and other matters. Such advisory committees shall keep records
7 of their findings and recommendations.

8 (n) The hub shall continue as long as it shall have bonds outstanding and until its existence
9 is terminated by law. Upon the termination of the existence of the hub, all right, title, and interest
10 in and to all of its assets and all of its obligations, duties, covenants, agreements, and obligations
11 shall vest in and be possessed, performed, and assumed by the state and no part of the earnings of
12 the hub shall inure to the benefit of any private person.

13 SECTION 18. Section 28-29-2 of the General Laws in Chapter 28-29 entitled "Workers'
14 Compensation — General Provisions" is hereby amended to read as follows:

15 **28-29-2. Definitions.**

16 In chapters 29 — 38 of this title, unless the context otherwise requires:

17 (1) "Department" means the department of labor and training.

18 (2) "Director" means the director of labor and training or the director's designee unless
19 specifically stated otherwise.

20 (3)(i) "Earnings capacity" means the weekly straight-time earnings that an employee could
21 receive if the employee accepted an actual offer of suitable alternative employment. Earnings
22 capacity can also be established by the court based on evidence of ability to earn, including, but not
23 limited to, a determination of the degree of functional impairment and/or disability, that an
24 employee is capable of employment. The court may, in its discretion, take into consideration the
25 performance of the employee's duty to actively seek employment in scheduling the implementation
26 of the reduction. The employer need not identify particular employment before the court can direct
27 an earnings capacity adjustment. In the event that an employee returns to light-duty employment
28 while partially disabled, an earnings capacity shall not be set based upon actual wages earned until
29 the employee has successfully worked at light duty for a period of at least thirteen (13) weeks.

30 (ii) As used under the provisions of this title, "functional impairment" means an anatomical
31 or functional abnormality existing after the date of maximum medical improvement as determined
32 by a medically or scientifically demonstrable finding and based upon the sixth (6th) edition of the
33 American Medical Association's Guide to the Evaluation of Permanent Impairment or comparable
34 publications of the American Medical Association.

1 (iii) In the event that an employee returns to employment at an average weekly wage equal
2 to the employee’s pre-injury earnings exclusive of overtime, the employee will be presumed to
3 have regained their earning capacity.

4 (4)(i) “Employee” means any person who has entered into the employment of or works
5 under contract of service or apprenticeship with any employer, except that in the case of a city or
6 town other than the city of Providence it shall only mean that class or those classes of employees
7 as may be designated by a city, town, or regional school district in a manner provided in this chapter
8 to receive compensation under chapters 29 — 38 of this title.

9 (ii) Any person employed by the state of Rhode Island, or by the Rhode Island airport
10 corporation, except for sworn employees of the Rhode Island state police, who is otherwise entitled
11 to the benefits of chapter 19 of title 45 shall be subject to the provisions of chapters 29 — 38 of this
12 title for case management procedures and dispute resolution by the workers’ compensation court
13 for all petitions filed on or after July 1, 2025, for the following benefit and disability determinations:

14 (A) The nature and status of disability of the injured employee;

15 (B) The nature and location of injury relative to the work incident;

16 (C) Maximum medical improvement (MMI), as it is defined under ~~§ 28-33-2(9)~~ [subsection](#)
17 [\(9\) of this section](#);

18 (D) All issues of legal and/or medical causation;

19 (E) Suitable alternative employment; and

20 (F) The assignment of fees and costs pursuant to the provisions of § 28-35-32. The court
21 may in its discretion appoint an impartial medical examiner in accordance with § 28-33-35. The
22 court shall hereby be empowered to enforce all of its orders, decrees, and consent agreements of
23 the parties.

24 (iii) The term “employee” does not include any individual who is a shareholder or director
25 in a corporation, general or limited partners in a general partnership, a registered limited liability
26 partnership, a limited partnership, or partners in a registered limited liability limited partnership, or
27 any individual who is a member in a limited liability company. These exclusions do not apply to
28 shareholders, directors, and members who have entered into the employment of or who work under
29 a contract of service or apprenticeship within a corporation or a limited liability company.

30 (iv) The term “employee” also does not include a sole proprietor, independent contractor,
31 or a person whose employment is of a casual nature, and who is employed other than for the purpose
32 of the employer’s trade or business, or a person whose services are voluntary or who performs
33 charitable acts, nor shall it include the members of the regularly organized fire and police
34 departments of any town or city except for appeals from an order of the retirement board filed

1 pursuant to the provisions of § 45-21.2-9; provided, however, that it shall include the members of
2 the police and aircraft rescue and firefighting (ARFF) units of the Rhode Island airport corporation.

3 (v) Whenever a contractor has contracted with the state, a city, town, or regional school
4 district, any person employed by that contractor in work under contract shall not be deemed an
5 employee of the state, city, town, or regional school district as the case may be.

6 (vi) Any person who on or after January 1, 1999, was an employee and became a corporate
7 officer shall remain an employee, for purposes of these chapters, unless and until coverage under
8 this act is waived pursuant to § 28-29-8(b) or § 28-29-17. Any person who is appointed a corporate
9 officer between January 1, 1999, and December 31, 2001, and was not previously an employee of
10 the corporation, will not be considered an employee, for purposes of these chapters, unless that
11 corporate officer has filed a notice pursuant to § 28-29-19(c).

12 (vii) In the case of a person whose services are voluntary or who performs charitable acts,
13 any benefit received, in the form of monetary remuneration or otherwise, shall be reportable to the
14 appropriate taxation authority but shall not be deemed to be wages earned under contract of hire
15 for purposes of qualifying for benefits under chapters 29 — 38 of this title.

16 (viii) Any reference to an employee who had been injured shall, where the employee is
17 dead, include a reference to the employee's dependents as defined in this section, or to the
18 employee's legal representatives, or, where the employee is a minor or incompetent, to the
19 employee's conservator or guardian.

20 (ix) A "seasonal occupation" means those occupations in which work is performed on a
21 seasonal basis of not more than sixteen (16) weeks.

22 (5) "Employer" includes any person, partnership, corporation, or voluntary association, and
23 the legal representative of a deceased employer; it includes the state, and the city of Providence. It
24 also includes each city, town, and regional school district in the state that votes or accepts the
25 provisions of chapters 29 — 38 of this title in the manner provided in this chapter or is a party to
26 an appeal from an order of the retirement board filed pursuant to the provisions of § 45-21.2-9.

27 (6) "General or special employer":

28 (i) "General employer" includes but is not limited to temporary help companies and
29 employee leasing companies and means a person who for consideration and as the regular course
30 of its business supplies an employee with or without vehicle to another person.

31 (ii) "Special employer" means a person who contracts for services with a general employer
32 for the use of an employee, a vehicle, or both.

33 (iii) Whenever there is a general employer and special employer wherein the general
34 employer supplies to the special employer an employee and the general employer pays or is

1 obligated to pay the wages or salaries of the supplied employee, then, notwithstanding the fact that
2 direction and control is in the special employer and not the general employer, the general employer,
3 if it is subject to the provisions of the workers' compensation act or has accepted that act, shall be
4 deemed to be the employer as set forth in subsection (5) of this section and both the general and
5 special employer shall be the employer for purposes of §§ 28-29-17 and 28-29-18.

6 (iv) Effective January 1, 2003, whenever a general employer enters into a contract or
7 arrangement with a special employer to supply an employee or employees for work, the special
8 employer shall require an insurer generated insurance coverage certification, on a form prescribed
9 by the department, demonstrating Rhode Island workers' compensation and employer's liability
10 coverage evidencing that the general employer carries workers' compensation insurance with that
11 insurer with no indebtedness for its employees for the term of the contract or arrangement. In the
12 event that the special employer fails to obtain and maintain at policy renewal and thereafter this
13 insurer generated insurance coverage certification demonstrating Rhode Island workers'
14 compensation and employer's liability coverage from the general employer, the special employer
15 is deemed to be the employer pursuant to the provisions of this section. Upon the cancellation or
16 failure to renew, the insurer having written the workers' compensation and employer's liability
17 policy shall notify the certificate holders and the department of the cancellation or failure to renew
18 and upon notice, the certificate holders shall be deemed to be the employer for the term of the
19 contract or arrangement unless or until a new certification is obtained.

20 (7) "Independent contractor" means a person who has filed a notice of designation as
21 independent contractor with the director pursuant to § 28-29-17.1 or as otherwise found by the
22 workers' compensation court.

23 (8)(i) "Injury" means and refers to personal injury to an employee arising out of and in the
24 course of the employee's employment, connected and referable to the employment.

25 (ii) An injury to an employee while voluntarily participating in a private, group, or
26 employer-sponsored carpool, vanpool, commuter bus service, or other rideshare program, having
27 as its sole purpose the mass transportation of employees to and from work shall not be deemed to
28 have arisen out of and in the course of employment. Nothing in the foregoing provision shall be
29 held to deny benefits under chapters 29 — 38 and chapter 47 of this title to employees such as
30 drivers, mechanics, and others who receive remuneration for their participation in the rideshare
31 program. Provided, that the foregoing provision shall not bar the right of an employee to recover
32 against an employer and/or driver for tortious misconduct.

33 (9) "Maximum medical improvement" means a point in time when any medically
34 determinable physical or mental impairment as a result of injury has become stable and when no

1 further treatment is reasonably expected to materially improve the condition. Neither the need for
2 future medical maintenance nor the possibility of improvement or deterioration resulting from the
3 passage of time and not from the ordinary course of the disabling condition, nor the continuation
4 of a preexisting condition precludes a finding of maximum medical improvement. A finding of
5 maximum medical improvement by the workers' compensation court may be reviewed only where
6 it is established that an employee's condition has substantially deteriorated or improved.

7 (10) "Physician" means medical doctor, surgeon, dentist, licensed psychologist,
8 chiropractor, osteopath, podiatrist, or optometrist, as the case may be.

9 (11) "Suitable alternative employment" means employment or an actual offer of
10 employment that the employee is physically able to perform and will not exacerbate the employee's
11 health condition and that bears a reasonable relationship to the employee's qualifications,
12 background, education, and training. The employee's age alone shall not be considered in
13 determining the suitability of the alternative employment.

14 SECTION 19. Section 31-51-3 of the General Laws in Chapter 31-51 entitled "School Bus
15 Safety Enforcement" is hereby amended to read as follows:

16 **31-51-3. Procedure — Notice.**

17 (a) Except as expressly provided in this chapter, all prosecutions based on evidence
18 produced by a live digital video school bus violation detection monitoring system shall follow the
19 procedures established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated
20 by the chief magistrate of the traffic tribunal for the hearing of civil traffic violations in the traffic
21 tribunal. Provided, that in an action brought pursuant to the provisions of this chapter, references
22 in chapter 41.1 of this title to an "operator" shall apply to the registered owner of the vehicle. A
23 summons may be issued by an officer solely based on evidence obtained by use of a live digital
24 video school bus violation detection monitoring system. All summonses issued based on evidence
25 obtained from a live digital video school bus violation detection monitoring system shall be issued
26 within ten (10) days of the violation. Notwithstanding any provisions of the general laws to the
27 contrary, jurisdiction to hear and decide any violation under this chapter shall be as follows:

28 (1) By the traffic tribunal over all violations for which the summons is issued by a state
29 agency;

30 (2) By the traffic tribunal over all violations for which the summons is issued by a city or
31 town which has not established a municipal court; and

32 (3) By the municipal court over all violations for which the summons is issued by a city or
33 town which has established a municipal court.

34 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a live

1 digital video school bus violation detection monitoring system. A copy of the summons and
2 supporting documentation shall be mailed to the address of the registered owner kept on file by the
3 registry of motor vehicles. For purposes of this section, the date of issuance shall be the date of
4 mailing.

5 (c) The officer issuing the citation shall certify under penalties of perjury that the evidence
6 obtained from the live digital video school bus violation detection monitoring system was sufficient
7 to demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
8 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient proof
9 of actual notice in all cases where the citation is not answered within the time period permitted.

10 (d) The summons shall contain all the information provided for on the uniform summons
11 as referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
12 traffic tribunal as well as the date, time, and location of the violation. In addition, the following
13 information shall be attached to or accompany the summons:

14 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other recorded
15 images taken as proof of the violation;

16 (2) A signed statement certified under the penalties of perjury by a trained law enforcement
17 officer that, based on inspection of recorded images and video, the motor vehicle was being
18 operated in violation of this chapter;

19 (3) A signed statement that recorded images are evidence of a violation of this chapter;

20 (4) A statement that the person who receives the summons under this chapter may either
21 pay the civil fine in accordance with the provisions of § 31-51-2.2, proceed under § ~~31-51-5(e)(3)~~
22 ~~of this section~~ [31-51-5\(c\)\(2\)](#), or elect to stand trial for the alleged violation;

23 (5) A signed affidavit by a person who witnessed the motor vehicle being operated in
24 violation of this chapter; and

25 (6) A signed statement certified under the penalties of perjury by a trained law enforcement
26 officer that the summons and attachments required under this subsection were mailed to the address
27 of the registered owner kept on file by the registry of motor vehicles.

28 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
29 officer authorized to issue a traffic violation summons pursuant to this title.

30 SECTION 20. Section 35-24-4 of the General Laws in Chapter 35-24 entitled "Rhode
31 Island Baby Bond Trust" is hereby amended to read as follows:

32 **35-24-4. Investment of funds in the trust.**

33 Notwithstanding the provisions of §§ 35-10-12 — 35-10-14, inclusive, the general
34 treasurer shall invest the amounts on deposit in the trust in a manner reasonable and appropriate to

1 achieve the objectives of the trust, exercising the discretion and care of a prudent person in similar
2 circumstances with similar objectives. The general treasurer shall give due consideration to rate of
3 return, risk, term or maturity, diversification of the portfolio within the trust, liquidity, the projected
4 disbursements of the total portfolio within the trust, ~~liquidity, the projected disbursements and~~
5 expenditures and the expected payments, deposits, contributions, and gifts to be received. The
6 general treasurer shall not require the trust to invest directly in obligations of the state or any
7 political subdivision of the state or in any investment or other fund administered by the general
8 treasurer. The assets of the trust shall be continuously invested and reinvested in a manner
9 consistent with the objectives of the trust until disbursed for eligible expenditures as defined by this
10 chapter or expended on expenses incurred by the operations of the trust.

11 SECTION 21. Section 36-14-8 of the General Laws in Chapter 36-14 entitled "Code of
12 Ethics" is hereby amended to read as follows:

13 **36-14-8. Rhode Island ethics commission — Establishment — Members — Vacancies**
14 **— Quorum — Compensation and quarters.**

15 (a) There is hereby established an independent and nonpartisan Rhode Island ethics
16 commission composed of nine (9) members appointed by the governor. The president of the senate,
17 the minority leader of the senate, the speaker of the house of representatives, the majority leader of
18 the house of representatives, and the minority leader of the house of representatives shall, within
19 twenty (20) days of July 21, 1992, each submit to the governor a list of names of at least five (5)
20 individuals. The governor shall, within forty (40) days of July 21, 1992, appoint one individual
21 from each of the lists so submitted and four (4) individuals without regard to the lists submitted by
22 the legislative leaders.

23 (b) Members of the commission shall serve for terms of five (5) years, except that, of the
24 members first appointed:

25 (1) The individual appointed from the list submitted by the majority leader of the house of
26 representatives shall serve for one year;

27 (2) The individuals appointed from the lists submitted by the minority leader of the senate
28 and one of the individuals appointed by the governor without regard to the lists submitted by the
29 legislative leaders shall serve for two (2) years;

30 (3) The individual appointed from the list submitted by the minority leader of the house of
31 representatives and one of the individuals appointed by the governor without regard to the lists
32 submitted by the legislative leaders shall serve for three (3) years;

33 (4) The individual appointed from the list submitted by the president of the senate and one
34 of the individuals appointed from the list submitted by the minority leader of the house of

1 representatives shall serve for four (4) years; and

2 (5) The individual appointed from the list submitted by the speaker of the house of
3 representatives and one of the individuals appointed from the list submitted by the minority leader
4 of the senate shall serve for five (5) years.

5 (c) No member shall be appointed for more than one full five (5) year term; provided,
6 however, that each member shall continue to serve until his or her successor is appointed and
7 qualified; and, provided further, that if, at the time of the expiration of any member's term, that
8 member is actively engaged in the adjudication of a complaint, he or she shall continue to serve in
9 that capacity until the commission has completed its responsibilities with respect to that complaint.

10 (d) The governor shall, at the time of the initial appointments to the commission, designate
11 one member to act as chairperson of the commission for a period of one year and another to act as
12 vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect
13 a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence
14 of the chairperson or in the event of a vacancy in that position.

15 (e) Any vacancy on the commission, occurring for any reason prior to the expiration of the
16 term, shall be filled for the unexpired term by the appointing authority in the same manner as the
17 original appointment within thirty (30) days of the vacancy occurring.

18 (f) No individual, while a member or employee of the commission, including any legal
19 counsel engaged by the commission, shall:

20 (1) Hold or campaign for any other public office;

21 (2) Hold office in any political party or political committee;

22 (3) Participate in or contribute to any political campaign;

23 (4) Directly or indirectly attempt to influence any decision by a governmental body, other
24 than as the duly authorized representative of the commission on a matter within the jurisdiction of
25 the commission;

26 (5) Have held elective public office or have been a candidate for elective public office for
27 a one year period prior to appointment.

28 (6) Have any equity interest or ownership interest in, or be employed by a business entity
29 that derives any of its revenue or income by engaging in lobbying, as defined in chapter ~~22-10 and~~
30 ~~chapter 42-139~~ [139.1 of title 42](#).

31 (g) The governor shall declare vacant the position on the commission of any member who
32 takes part in activities prohibited by subsection (f) of this section. An individual appointed to fill a
33 vacancy occurring other than by the expiration of a term of office shall be appointed for the
34 unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-

1 year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30)
2 days in the manner in which that position was originally filled.

3 (h) For any action to be taken under the terms of this chapter by the full commission, five
4 (5) members of the commission shall constitute a quorum.

5 (i) Commission members shall not be compensated for attendance at meetings of the
6 commission or of any investigating committee or adjudicative panel of the commission.

7 (j) All departments and agencies of the state or of any city or town or political subdivision
8 within this state shall furnish such advice or information documentary or otherwise, to the
9 commission and its agents as is deemed necessary or desirable by the commission to facilitate the
10 purposes of this chapter.

11 (k) The director of administration is hereby authorized and directed to provide suitable
12 quarters for the commission.

13 (l) When commission members act in good faith within the scope of their authority and in
14 their official capacities they shall be afforded protection against civil liability as provided in § 9-1-
15 31.1.

16 SECTION 22. Sections 38-3-6 and 38-3-7 of the General Laws in Chapter 38-3 entitled
17 "Public Records Administration" are hereby amended to read as follows:

18 **38-3-6. Public records custody and disposal.**

19 (a) Each agency shall prepare and submit to the program, in accordance with the rules and
20 regulations of the program, record control schedules for all public records in the custody of the
21 agency.

22 (b) Proposed schedules shall be sent to the offices of the attorney general and the auditor
23 general. Within one hundred twenty (120) days of receipt, the attorney general and the auditor
24 general may, within their discretion, provide the administrator with comments regarding the
25 proposed schedule. If the proposed schedules are not returned to the administrator within one
26 hundred twenty (120) days of receiving the proposed schedule, the proposed schedule may
27 nonetheless be made final for use in records disposition pursuant to § 38-3-7(4).

28 (c) Those records which are determined by an agency not to be needed in the transaction
29 of current business but which, for legal or fiscal requirements, must be retained for specific time
30 periods beyond administrative needs, may be sent to the records center. The records will be kept in
31 the center until time for disposition as provided in record control schedules.

32 (d) Public records possessing enduring value and that have not yet met minimum retention
33 as determined by the records control schedules may be transferred to the state records center after
34 the twentieth year or when no longer considered active.

1 (e) Public records determined to be of permanent value according to the records retention
2 schedule and by the administrator in consultation with the state archivist, shall be transferred to the
3 state archives following assessment after the twentieth year, if not sooner, if the transfer of custody
4 is in the best interest of the record.

5 (f) Title to any record placed in the records center shall remain with the agency placing the
6 record in the center.

7 (g) Title to any record transferred to the state archives, as authorized in this chapter, shall
8 be vested in the program and shall be made available to the public.

9 (h) Any record placed in keeping of the program under special terms or conditions
10 restricting their use shall be made available only in accordance with the provisions of § 38-2-2.

11 (i) ~~Provide~~ The administrator shall provide a public research room where, upon policies
12 established by the program, the records in the state archives may be studied.

13 (j) No public record shall be destroyed or otherwise disposed of by any agency without
14 prior notice to, and approval by, the program pursuant to subsection (a) of this section. Records
15 without established retention in an approved records retention schedule cannot be destroyed.

16 (k) The program shall adopt reasonable rules and regulations not inconsistent with this
17 chapter relating to the destruction and disposal of records. The rules and regulations shall provide
18 but not be limited to:

19 (1) Procedures for preparing and submitting record control schedules to the program;

20 (2) Procedures for the physical destruction or other disposal of records; and

21 (3) Standards for the reproduction of records for security or with a view to the disposal of
22 the original record.

23 **38-3-7. Duties and responsibilities of agencies.**

24 It shall be the duty of each agency to:

25 (1) Cooperate with the program in complying with the provisions of this chapter;

26 (2) Establish and maintain active and continuous procedure for the economical and
27 efficient management of public records, including, but not limited to, working with the
28 administrator to create and update records control schedules and transfer permanent records to the
29 state archives;

30 (3) Transfer records, or any reasonably segregable portion thereof not including personal
31 papers deemed not public pursuant to ~~§ 42-8.1-2(11)~~ the definition of records in § 42-8.1-2,
32 created or received by general officers, immediate staff, or a unit or individual of the executive
33 office whose function is to advise and assist general officers, in the course of conducting activities
34 which relate to or have an effect upon the carrying out of the constitutional, statutory, or other

1 official duties carried out on behalf of the state. Such materials shall be transferred at the end of the
2 elected official's final term within thirty (30) days of leaving such office;

3 (4) Submit a certification of records destruction for approval by the program for each public
4 record the agency seeks to destroy once it has met its approved minimum retention period. The
5 certification of records destruction shall be the permanent replacement for duly approved destroyed
6 public records; and

7 (5) Not later than January 1, 2026, designate a records officer who has responsibility for
8 compliance with this chapter and has been provided orientation and training by the public records
9 administration regarding this chapter. The records officer:

10 (i) Shall establish and operate a records management program for the agency in cooperation
11 with the public records administration and state archives;

12 (ii) May delegate responsibilities to an individual within the agency at the records officer's
13 discretion;

14 (iii) ~~Annually~~ Shall annually confirm the accuracy of the agency's records control
15 schedule and request amendments if necessary;

16 (iv) ~~Annually~~ Shall annually submit for approval of destruction of records that have met
17 minimum retention periods based on the records control schedule; and

18 (v) May also serve as the agency forms management representative as required by § 42-
19 84-5.

20 SECTION 23. Section 42-7.2-5 of the General Laws in Chapter 42-7.2 entitled "Office of
21 Health and Human Services" is hereby amended to read as follows:

22 **42-7.2-5. Duties of the secretary.**

23 The secretary shall be subject to the direction and supervision of the governor for the
24 oversight, coordination, and cohesive direction of state-administered health and human services
25 and in ensuring the laws are faithfully executed, notwithstanding any law to the contrary. In this
26 capacity, the secretary of the executive office of health and human services (EOHHS) shall be
27 authorized to:

28 (1) Coordinate the administration and financing of healthcare benefits, human services, and
29 programs including those authorized by the state's Medicaid section 1115 demonstration waiver
30 and, as applicable, the Medicaid state plan under Title XIX of the U.S. Social Security Act.
31 However, nothing in this section shall be construed as transferring to the secretary the powers,
32 duties, or functions conferred upon the departments by Rhode Island public and general laws for
33 the administration of federal/state programs financed in whole or in part with Medicaid funds or
34 the administrative responsibility for the preparation and submission of any state plans, state plan

1 amendments, or authorized federal waiver applications, once approved by the secretary.

2 (2) Serve as the governor’s chief advisor and liaison to federal policymakers on Medicaid
3 reform issues as well as the principal point of contact in the state on any such related matters.

4 (3)(i) Review and ensure the coordination of the state’s Medicaid section 1115
5 demonstration waiver requests and renewals as well as any initiatives and proposals requiring
6 amendments to the Medicaid state plan or formal amendment changes, as described in the special
7 terms and conditions of the state’s Medicaid section 1115 demonstration waiver with the potential
8 to affect the scope, amount, or duration of publicly funded healthcare services, provider payments
9 or reimbursements, or access to or the availability of benefits and services as provided by Rhode
10 Island general and public laws. The secretary shall consider whether any such changes are legally
11 and fiscally sound and consistent with the state’s policy and budget priorities. The secretary shall
12 also assess whether a proposed change is capable of obtaining the necessary approvals from federal
13 officials and achieving the expected positive consumer outcomes. Department directors shall,
14 within the timelines specified, provide any information and resources the secretary deems necessary
15 in order to perform the reviews authorized in this section.

16 (ii) Direct the development and implementation of any Medicaid policies, procedures, or
17 systems that may be required to assure successful operation of the state’s health and human services
18 integrated eligibility system and coordination with HealthSource RI, the state’s health insurance
19 marketplace.

20 (iii) Beginning in 2015, conduct on a biennial basis a comprehensive review of the
21 Medicaid eligibility criteria for one or more of the populations covered under the state plan or a
22 waiver to ensure consistency with federal and state laws and policies, coordinate and align systems,
23 and identify areas for improving quality assurance, fair and equitable access to services, and
24 opportunities for additional financial participation.

25 (iv) Implement service organization and delivery reforms that facilitate service integration,
26 increase value, and improve quality and health outcomes.

27 (4) Beginning in 2020, prepare and submit to the governor, the chairpersons of the house
28 and senate finance committees, the caseload estimating conference, and to the joint legislative
29 committee for health-care oversight, by no later than September 15 of each year, a comprehensive
30 overview of all Medicaid expenditures outcomes, administrative costs, and utilization rates. The
31 overview shall include, but not be limited to, the following information:

32 (i) Expenditures under Titles XIX and XXI of the Social Security Act, as amended;

33 (ii) Expenditures, outcomes, and utilization rates by population and sub-population served
34 (e.g., families with children, persons with disabilities, children in foster care, children receiving

1 adoption assistance, adults ages nineteen (19) to sixty-four (64), and elders);

2 (iii) Expenditures, outcomes, and utilization rates by each state department or other
3 municipal or public entity receiving federal reimbursement under Titles XIX and XXI of the Social
4 Security Act, as amended;

5 (iv) Expenditures, outcomes, and utilization rates by type of service and/or service
6 provider;

7 (v) Expenditures by mandatory population receiving mandatory services and, reported
8 separately, optional services, as well as optional populations receiving mandatory services and,
9 reported separately, optional services for each state agency receiving Title XIX and XXI funds; and

10 (vi) Information submitted to the Centers for Medicare & Medicaid Services for the
11 mandatory annual state reporting of the Core Set of Children's Health Care Quality Measures for
12 Medicaid and Children's Health Insurance Program, behavioral health measures on the Core Set of
13 Adult Health Care Quality Measures for Medicaid and the Core Sets of Health Home Quality
14 Measures for Medicaid to ensure compliance with the Bipartisan Budget Act of 2018, Pub. L. No.
15 115-123.

16 The directors of the departments, as well as local governments and school departments,
17 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
18 resources, information, and support shall be necessary.

19 (5) Resolve administrative, jurisdictional, operational, program, or policy conflicts among
20 departments and their executive staffs and make necessary recommendations to the governor.

21 (6) Ensure continued progress toward improving the quality, the economy, the
22 accountability, and the efficiency of state-administered health and human services. In this capacity,
23 the secretary shall:

24 (i) Direct implementation of reforms in the human resources practices of the executive
25 office and the departments that streamline and upgrade services, achieve greater economies of scale
26 and establish the coordinated system of the staff education, cross-training, and career development
27 services necessary to recruit and retain a highly-skilled, responsive, and engaged health and human
28 services workforce;

29 (ii) Encourage EOHHS-wide consumer-centered approaches to service design and delivery
30 that expand their capacity to respond efficiently and responsibly to the diverse and changing needs
31 of the people and communities they serve;

32 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
33 power, centralizing fiscal service functions related to budget, finance, and procurement,
34 centralizing communication, policy analysis and planning, and information systems and data

1 management, pursuing alternative funding sources through grants, awards, and partnerships and
2 securing all available federal financial participation for programs and services provided EOHHS-
3 wide;

4 (iv) Improve the coordination and efficiency of health and human services legal functions
5 by centralizing adjudicative and legal services and overseeing their timely and judicious
6 administration;

7 (v) Facilitate the rebalancing of the long-term system by creating an assessment and
8 coordination organization or unit for the expressed purpose of developing and implementing
9 procedures EOHHS-wide that ensure that the appropriate publicly funded health services are
10 provided at the right time and in the most appropriate and least restrictive setting;

11 (vi) Strengthen health and human services program integrity, quality control and
12 collections, and recovery activities by consolidating functions within the office in a single unit that
13 ensures all affected parties pay their fair share of the cost of services and are aware of alternative
14 financing;

15 (vii) Assure protective services are available to vulnerable elders and adults with
16 developmental and other disabilities by reorganizing existing services, establishing new services
17 where gaps exist, and centralizing administrative responsibility for oversight of all related
18 initiatives and programs.

19 (7) Prepare and integrate comprehensive budgets for the health and human services
20 departments and any other functions and duties assigned to the office. The budgets shall be
21 submitted to the state budget office by the secretary, for consideration by the governor, on behalf
22 of the state's health and human services agencies in accordance with the provisions set forth in §
23 35-3-4.

24 (8) Utilize objective data to evaluate health and human services policy goals, resource use
25 and outcome evaluation and to perform short and long-term policy planning and development.

26 (9) Establish an integrated approach to interdepartmental information and data
27 management that complements and furthers the goals of the unified health infrastructure project
28 initiative and that will facilitate the transition to a consumer-centered integrated system of state-
29 administered health and human services.

30 (10) At the direction of the governor or the general assembly, conduct independent reviews
31 of state-administered health and human services programs, policies, and related agency actions and
32 activities and assist the department directors in identifying strategies to address any issues or areas
33 of concern that may emerge thereof. The department directors shall provide any information and
34 assistance deemed necessary by the secretary when undertaking such independent reviews.

1 (11) Provide regular and timely reports to the governor and make recommendations with
2 respect to the state’s health and human services agenda.

3 (12) Employ such personnel and contract for such consulting services as may be required
4 to perform the powers and duties lawfully conferred upon the secretary.

5 (13) Assume responsibility for complying with the provisions of any general or public law
6 or regulation related to the disclosure, confidentiality, and privacy of any information or records,
7 in the possession or under the control of the executive office or the departments assigned to the
8 executive office, that may be developed or acquired or transferred at the direction of the governor
9 or the secretary for purposes directly connected with the secretary’s duties set forth herein.

10 (14) Hold the director of each health and human services department accountable for their
11 administrative, fiscal, and program actions in the conduct of the respective powers and duties of
12 their agencies.

13 (15) Identify opportunities for inclusion with the EOHHS’ October 1, 2023, budget
14 submission, to remove fixed eligibility thresholds for programs under its purview by establishing
15 sliding scale decreases in benefits commensurate with income increases up to four hundred fifty
16 percent (450%) of the federal poverty level. These shall include but not be limited to, medical
17 assistance, childcare assistance, and food assistance.

18 (16) Ensure that insurers minimize administrative burdens on providers that may delay
19 medically necessary care, including requiring that insurers do not impose a prior authorization
20 requirement for any admission, item, service, treatment, or procedure ordered by an in-network
21 primary care provider. Provided, the prohibition shall not be construed to prohibit prior
22 authorization requirements for prescription drugs. Provided further, that as used in this subsection
23 (16) of this section, the terms “insurer,” “primary care provider,” and “prior authorization” means
24 the same as those terms are defined in § 27-18.9-2.

25 (17) The secretary shall convene, in consultation with the governor, an advisory working
26 group to assist in the review and analysis of potential impacts of any adopted federal actions related
27 to Medicaid programs. The working group shall develop options for administrative action or
28 general assembly consideration that may be needed to address any federal funding changes that
29 impact Rhode Island’s Medicaid programs.

30 (i) The advisory working group may include, but not be limited to, the secretary of health
31 and human services, director of management and budget, and designees from the following: state
32 agencies, businesses, healthcare, public sector unions, and advocates.

33 (ii) As soon as practicable after the enactment [of the](#) federal budget for fiscal year 2026,
34 but no later than October 31, 2025, the advisory working group shall forward a report to the

1 governor, speaker of the house, and president of the senate containing the findings,
2 recommendations and options for consideration to become compliant with federal changes prior to
3 the governor's budget submission pursuant to § 35-3-7.

4 SECTION 24. Section 42-14.5-3 of the General Laws in Chapter 42-14.5 entitled "The
5 Rhode Island Health Care Reform Act of 2004 — Health Insurance Oversight" is hereby amended
6 to read as follows:

7 **42-14.5-3. Powers and duties.**

8 The health insurance commissioner shall have the following powers and duties:

9 (a) To conduct quarterly public meetings throughout the state, separate and distinct from
10 rate hearings pursuant to § 42-62-13, regarding the rates, services, and operations of insurers
11 licensed to provide health insurance in the state; the effects of such rates, services, and operations
12 on consumers, medical care providers, patients, and the market environment in which the insurers
13 operate; and efforts to bring new health insurers into the Rhode Island market. Notice of not less
14 than ten (10) days of the hearing(s) shall go to the general assembly, the governor, the Rhode Island
15 Medical Society, the Hospital Association of Rhode Island, the director of health, the attorney
16 general, and the chambers of commerce. Public notice shall be posted on the department's website
17 and given in the newspaper of general circulation, and to any entity in writing requesting notice.

18 (b) To make recommendations to the governor and the house of representatives and senate
19 finance committees regarding healthcare insurance and the regulations, rates, services,
20 administrative expenses, reserve requirements, and operations of insurers providing health
21 insurance in the state, and to prepare or comment on, upon the request of the governor or
22 chairpersons of the house or senate finance committees, draft legislation to improve the regulation
23 of health insurance. In making the recommendations, the commissioner shall recognize that it is
24 the intent of the legislature that the maximum disclosure be provided regarding the reasonableness
25 of individual administrative expenditures as well as total administrative costs. The commissioner
26 shall make recommendations on the levels of reserves, including consideration of: targeted reserve
27 levels; trends in the increase or decrease of reserve levels; and insurer plans for distributing excess
28 reserves.

29 (c) To establish a consumer/business/labor/medical advisory council to obtain information
30 and present concerns of consumers, business, and medical providers affected by health insurance
31 decisions. The council shall develop proposals to allow the market for small business health
32 insurance to be affordable and fairer. The council shall be involved in the planning and conduct of
33 the quarterly public meetings in accordance with subsection (a). The advisory council shall develop
34 measures to inform small businesses of an insurance complaint process to ensure that small

1 businesses that experience rate increases in a given year may request and receive a formal review
2 by the department. The advisory council shall assess views of the health provider community
3 relative to insurance rates of reimbursement, billing, and reimbursement procedures, and the
4 insurers' role in promoting efficient and high-quality health care. The advisory council shall issue
5 an annual report of findings and recommendations to the governor and the general assembly and
6 present its findings at hearings before the house and senate finance committees. The advisory
7 council is to be diverse in interests and shall include representatives of community consumer
8 organizations; small businesses, other than those involved in the sale of insurance products; and
9 hospital, medical, and other health provider organizations. Such representatives shall be nominated
10 by their respective organizations. The advisory council shall be co-chaired by the health insurance
11 commissioner and a community consumer organization or small business member to be elected by
12 the full advisory council.

13 (d) To establish and provide guidance and assistance to a subcommittee ("the professional-
14 provider-health-plan work group") of the advisory council created pursuant to subsection (c),
15 composed of healthcare providers and Rhode Island licensed health plans. This subcommittee shall
16 include in its annual report and presentation before the house and senate finance committees the
17 following information:

18 (1) A method whereby health plans shall disclose to contracted providers the fee schedules
19 used to provide payment to those providers for services rendered to covered patients;

20 (2) A standardized provider application and credentials verification process, for the
21 purpose of verifying professional qualifications of participating healthcare providers;

22 (3) The uniform health plan claim form utilized by participating providers;

23 (4) Methods for health maintenance organizations, as defined by § 27-41-2, and nonprofit
24 hospital or medical service corporations, as defined by chapters 19 and 20 of title 27, to make
25 facility-specific data and other medical service-specific data available in reasonably consistent
26 formats to patients regarding quality and costs. This information would help consumers make
27 informed choices regarding the facilities and clinicians or physician practices at which to seek care.
28 Among the items considered would be the unique health services and other public goods provided
29 by facilities and clinicians or physician practices in establishing the most appropriate cost
30 comparisons;

31 (5) All activities related to contractual disclosure to participating providers of the
32 mechanisms for resolving health plan/provider disputes;

33 (6) The uniform process being utilized for confirming, in real time, patient insurance
34 enrollment status, benefits coverage, including copays and deductibles;

1 (7) Information related to temporary credentialing of providers seeking to participate in the
2 plan's network and the impact of the activity on health plan accreditation;

3 (8) The feasibility of regular contract renegotiations between plans and the providers in
4 their networks; and

5 (9) Efforts conducted related to reviewing impact of silent PPOs on physician practices.

6 (e) To enforce the provisions of title 27 and this title as set forth in § 42-14-5(d).

7 (f) To provide analysis of the Rhode Island affordable health plan reinsurance fund. The
8 fund shall be used to effectuate the provisions of §§ 27-18.5-9 and 27-50-17.

9 (g) To analyze the impact of changing the rating guidelines and/or merging the individual
10 health insurance market, as defined in chapter 18.5 of title 27, and the small-employer health
11 insurance market, as defined in chapter 50 of title 27, in accordance with the following:

12 (1) The analysis shall forecast the likely rate increases required to effect the changes
13 recommended pursuant to the preceding subsection (g) in the direct-pay market and small-employer
14 health insurance market over the next five (5) years, based on the current rating structure and
15 current products.

16 (2) The analysis shall include examining the impact of merging the individual and small-
17 employer markets on premiums charged to individuals and small-employer groups.

18 (3) The analysis shall include examining the impact on rates in each of the individual and
19 small-employer health insurance markets and the number of insureds in the context of possible
20 changes to the rating guidelines used for small-employer groups, including: community rating
21 principles; expanding small-employer rate bonds beyond the current range; increasing the employer
22 group size in the small-group market; and/or adding rating factors for broker and/or tobacco use.

23 (4) The analysis shall include examining the adequacy of current statutory and regulatory
24 oversight of the rating process and factors employed by the participants in the proposed, new
25 merged market.

26 (5) The analysis shall include assessment of possible reinsurance mechanisms and/or
27 federal high-risk pool structures and funding to support the health insurance market in Rhode Island
28 by reducing the risk of adverse selection and the incremental insurance premiums charged for this
29 risk, and/or by making health insurance affordable for a selected at-risk population.

30 (6) The health insurance commissioner shall work with an insurance market merger task
31 force to assist with the analysis. The task force shall be chaired by the health insurance
32 commissioner and shall include, but not be limited to, representatives of the general assembly, the
33 business community, small-employer carriers as defined in § 27-50-3, carriers offering coverage in
34 the individual market in Rhode Island, health insurance brokers, and members of the general public.

1 (7) For the purposes of conducting this analysis, the commissioner may contract with an
2 outside organization with expertise in fiscal analysis of the private insurance market. In conducting
3 its study, the organization shall, to the extent possible, obtain and use actual health plan data. Said
4 data shall be subject to state and federal laws and regulations governing confidentiality of health
5 care and proprietary information.

6 (8) The task force shall meet as necessary and include its findings in the annual report, and
7 the commissioner shall include the information in the annual presentation before the house and
8 senate finance committees.

9 (h) To establish and convene a workgroup representing healthcare providers and health
10 insurers for the purpose of coordinating the development of processes, guidelines, and standards to
11 streamline healthcare administration that are to be adopted by payors and providers of healthcare
12 services operating in the state. This workgroup shall include representatives with expertise who
13 would contribute to the streamlining of healthcare administration and who are selected from
14 hospitals, physician practices, community behavioral health organizations, each health insurer, and
15 other affected entities. The workgroup shall also include at least one designee each from the Rhode
16 Island Medical Society, Rhode Island Council of Community Mental Health Organizations, the
17 Rhode Island Health Center Association, and the Hospital Association of Rhode Island. In any year
18 that the workgroup meets and submits recommendations to the office of the health insurance
19 commissioner, the office of the health insurance commissioner shall submit such recommendations
20 to the health and human services committees of the Rhode Island house of representatives and the
21 Rhode Island senate prior to the implementation of any such recommendations and subsequently
22 shall submit a report to the general assembly by June 30, 2024. The report shall include the
23 recommendations the commissioner may implement, with supporting rationale. The workgroup
24 shall consider and make recommendations for:

25 (1) Establishing a consistent standard for electronic eligibility and coverage verification.
26 Such standard shall:

27 (i) Include standards for eligibility inquiry and response and, wherever possible, be
28 consistent with the standards adopted by nationally recognized organizations, such as the Centers
29 for Medicare & Medicaid Services;

30 (ii) Enable providers and payors to exchange eligibility requests and responses on a system-
31 to-system basis or using a payor-supported web browser;

32 (iii) Provide reasonably detailed information on a consumer's eligibility for healthcare
33 coverage; scope of benefits; limitations and exclusions provided under that coverage; cost-sharing
34 requirements for specific services at the specific time of the inquiry; current deductible amounts;

1 accumulated or limited benefits; out-of-pocket maximums; any maximum policy amounts; and
2 other information required for the provider to collect the patient's portion of the bill;

3 (iv) Reflect the necessary limitations imposed on payors by the originator of the eligibility
4 and benefits information;

5 (v) Recommend a standard or common process to protect all providers from the costs of
6 services to patients who are ineligible for insurance coverage in circumstances where a payor
7 provides eligibility verification based on best information available to the payor at the date of the
8 request of eligibility.

9 (2) Developing implementation guidelines and promoting adoption of the guidelines for:

10 (i) The use of the National Correct Coding Initiative code-edit policy by payors and
11 providers in the state;

12 (ii) Publishing any variations from codes and mutually exclusive codes by payors in a
13 manner that makes for simple retrieval and implementation by providers;

14 (iii) Use of Health Insurance Portability and Accountability Act standard group codes,
15 reason codes, and remark codes by payors in electronic remittances sent to providers;

16 (iv) Uniformity in the processing of claims by payors; and the processing of corrections to
17 claims by providers and payors;

18 (v) A standard payor-denial review process for providers when they request a
19 reconsideration of a denial of a claim that results from differences in clinical edits where no single,
20 common-standards body or process exists and multiple conflicting sources are in use by payors and
21 providers.

22 (vi) Nothing in this section, nor in the guidelines developed, shall inhibit an individual
23 payor's ability to employ, and not disclose to providers, temporary code edits for the purpose of
24 detecting and deterring fraudulent billing activities. The guidelines shall require that each payor
25 disclose to the provider its adjudication decision on a claim that was denied or adjusted based on
26 the application of such edits and that the provider have access to the payor's review and appeal
27 process to challenge the payor's adjudication decision.

28 (vii) Nothing in this subsection shall be construed to modify the rights or obligations of
29 payors or providers with respect to procedures relating to the investigation, reporting, appeal, or
30 prosecution under applicable law of potentially fraudulent billing activities.

31 (3) Developing and promoting widespread adoption by payors and providers of guidelines
32 to:

33 (i) Ensure payors do not automatically deny claims for services when extenuating
34 circumstances make it impossible for the provider to obtain a preauthorization before services are

1 performed or notify a payor within an appropriate standardized timeline of a patient's admission;

2 (ii) Require payors to use common and consistent processes and time frames when
3 responding to provider requests for medical management approvals. Whenever possible, such time
4 frames shall be consistent with those established by leading national organizations and be based
5 upon the acuity of the patient's need for care or treatment. For the purposes of this section, medical
6 management includes prior authorization of services, preauthorization of services, precertification
7 of services, post-service review, medical-necessity review, and benefits advisory;

8 (iii) Develop, maintain, and promote widespread adoption of a single, common website
9 where providers can obtain payors' preauthorization, benefits advisory, and preadmission
10 requirements;

11 (iv) Establish guidelines for payors to develop and maintain a website that providers can
12 use to request a preauthorization, including a prospective clinical necessity review; receive an
13 authorization number; and transmit an admission notification;

14 (v) Develop and implement the use of programs that implement selective prior
15 authorization requirements, based on stratification of healthcare providers' performance and
16 adherence to evidence-based medicine with the input of contracted healthcare providers and/or
17 provider organizations. Such criteria shall be transparent and easily accessible to contracted
18 providers. Such selective prior authorization programs shall be available when healthcare providers
19 participate directly with the insurer in risk-based payment contracts and may be available to
20 providers who do not participate in risk-based contracts;

21 (vi) Require the review of medical services, including behavioral health services, and
22 prescription drugs, subject to prior authorization on at least an annual basis, with the input of
23 contracted healthcare providers and/or provider organizations. Any changes to the list of medical
24 services, including behavioral health services, and prescription drugs requiring prior authorization,
25 shall be shared via provider-accessible websites;

26 (vii) Improve communication channels between health plans, healthcare providers, and
27 patients by:

28 (A) Requiring transparency and easy accessibility of prior authorization requirements,
29 criteria, rationale, and program changes to contracted healthcare providers and patients/health plan
30 enrollees which may be satisfied by posting to provider-accessible and member-accessible
31 websites; and

32 (B) Supporting:

33 (I) Timely submission by healthcare providers of the complete information necessary to
34 make a prior authorization determination, as early in the process as possible; and

1 (II) Timely notification of prior authorization determinations by health plans to impacted
2 health plan enrollees, and healthcare providers, including, but not limited to, ordering providers,
3 and/or rendering providers, and dispensing pharmacists which may be satisfied by posting to
4 provider-accessible websites or similar electronic portals or services;

5 (viii) Increase and strengthen continuity of patient care by:

6 (A) Defining protections for continuity of care during a transition period for patients
7 undergoing an active course of treatment, when there is a formulary or treatment coverage change
8 or change of health plan that may disrupt their current course of treatment and when the treating
9 physician determines that a transition may place the patient at risk; and for prescription medication
10 by allowing a grace period of coverage to allow consideration of referred health plan options or
11 establishment of medical necessity of the current course of treatment;

12 (B) Requiring continuity of care for medical services, including behavioral health services,
13 and prescription medications for patients on appropriate, chronic, stable therapy through
14 minimizing repetitive prior authorization requirements; and which for prescription medication shall
15 be allowed only on an annual review, with exception for labeled limitation, to establish continued
16 benefit of treatment; and

17 (C) Requiring communication between healthcare providers, health plans, and patients to
18 facilitate continuity of care and minimize disruptions in needed treatment which may be satisfied
19 by posting to provider-accessible websites or similar electronic portals or services;

20 (D) Continuity of care for formulary or drug coverage shall distinguish between FDA
21 designated interchangeable products and proprietary or marketed versions of a medication;

22 (ix) Encourage healthcare providers and/or provider organizations and health plans to
23 accelerate use of electronic prior authorization technology, including adoption of national standards
24 where applicable; and

25 (x) For the purposes of subsections (h)(3)(v) through (h)(3)(x) of this section, the
26 workgroup meeting may be conducted in part or whole through electronic methods.

27 (4) To provide a report to the house and senate, on or before January 1, 2017, with
28 recommendations for establishing guidelines and regulations for systems that give patients
29 electronic access to their claims information, particularly to information regarding their obligations
30 to pay for received medical services, pursuant to 45 C.F.R. § 164.524.

31 (5) No provision of this subsection (h) shall preclude the ongoing work of the office of
32 health insurance commissioner's administrative simplification task force, which includes meetings
33 with key stakeholders in order to improve, and provide recommendations regarding, the prior
34 authorization process.

1 (i) To issue an anti-cancer medication report. Not later than June 30, 2014, and annually
2 thereafter, the office of the health insurance commissioner (OHIC) shall provide the senate
3 committee on health and human services, and the house committee on corporations, with: (1)
4 Information on the availability in the commercial market of coverage for anti-cancer medication
5 options; (2) For the state employee's health benefit plan, the costs of various cancer-treatment
6 options; (3) The changes in drug prices over the prior thirty-six (36) months; and (4) Member
7 utilization and cost-sharing expense.

8 (j) To monitor the adequacy of each health plan's compliance with the provisions of the
9 federal Mental Health Parity Act, including a review of related claims processing and
10 reimbursement procedures. Findings, recommendations, and assessments shall be made available
11 to the public.

12 (k) To monitor the transition from fee-for-service and toward global and other alternative
13 payment methodologies for the payment for healthcare services. Alternative payment
14 methodologies should be assessed for their likelihood to promote access to affordable health
15 insurance, health outcomes, and performance.

16 (l) To report annually, no later than July 1, 2014, then biannually thereafter, on hospital
17 payment variation, including findings and recommendations, subject to available resources.

18 (m) Notwithstanding any provision of the general or public laws or regulation to the
19 contrary, provide a report with findings and recommendations to the president of the senate and the
20 speaker of the house, on or before April 1, 2014, including, but not limited to, the following
21 information:

22 (1) The impact of the current, mandated healthcare benefits as defined in §§ 27-18-48.1,
23 27-18-60, 27-18-62, 27-18-64, similar provisions in chapters 19, 20, and 41 of title 27, and §§ 27-
24 18-3(c), 27-38.2-1 et seq., or others as determined by the commissioner, on the cost of health
25 insurance for fully insured employers, subject to available resources;

26 (2) Current provider and insurer mandates that are unnecessary and/or duplicative due to
27 the existing standards of care and/or delivery of services in the healthcare system;

28 (3) A state-by-state comparison of health insurance mandates and the extent to which
29 Rhode Island mandates exceed other states benefits; and

30 (4) Recommendations for amendments to existing mandated benefits based on the findings
31 in subsections (m)(1), (m)(2), and (m)(3) above.

32 (n) On or before July 1, 2014, the office of the health insurance commissioner, in
33 collaboration with the director of health and lieutenant governor's office, shall submit a report to
34 the general assembly and the governor to inform the design of accountable care organizations

1 (ACOs) in Rhode Island as unique structures for comprehensive healthcare delivery and value-
2 based payment arrangements, that shall include, but not be limited to:

- 3 (1) Utilization review;
- 4 (2) Contracting; and
- 5 (3) Licensing and regulation.

6 (o) On or before February 3, 2015, the office of the health insurance commissioner shall
7 submit a report to the general assembly and the governor that describes, analyzes, and proposes
8 recommendations to improve compliance of insurers with the provisions of § 27-18-76 with regard
9 to patients with mental health and substance use disorders.

10 (p) To work to ensure the health insurance coverage of behavioral health care under the
11 same terms and conditions as other health care, and to integrate behavioral health parity
12 requirements into the office of the health insurance commissioner insurance oversight and
13 healthcare transformation efforts.

14 (q) To work with other state agencies to seek delivery system improvements that enhance
15 access to a continuum of mental health and substance use disorder treatment in the state; and
16 integrate that treatment with primary and other medical care to the fullest extent possible.

17 (r) To direct insurers toward policies and practices that address the behavioral health needs
18 of the public and greater integration of physical and behavioral healthcare delivery.

19 (s) The office of the health insurance commissioner shall conduct an analysis of the impact
20 of the provisions of § 27-38.2-1(i) on health insurance premiums and access in Rhode Island and
21 submit a report of its findings to the general assembly on or before June 1, 2023.

22 (t) To undertake the analyses, reports, and studies contained in this section:

23 (1) The office shall hire the necessary staff and prepare a request for proposal for a qualified
24 and competent firm or firms to undertake the following analyses, reports, and studies:

25 (i) The firm shall undertake a comprehensive review of all social and human service
26 programs having a contract with or licensed by the state or any subdivision of the department of
27 children, youth and families (DCYF), the department of behavioral healthcare, developmental
28 disabilities and hospitals (BHDDH), the department of human services (DHS), the department of
29 health (DOH), and Medicaid for the purposes of:

30 (A) Establishing a baseline of the eligibility factors for receiving services;

31 (B) Establishing a baseline of the service offering through each agency for those
32 determined eligible;

33 (C) Establishing a baseline understanding of reimbursement rates for all social and human
34 service programs including rates currently being paid, the date of the last increase, and a proposed

1 model that the state may use to conduct future studies and analyses;

2 (D) Ensuring accurate and adequate reimbursement to social and human service providers
3 that facilitate the availability of high-quality services to individuals receiving home and
4 community-based long-term services and supports provided by social and human service providers;

5 (E) Ensuring the general assembly is provided accurate financial projections on social and
6 human service program costs, demand for services, and workforce needs to ensure access to entitled
7 beneficiaries and services;

8 (F) Establishing a baseline and determining the relationship between state government and
9 the provider network including functions, responsibilities, and duties;

10 (G) Determining a set of measures and accountability standards to be used by EOHHS and
11 the general assembly to measure the outcomes of the provision of services including budgetary
12 reporting requirements, transparency portals, and other methods; and

13 (H) Reporting the findings of human services analyses and reports to the speaker of the
14 house, senate president, chairs of the house and senate finance committees, chairs of the house and
15 senate health and human services committees, and the governor.

16 (2) The analyses, reports, and studies required pursuant to this section shall be
17 accomplished and published as follows and shall provide:

18 (i) An assessment and detailed reporting on all social and human service program rates to
19 be completed by January 1, 2023, including rates currently being paid and the date of the last
20 increase;

21 (ii) An assessment and detailed reporting on eligibility standards and processes of all
22 mandatory and discretionary social and human service programs to be completed by January 1,
23 2023;

24 (iii) An assessment and detailed reporting on utilization trends from the period of January
25 1, 2017, through December 31, 2021, for social and human service programs to be completed by
26 January 1, 2023;

27 (iv) An assessment and detailed reporting on the structure of the state government as it
28 relates to the provision of services by social and human service providers including eligibility and
29 functions of the provider network to be completed by January 1, 2023;

30 (v) An assessment and detailed reporting on accountability standards for services for social
31 and human service programs to be completed by January 1, 2023;

32 (vi) An assessment and detailed reporting by April 1, 2023, on all professional licensed
33 and unlicensed personnel requirements for established rates for social and human service programs
34 pursuant to a contract or established fee schedule;

1 (vii) An assessment and reporting on access to social and human service programs, to
2 include any wait lists and length of time on wait lists, in each service category by April 1, 2023;

3 (viii) An assessment and reporting of national and regional Medicaid rates in comparison
4 to Rhode Island social and human service provider rates by April 1, 2023;

5 (ix) An assessment and reporting on usual and customary rates paid by private insurers and
6 private pay for similar social and human service providers, both nationally and regionally, by April
7 1, 2023;

8 (x) Completion of the development of an assessment and review process that includes the
9 following components: eligibility; scope of services; relationship of social and human service
10 provider and the state; national and regional rate comparisons and accountability standards that
11 result in recommended rate adjustments; and this process shall be completed by September 1, 2023,
12 and conducted biennially hereafter. The biennial rate setting shall be consistent with payment
13 requirements established in section 1902(a)(30)(A) of the Social Security Act, 42 U.S.C. §
14 1396a(a)(30)(A), and all federal and state law, regulations, and quality and safety standards. The
15 results and findings of this process shall be transparent, and public meetings shall be conducted to
16 allow providers, recipients, and other interested parties an opportunity to ask questions and provide
17 comment beginning in September 2023 and biennially thereafter; and

18 (xi) On or before September 1, 2026, the office shall publish and submit to the general
19 assembly and the governor a one-time report making and justifying recommendations for
20 adjustments to primary care services reimbursement and financing. The report shall include
21 consideration of Medicaid, Medicare, commercial, and alternative contracted payments.

22 (3) In fulfillment of the responsibilities defined in subsection (t), the office of the health
23 insurance commissioner shall consult with the Executive Office of Health and Human Services.

24 (u) Annually, each department (namely, EOHHS, DCYF, DOH, DHS, and BHDDH) shall
25 include the corresponding components of the assessment and review (i.e., eligibility; scope of
26 services; relationship of social and human service provider and the state; and national and regional
27 rate comparisons and accountability standards including any changes or substantive issues between
28 biennial reviews) including the recommended rates from the most recent assessment and review
29 with their annual budget submission to the office of management and budget and provide a detailed
30 explanation and impact statement if any rate variances exist between submitted recommended
31 budget and the corresponding recommended rate from the most recent assessment and review
32 process starting October 1, 2023, and biennially thereafter.

33 (v) The general assembly shall appropriate adequate funding as it deems necessary to
34 undertake the analyses, reports, and studies contained in this section relating to the powers and

1 duties of the office of the health insurance commissioner.

2 (w) The office of the health insurance commissioner shall:

3 (1) Ensure that insurers minimize administrative burdens that may delay medically
4 necessary care, by promulgating rules and regulations and taking enforcement actions to implement
5 § 27-18.9-16; ~~and~~.

6 (2) Convene the payor/provider workgroup described in subsection (h) of this section, or a
7 similar taskforce, comprised of members with relevant experience and expertise, to serve as a
8 standing advisory steering committee (“committee”) to review and make recommendations
9 regarding:

10 (i) The continuous improvement and simplification of the prior authorization processes for
11 medical services and prescription drugs;

12 (ii) The facilitation of communication and collaboration related to volume reduction;

13 (iii) The establishment of a tracking method to improve the collection of baseline data from
14 commercial health insurers that does not create an administrative burden;

15 (iv) The assessment of prior authorizations that have been approved, those that have been
16 approved with modifications, and the utilization of MRI services in the emergency department; and

17 (v) The assessment of improvements to the access of primary care services and other
18 quality care measures related to the elimination of prior authorizations during this program,
19 including increase in staff availability to perform other office functions; increase in patient
20 appointments; and reduction in care delay.

21 (3) Submit such recommendations of the committee with a rationale, to the governor’s
22 office, speaker of the house of representatives, and the president of the senate, prior to the
23 implementation of any such recommendations and subsequently shall submit a full report to the
24 general assembly by July 1 of each year of the pilot program.

25 SECTION 25. Section 42-128-8.1 of the General Laws in Chapter 42-128 entitled "Rhode
26 Island Housing Resources Act of 1998" is hereby amended to read as follows:

27 **42-128-8.1. Housing production and rehabilitation.**

28 (a) **Short title.** This section shall be known and may be cited as the “Comprehensive
29 Housing Production and Rehabilitation Act of 2004.”

30 (b) **Findings.** The general assembly finds and declares that:

31 (1) The state must maintain a comprehensive housing strategy applicable to all cities and
32 towns that addresses the housing needs of different populations including, but not limited to,
33 workers and their families who earn less than one hundred twenty percent (120%) of median
34 income, older citizens, students attending institutions of higher education, low- and very-low

1 income individuals and families, and vulnerable populations including, but not limited to, persons
2 with disabilities, homeless individuals and families, and individuals released from correctional
3 institutions.

4 (2) Efforts and programs to increase the production of housing must be sensitive to the
5 distinctive characteristics of cities and towns, neighborhoods, and areas and the need to manage
6 growth and to pace and phase development, especially in high-growth areas.

7 (3) The state in partnership with local communities must remove barriers to housing
8 development and update and maintain zoning and building regulations to facilitate the construction,
9 rehabilitation of properties and retrofitting of buildings for use as safe affordable housing.

10 (4) Creative funding mechanisms are needed at the local and state levels that provide
11 additional resources for housing development, because there is an inadequate amount of federal
12 and state subsidies to support the affordable housing needs of Rhode Island's current and projected
13 population.

14 (5) Innovative community planning tools, including, but not limited to, density bonuses
15 and permitted accessory dwelling units, are needed to offset escalating land costs and project
16 financing costs that contribute to the overall cost of housing and tend to restrict the development
17 and preservation of housing affordable to very-low income, low-income, and moderate-income
18 persons.

19 (6) The gap between the annual increase in personal income and the annual increase in the
20 median sales price of a single-family home is growing, therefore, the construction, rehabilitation
21 and maintenance of affordable, multi-family housing needs to increase to provide more rental
22 housing options to individuals and families, especially those who are unable to afford
23 homeownership of a single-family home.

24 (7) The state needs to foster the formation of cooperative partnerships between
25 communities and institutions of higher education to significantly increase the amount of residential
26 housing options for students.

27 (8) The production of housing for older citizens as well as urban populations must keep
28 pace with the next twenty-year (20) projected increases in those populations of the state.

29 (9) Efforts must be made to balance the needs of Rhode Island residents with the ability of
30 the residents of surrounding states to enter into Rhode Island's housing market with much higher
31 annual incomes at their disposal.

32 (c) **Strategic plan.** The executive office of housing, in conjunction with the statewide
33 planning program, shall develop every five (5) years, a five-year (5) strategic plan for housing,
34 which plan shall be adopted as an element of the state guide plan, and which shall include quantified

1 goals, measurable intermediate steps toward the accomplishment of the goals, implementation
2 activities, and standards for the production and/or rehabilitation of year-round housing to meet the
3 housing needs including, but not limited to, the following:

4 (1) Older Rhode Islanders, including senior citizens, appropriate, affordable housing
5 options;

6 (2) Workers, housing affordable at their income level;

7 (3) Students, dormitory, student housing and other residential options;

8 (4) Low-income and very-low income households, rental housing;

9 (5) Persons with disabilities, appropriate housing; and

10 (6) Vulnerable individuals and families, permanent housing, single-room occupancy units,
11 transitional housing and shelters.

12 (d) As used in this section and for the purposes of the preparation of affordable housing
13 plans as specified in chapter 22.2 of title 45, words and terms shall have the meaning set forth in
14 chapter 22.2 of title 45, chapter 53 of title 45, and/or § 42-11-10, unless this section provides a
15 different meaning or unless the context indicates a different meaning or intent.

16 (1) "Affordable housing" means residential housing that has a sales price or rental amount
17 that is within the means of a household that is of moderate income or less. In the case of dwelling
18 units for sale, housing that is affordable means housing in which principal, interest, taxes, which
19 may be adjusted by state and local programs for property tax relief, and insurance constitute no
20 more than thirty percent (30%) of the gross household income for a household with less than one
21 hundred and twenty percent (120%) of area median income, adjusted for family size. Provided,
22 however, that exclusively for the residents of New Shoreham, their affordable housing eligibility
23 standards shall include households whose adjusted gross income is less than one hundred forty
24 percent (140%) of their residents' median income, adjusted for family size. In the case of dwelling
25 units for rent, housing that is affordable means housing for which the rent, heat, and utilities other
26 than telephone constitute no more than thirty percent (30%) of the gross annual household income
27 for a household with eighty percent (80%) or less of area median income, adjusted for family size.

28 (i) Affordable housing shall include all types of year-round housing, including, but not
29 limited to: manufactured housing; housing originally constructed for workers and their families;
30 accessory dwelling units; housing utilizing rental vouchers and/or tenant-based certificates under
31 Section 8 of the United States Housing Act of 1937, as amended; and assisted living housing, where
32 the sales or rental amount of such housing, adjusted for any federal, state, or municipal government
33 subsidy, is less than or equal to thirty percent (30%) of the gross household income of the low
34 and/or moderate income occupants of the housing.

1 (ii) Mobile and manufactured homes shall be included as affordable housing if such home
2 constitutes a primary residence of the occupant or occupants; and such home is located within a
3 community owned by the residents or the land containing the home is owned by the occupant or
4 occupants; and such home was constructed after June 15, 1976; and such home complies with the
5 Manufactured Home Construction and Safety Standards of the United States Department of
6 Housing and Urban Development.

7 (iii) In that New Shoreham has reached its ten percent (10%) low- and moderate-income
8 housing goal, and for so long as they maintain at least ten percent (10%) of their year-round housing
9 stock as low- and moderate-income housing as defined in § 45-53-3(5)(ii), and inasmuch as there
10 are provable economic impacts related to the municipalities' substantial offshore location,
11 residential housing units produced for sale in which principal, interest, taxes, which may be
12 adjusted by state and local programs for property tax relief, and insurance constitute no more than
13 thirty percent (30%) of the gross household income for a household with less than one hundred
14 forty percent (140%) of the area median income, adjusted for family size, shall be counted towards
15 the municipalities' low-and moderate-income housing inventory as defined in § 45-53-3(9).

16 (2) "Affordable housing plan" means a plan prepared and adopted by a town or city either
17 to meet the requirements of chapter 53 of title 45 or to meet the requirements of § 45-22.2-10(f),
18 which require that comprehensive plans and the elements thereof be revised to conform with
19 amendments to the state guide plan.

20 (3) "Approved affordable housing plan" means an affordable housing plan that has been
21 reviewed and approved in accordance with § 45-22.2-9.

22 (4) "Moderate-income household" means a single person, family, or unrelated persons
23 living together whose adjusted gross income is more than eighty percent (80%) but less than one
24 hundred twenty percent (120%) of the area median income, adjusted for family size.

25 (5) "Seasonal housing" means housing that is intended to be occupied during limited
26 portions of the year.

27 (6) "Year-round housing" means housing that is intended to be occupied by people as their
28 usual residence and/or vacant units that are intended by their owner for occupancy at all times of
29 the year; occupied rooms or suites of rooms in hotels are year-round housing only when occupied
30 by permanent residents as their usual place of residence.

31 (e) The strategic plan shall be updated and/or amended as necessary, but not less than once
32 every five (5) years.

33 (f) Upon the adoption of the strategic plan as an element of the state guide plan, towns and
34 cities shall bring their comprehensive plans into conformity with its requirements, in accordance

1 with the timetable set forth in § 45-22.2-10(f); provided, however, that any town that has adopted
2 an affordable housing plan in order to comply with the provisions of chapter 53 of title 45, which
3 has been approved for consistency pursuant to § 45-22.2-9, shall be deemed to satisfy the
4 requirements of the strategic plan for low- and moderate-income housing until such time as the
5 town must complete its next required comprehensive community plan update.

6 (g) **Guidelines.** The executive office of housing shall advise the state planning council and
7 the state planning council, with the approval of the secretary of housing, shall promulgate and adopt
8 no less than every five (5) years, guidelines for higher density development, including, but not
9 limited to: (1) Inclusionary zoning provisions for low- and moderate-income housing with
10 appropriate density bonuses and other subsidies that make the development financially feasible;
11 and (2) Mixed-use development that includes residential development, which guidelines shall take
12 into account infrastructure availability; soil type and land capacity; environmental protection; water
13 supply protection; and agricultural, open space, historical preservation, and community
14 development pattern constraints.

15 (h) The statewide planning program shall maintain a geographic information system map
16 that identifies, to the extent feasible, areas throughout the state suitable for higher density
17 residential development consistent with the guidelines adopted pursuant to subsection (g).

18 (i) Notwithstanding subsection (d)(1) of this section, the secretary of housing is authorized
19 to develop a four-year (4) pilot program sunsetting on December 31, 2029, to explore alternative
20 underwriting criteria to aid in the development of affordable dwelling units for sale to moderate-
21 income households. Alternative underwriting criteria shall be limited to no more than thirty-eight
22 percent (38%) of gross household income. For the purpose of this section, moderate-income
23 households are defined as households earning between one hundred percent (100%) and one
24 hundred twenty percent (120%) area median income, adjusted for Metropolitan Statistical Area
25 (MSA) and household size. Any dwelling unit for sale developed under the pilot program and
26 otherwise meeting the requirements of the definition of low- or moderate-income housing in § 45-
27 53-3 shall be eligible as low- and moderate-income housing. As part of the annual integrated
28 housing report, as defined in § ~~42-64.34-1(iv)~~ [42-167-4\(4\)](#), the secretary of housing shall provide
29 updates on the status of the pilot program and any related outcomes.

30 SECTION 26. Section 42-167.1-2 of the General Laws in Chapter 42-167.1 entitled
31 "Interagency Council on Homelessness" is hereby amended to read as follows:

32 **42-167.1-2. Establishment of council.**

33 (a) There is hereby created a permanent council to be called the "Interagency Council on
34 Homelessness" consisting of seventeen (17) members:

- 1 (1) One of whom shall be the secretary of housing, or the secretary's designee, who shall
2 chair the council;
- 3 (2) One of whom shall be the director of the department of human services, or the director's
4 designee;
- 5 (3) One of whom shall be the director of the department of health, or the director's
6 designee;
- 7 (4) One of whom shall be the director of the department of children, youth and families, or
8 the director's designee;
- 9 (5) One of whom shall be the director of the office of healthy aging, or the director's
10 designee;
- 11 (6) One of whom shall be the director of behavioral healthcare, developmental disabilities
12 and hospitals, or the director's designee;
- 13 (7) One of whom shall be director of the department of labor and training, or the director's
14 designee;
- 15 (8) One of whom shall be the director of the department of corrections, or the director's
16 designee;
- 17 (9) One of whom shall be the commissioner of the department of elementary and secondary
18 education, or the commissioner's designee;
- 19 (10) One of whom shall be the executive director of the Rhode Island housing and
20 mortgage finance corporation, or the director's designee;
- 21 (11) One of whom shall be the director of the emergency management agency, or the
22 director's designee;
- 23 (12) One of whom shall be a representative from the office of veterans services, or their
24 designee;
- 25 (13) One of whom shall be the public defender, or the public defender's designee;
- 26 (14) One of whom shall be the Medicaid director within the executive office of health and
27 human services, or the director's designee;
- 28 (15) One of whom shall be the secretary of the executive office of health and human
29 services, or the secretary's designee;
- 30 (16) One of whom shall be the chair of the continuum of care created pursuant to Part 578
31 of Subchapter C of Chapter V of Subtitle B of Title 24 of the Code of Federal Regulations, or the
32 chair's designee; and
- 33 (17) One of whom shall be the lieutenant governor, or the lieutenant governor's designee.
- 34 (b) Forthwith upon the effective date of this chapter [June 29, 2025], the members of the

1 council shall meet at the call of the chair and organize. Vacancies in the council shall be filled in
2 like manner as the original appointment. A majority of seats filled shall constitute a quorum.

3 (c) The executive office of housing is hereby directed to provide administrative support for
4 the council.

5 (d) All departments and agencies of the state shall furnish advice and information,
6 documentary, and otherwise to the council and its agents as is deemed necessary or desirable by
7 the council to facilitate the purposes of this chapter.

8 SECTION 27. Section 42-167.2-1 of the General Laws in Chapter 42-167.2 entitled
9 "Interagency Council on Housing Production and Preservation" is hereby amended to read as
10 follows:

11 **42-167.2-1. Establishment of the interagency council on housing production and**
12 **preservation.**

13 (a) There is hereby created a permanent council to be called the "Interagency Council on
14 Housing Production and Preservation" consisting of twelve (12) members:

15 (1) One of whom shall be the executive director of the Rhode Island housing and mortgage
16 finance corporation, or the director's designee;

17 (2) One of whom shall be the director of the department of business regulation, or the
18 director's designee;

19 (3) One of whom shall be the director of the department of environmental management, or
20 the director's designee;

21 (4) One of whom shall be the secretary of the executive office of commerce, or the
22 secretary's designee;

23 (5) One of whom shall be the director of the department of labor and training, or the
24 director's designee;

25 (6) One of whom shall be the director of the department of health, or the director's
26 designee;

27 (7) One of whom shall be the director of the office of healthy aging; or the director's
28 designee;

29 (8) One of whom shall be the director of the office of veterans services, or the director's
30 designee;

31 (9) One of whom shall be the director of the department of behavioral healthcare,
32 developmental disabilities and hospitals, or the director's designee;

33 (10) One of whom shall be the executive director of the Rhode Island infrastructure bank,
34 or the executive director's designee;

1 (11) One of whom shall be the director of the department of administration, or the director's
2 designee; and

3 (12) One of whom shall be the secretary of the executive office of housing, or the
4 secretary's designee, who shall be the chair of the council.

5 (b) The council may invite additional entities to participate as necessary in meetings in a
6 non-voting capacity, including but not limited to:

7 (1) The public finance management board;

8 (2) The historical preservation and heritage commission; and

9 (3) The office of postsecondary commissioner.

10 (c) The executive office of housing will provide administrative support to the council.

11 SECTION 28. Sections 44-5-16, 44-5-26 and 44-5-30 of the General Laws in Chapter 44-
12 5 entitled "Levy and Assessment of Local Taxes" are hereby amended to read as follows:

13 **44-5-16. Oath to account brought in — Remedies after failure to bring in account —**
14 **Effect on proration.**

15 (a) Every person bringing in any account shall make oath before some notary public or
16 other person authorized to administer oaths in the place where the oath is administered that the
17 account by that person exhibited contains, to the best of their knowledge and belief, a true and full
18 account and valuation of all the tangible personal property owned or possessed by them; and
19 whoever neglects or refuses to bring in the account, if overtaxed, shall have no remedy therefor,
20 except as provided in §§ 44-4-14, 44-4-15, 44-5-26 — [44-5-30](#), 44-5-31 [\[Repealed\]](#), and 44-9-19
21 — 44-9-24. In case a taxpayer is, because of illness or absence from the state, unable to make the
22 required oath to their account within the time prescribed by law, the taxpayer may, in writing,
23 appoint an agent to make oath to their account within the time prescribed by the assessors, and the
24 agent shall at the time of making the oath append their written appointment to the account, and for
25 all purposes in connection with the account the taxpayer is deemed to have personally made the
26 oath.

27 (b) No taxpayer shall be denied a right of review by means of the procedure described in
28 this chapter of any assessment on their tangible personal property by reason of any claimed
29 inadequacies, inaccuracies, or omissions in their listing of tangible personal property.

30 (c) Notwithstanding § 44-4-24, tangible personal property introduced into or removed from
31 any town or city during a calendar year shall be assessed as though the property was situated in the
32 city or town for the entire calendar year unless the taxpayer has filed an account as provided in this
33 section specifying the date on which the property was introduced or removed.

34 (d) Each city or town having a year of taxable ownership that measures length of ownership

1 over the calendar year beginning immediately after the date of assessment shall adjust its year of
2 taxable ownership so that it has a year of taxable ownership that measures length of ownership over
3 the calendar year ending on the date of assessment.

4 **44-5-26. Petition in superior court for relief from assessment.**

5 (a) Any person aggrieved on any ground whatsoever by any assessment of taxes against
6 him or her in any city or town, or any tenant or group of tenants, of real estate paying rent therefrom,
7 and under obligation to pay more than one-half ($\frac{1}{2}$) of the taxes thereon, may, on or before
8 November 15 of each year, but not less than ninety (90) days after the first tax payment is due, file
9 an appeal in the local office of tax assessment; provided, if the person to whom a tax on real estate
10 is assessed chooses to file an appeal, the appeal filed by a tenant or group of tenants will be void.
11 For the purposes of this section, the tenant(s) has the burden of proving financial responsibility to
12 pay more than one-half ($\frac{1}{2}$) of the taxes. The assessor has until December 31 of that year to review
13 appeals, render decisions, and notify taxpayers of the decisions. The taxpayer, if still aggrieved,
14 after the decision by the tax assessor, or in the event that the assessor does not render a decision by
15 December 31, but not less than forty-five (45) days after the appeal was filed, may appeal to the
16 local tax board of review; provided; however, appeals to the local tax board of review are to be
17 filed not more than thirty (30) days after the assessor renders a decision and notifies the taxpayer
18 thereof, or if the assessor does not render a decision by December 31, not later than January 31 of
19 the next year. The local tax board of review shall, within ninety (90) days of the filing of the appeal,
20 hear the appeal and render a decision within forty-five (45) days of the date of the close of the
21 hearing.

22 (b) Appeals to the local office of tax assessment are to be on an application form which has
23 been approved by the department of revenue in consultation with the Rhode Island League of Cities
24 and Towns. In the event of an appeal to the local tax board of review, the taxpayer or the local
25 office of tax assessment at the request by the taxpayer, shall forward the application form to the
26 local tax board of review within the time period set forth in this section.

27 (c) Said application must include:

28 (1) The applicant's opinion of value, fair market value, class, and assessed value of said
29 property as of December 31 of the year of the last update or revaluation for real estate and as of
30 December 31 of the tax year for tangible personal property; and

31 (2) For income-producing residential real estate of six (6) units or more, and commercial,
32 industrial, or mixed-use real estate, fifty percent (50%) or more of which real estate was leased, or
33 was available to be leased, in an arm's length transaction during the prior year, a statement of rental
34 income and related expenses, if any, for said real estate. Said statement of income and expenses

1 shall cover the most recent twelve-month (12) period preceding said December 31 date; provided,
2 however, if such a statement of income and expenses is not yet available for said most recent
3 twelve-month (12) period, the statement of income and expenses covering the next most recent
4 twelve-month (12) period preceding said December ~~1~~ 31 date shall be provided.

5 (d) Said application form shall provide that the applicant may file a single appeal for
6 multiple parcels of real estate if such parcels are contiguous and used as an aggregate site.

7 (e) Said application form shall also notify applicants that any global extension granted
8 pursuant to subsection (h) of this section will be posted on the department of revenue, division of
9 municipal finance website.

10 (f) Failure to provide such statement of income and expenses shall be grounds for denial
11 of the appeal and such taxpayer shall not have the right to petition for relief in the superior court.

12 (g) If a person has not filed a required account for tangible personal property, or filed an
13 appeal first with the local office of tax assessment and then the local tax board of review, that
14 person shall not have the benefit of the remedy provided in this section and/or in §§ 44-5-27 — ~~44-~~
15 ~~5-30~~, 44-5-31 ~~[Repealed]~~, unless the tax assessed is illegal in whole or in part; and that person's
16 remedy is limited to a review of the assessment with respect to the illegal tax.

17 (h) The assessor for any city or town may request and receive from the director of the
18 department of revenue one or more ninety-day (90) global extensions of time (i.e., extensions which
19 include all such appeals pending before the local tax board of review) to the December 31 date
20 referenced in subsection (a) of this section. All such extensions shall be in writing and posted on
21 the department of revenue, division of municipal finance website.

22 (i) In the event that the local tax board of review does not hear a matter within ninety (90)
23 days of the filing of the appeal or, after the close of the hearing does not render a written decision
24 within forty-five (45) days of the date of the close of the hearing and there is no global extension
25 in effect, the city or town may request and receive from the director of the department of revenue
26 one or more extensions of time to either hear the matter and/or render a decision. The local board
27 of review shall notify the taxpayer in the event the director of the department of revenue grants a
28 city or town's request for an extension to hear the taxpayer's appeal and/or render a decision
29 thereon. Nothing herein shall prevent the local tax board of review and the taxpayer from mutually
30 agreeing to an extension of time for the matter to be heard and/or decision rendered.

31 (j) Any person still aggrieved on any ground whatsoever by an assessment of taxes against
32 him or her in any city or town may file, within thirty (30) days of the tax board of review's written
33 decision and notice thereof, or in the event that the board has neither held a hearing nor issued a
34 decision within the above referenced time frames and has not sought and received an extension of

1 time from the director of the department of revenue to do so, a petition in a superior court for the
2 county in which the city or town lies for relief from the assessment. The assessor of taxes of the
3 city or town in office at the time the petition is filed shall be named as a respondent in said action.

4 (k) The petition and accompanying summons/citation shall be served upon the assessors in
5 the manner set forth in rule 4 of the Rhode Island superior court rules of civil procedure governing
6 service of process.

7 (l) A plaintiff may amend a petition filed in the superior court seeking relief from a tax
8 assessment so as to include an appeal of the assessment of the same real estate for tax years
9 subsequent to the tax year which is the subject of said petition but prior to the tax year covered by
10 the next revaluation, statistical revaluation or update. Such amendment must be filed on or before
11 November 15 of the tax year for which the relief is being sought. Said taxpayer shall not be required
12 to first file an appeal with either the local tax assessor or local tax board for such tax years prior to
13 amending said petition.

14 (m) A petitioner may file a single petition for multiple parcels of real estate if those parcels
15 are contiguous and used as an aggregate site.

16 **44-5-30. Judgment on petition.**

17 (a) ~~On~~ If on the trial of the petition, either with or without a jury, it appears that the
18 taxpayer's real estate, tangible personal property, or intangible personal property has been assessed
19 in excess of the provisions of § 44-5-12 or if it appears that the tax assessed is illegal in whole or
20 in part, the court shall give judgment that the sum by which the taxpayer has been so overtaxed, or
21 illegally taxed, with their costs, be deducted from their tax; but if the taxpayer's tax be paid, whether
22 before or after the filing of the petition, then the court shall give judgment for the petitioner for the
23 sum by which the petitioner has been so overtaxed, or illegally taxed, plus the amount of any
24 penalty paid on the tax, with interest from the date on which the tax and penalty were paid and
25 costs, which judgment shall be paid to the petitioner by the city or town treasurer out of the treasury.

26 (b) If, however, on the trial of the petition related to tangible personal property and/or real
27 estate, either with or without a jury, it appears that as it relates to tangible personal property the
28 taxpayer has failed to file a required account or has fraudulently concealed or omitted any
29 information from their account, or if it appears that the assessors have not assessed either the
30 taxpayer's tangible personal property or real estate at a value in excess of the provisions of § 44-5-
31 12, and that the taxpayer has not been illegally taxed, the assessors shall have judgment and
32 execution for their costs.

33 SECTION 29. Section 46-23-6 of the General Laws in Chapter 46-23 entitled "Coastal
34 Resources Management Council" is hereby amended to read as follows:

1 **46-23-6. Powers and duties — Rights-of-way.**

2 In order to properly manage coastal resources the council has the following powers and
3 duties:

4 **(1) Planning and management.**

5 (i) The primary responsibility of the council shall be the continuing planning for and
6 management of the resources of the state's coastal region. The council shall be able to make any
7 studies of conditions, activities, or problems of the state's coastal region needed to carry out its
8 responsibilities.

9 (ii) The resources management process shall include the following basic phases:

10 (A) Identify all of the state's coastal resources, water, submerged land, air space, fin fish,
11 shellfish, minerals, physiographic features, and so forth.

12 (B) Evaluate these resources in terms of their quantity, quality, capability for use, and other
13 key characteristics.

14 (C) Determine the current and potential uses of each resource.

15 (D) Determine the current and potential problems of each resource.

16 (E) Formulate plans and programs for the management of each resource, identifying
17 permitted uses, locations, protection measures, and so forth.

18 (F) Carry out these resources management programs through implementing authority and
19 coordination of state, federal, local, and private activities.

20 (G) Formulation of standards where these do not exist, and reevaluation of existing
21 standards.

22 (H) To develop comprehensive programs for dredging in tidal waters and related beneficial
23 use, disposal, monitoring dewatering and transportation of dredge materials.

24 (I) To accept and administer loans and grants from the federal government and from other
25 sources, public or private, for the carrying out of any of its functions, which loans or grants shall
26 not be expended for other than the purposes for which provided.

27 (J) To encourage, participate in, or conduct studies, investigations, research, and
28 demonstrations relating to dredging, disposal of dredge materials and transportation thereof in the
29 tidal waters of the state as the coastal resources management council may deem advisable and
30 necessary for the discharge of its duties under this chapter.

31 (K) To collect and disseminate information relating to dredging, disposal of dredge
32 materials and transportation thereof within the tidal waters of the state.

33 (L) To work with the appropriate federal and state agencies to develop as provided for in
34 this chapter and in chapter 6.1 of this title, a comprehensive plan for dredging in tidal waters and

1 related beneficial use, disposal, monitoring dewatering and transportation of dredge materials.

2 (M) To apply for, accept and expend grants and bequests of funds, for the purpose of
3 carrying out the lawful responsibilities of the coastal resources management council.

4 (iii) An initial series of resources management activities shall be initiated through this basic
5 process, then each phase shall continuously be recycled and used to modify the council's resources
6 management programs and keep them current.

7 (iv) Planning and management programs shall be formulated in terms of the characteristics
8 and needs of each resource or group of related resources. However, all plans and programs shall be
9 developed around basic standards and criteria, including:

10 (A) The need and demand for various activities and their impact upon ecological systems.

11 (B) The degree of compatibility of various activities.

12 (C) The capability of coastal resources to support various activities.

13 (D) Water quality standards set by the director of the department of environmental
14 management.

15 (E) Consideration of plans, studies, surveys, inventories, and so forth prepared by other
16 public and private sources.

17 (F) Consideration of contiguous land uses and transportation facilities.

18 (G) Whenever possible consistency with the state guide plan.

19 (v) The council shall prepare, adopt, administer, and cause to be implemented, including
20 specifically through its powers of coordination as set forth in subdivision (3) of this section, a
21 marine resources development plan and such special area management plans as the council may
22 determine to be appropriate or desirable as follows:

23 (A) *Marine resources development plan.*

24 (I) The purpose of the marine resources development plan shall be to provide an integrated
25 strategy for: (a) improving the health and functionality of Rhode Island's marine ecosystem; (b)
26 providing for appropriate marine-related economic development; and (c) promoting the use and
27 enjoyment of Rhode Island's marine resources by the people of the state.

28 (II) The marine resources development plan shall include specific goals and objectives
29 necessary to accomplish its purposes, performance measures to determine progress toward
30 achieving such goals and objectives, and an implementation program.

31 (III) The marine resources development plan shall be prepared in cooperation with the
32 department of environmental management, the statewide planning program, and the commerce
33 corporation, with the involvement of such other state agencies as may be appropriate, and with such
34 technical support as may be necessary and appropriate from the Narragansett Bay Estuary Program,

1 the Coastal Institute at the University of Rhode Island, and Rhode Island Sea Grant.

2 (IV) The plan shall be responsive to the requirements and principles of the federal coastal
3 zone management act as amended, including, but not limited to, the expectations of the act for
4 incorporating the federal Clean Water Act into coastal zone management programs.

5 (V) The marine resources development plan shall take into account local land use
6 management responsibilities as provided for under title 45 and harbor management responsibilities,
7 and the preparation of the plan shall include opportunities for involvement and/or comment by
8 cities and towns.

9 (VI) The marine resources development plan shall be adopted by the council in accordance
10 with the provisions of this subsection by July 1, 2005, shall as appropriate incorporate the
11 recommendations of the Governor's Narragansett Bay and Watershed Planning Commission, and
12 shall be made consistent with systems level plans as appropriate, in order to effectuate the purposes
13 of systems level planning. The council shall update the marine resources development plan at least
14 once every five (5) years.

15 (VII) The council shall administer its programs, regulations, and implementation activities
16 in a manner consistent with the marine resources development plan.

17 (VIII) The marine resources development plan and any updates thereto shall be adopted as
18 appropriate as elements of the state guide plan pursuant to § 42-11-10.

19 (B) *Special area management plans.*

20 (I) The council shall adopt such special area management plans as deemed necessary and
21 desirable to provide for the integration and coordination of the protection of natural resources, the
22 promotion of reasonable coastal-dependent economic growth, and the improved protection of life
23 and property in the specific areas designated council as requiring such integrated planning and
24 coordination.

25 (II) The integrated planning and coordination herein specified shall include, but not be
26 limited to, federal agencies, state agencies, boards, commissions, and corporations, including
27 specifically the commerce corporation, and cities and towns, shall utilize to the extent appropriate
28 and feasible the capacities of entities of higher education, including Rhode Island Sea Grant, and
29 shall provide for the participation of advocacy groups, community-based organizations, and private
30 persons.

31 (III) The council shall administer its programs, regulations, and implementation activities
32 in a manner consistent with special area management plans.

33 (IV) Special area management plans and any updates thereto shall be adopted as
34 appropriate as elements of the state guide plan pursuant to § 42-11-10.

1 **(2) Implementation.**

2 (i) The council is authorized to formulate policies and plans and to adopt regulations
3 necessary to implement its various management programs. With respect to such policies and plans
4 which relate to matters where the coastal resources management council and the department of
5 environmental management have concurrent jurisdiction and upon formulation of the plans and
6 regulations, the council shall, prior to adoption, submit the proposed plans or regulations to the
7 director of the department of environmental management for the director's review. The director
8 shall review and submit comments to the council within thirty (30) days of submission to the
9 director by the council. The comments of the director shall include findings with regard to the
10 consistency of the policies, plans and/or regulations with the requirements of laws administered by
11 the department. The council shall consider the director's comments prior to adoption of any such
12 policies, plans or regulations and shall respond in writing to findings of the director with regard to
13 the consistency of said policies, plans and/or regulations with the requirements of laws
14 administered by the department.

15 (ii)(A) The council shall have exclusive jurisdiction below mean high water for all
16 development, operations, and dredging, consistent with the requirements of chapter 6.1 of this title
17 and except as necessary for the department of environmental management to exercise its powers
18 and duties and to fulfill its responsibilities pursuant to §§ 42-17.1-2 and 42-17.1-24, and any
19 person, firm, or governmental agency proposing any development or operation within, above, or
20 beneath the tidal water below the mean high water mark, extending out to the extent of the state's
21 jurisdiction in the territorial sea, shall be required to demonstrate that its proposal would not:

22 (I) Conflict with any resources management plan or program;

23 (II) Make any area unsuitable for any uses or activities to which it is allocated by a
24 resources management plan or program adopted by the council; or

25 (III) Significantly damage the environment of the coastal region.

26 (B) The council shall be authorized to approve, modify, set conditions for, or reject any
27 such proposal.

28 (iii) The authority of the council over land areas (those areas above the mean high water
29 mark) shall be limited to two hundred feet (200') from the coastal physiographic feature or to that
30 necessary to carry out effective resources management programs. This shall be limited to the
31 authority to approve, modify, set conditions for, or reject the design, location, construction,
32 alteration, and operation of specified activities or land uses when these are related to a water area
33 under the agency's jurisdiction, regardless of their actual location. The council's authority over
34 these land uses and activities shall be limited to situations in which there is a reasonable probability

1 of conflict with a plan or program for resources management or damage to the coastal environment.

2 These uses and activities are:

3 (A) Power generating over forty megawatts (40 MW) and desalination plants.

4 (B) Chemical or petroleum processing, transfer, or storage.

5 (C) Minerals extraction.

6 (D) Shoreline protection facilities and physiographical features, and all directly associated
7 contiguous areas which are necessary to preserve the integrity of the facility and/or features.

8 (E) Coastal wetlands and all directly associated contiguous areas which are necessary to
9 preserve the integrity of the wetlands including any freshwater wetlands located in the vicinity of
10 the coast. The actual determination of freshwater wetlands located in coastal vicinities and under
11 the jurisdiction of the coastal resources management council shall be designated on such maps that
12 are agreed to in writing and made available for public use by the coastal resources management
13 council and the director, department of environmental management, within three (3) months of
14 [August 6, 1996]. The CRMC shall have exclusive jurisdiction over the wetlands areas described
15 in this section notwithstanding any provision of chapter 1, title 2 or any other provision, except as
16 provided in subsection [\(2\)](#)(iv) of this section. Within six (6) months of [August 6, 1996] the council
17 in cooperation with the director shall develop rules and regulations for the management and
18 protection of freshwater wetlands, affected by an aquaculture project, outside of those freshwater
19 wetlands located in the vicinity of the coast and under the exclusive jurisdiction of the director of
20 the department of environmental management. For the purpose of this chapter, a “coastal wetland”
21 means any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters
22 reach the littoral areas through natural or artificial watercourses, and those uplands directly
23 associated and contiguous thereto which are necessary to preserve the integrity of that marsh.
24 Marshes shall include those areas upon which grow one or more of the following: smooth cordgrass
25 (*spartina alterniflora*), salt meadow grass (*spartina patens*), spike grass (*distichlis spicata*), black
26 rush (*juncus gerardi*), saltworts (*salicornia* spp.), sea lavender (*limonium carolinianum*), saltmarsh
27 bulrushes (*scirpus* spp.), hightide bush (*iva frutescens*), tall reed (*phragmites communis*), tall
28 cordgrass (*spartina pectinata*), broadleaf cattail (*typha latifolia*), narrowleaf cattail (*typha*
29 *angustifolia*), spike rush (*eleocharis rostellata*), chairmaker’s rush (*scirpus americana*), creeping
30 bentgrass (*agrostis palustris*), sweet grass (*hierochloe odorata*), and wild rye (*etlymus virginicus*).

31 (F) Sewage treatment and disposal and solid waste disposal facilities.

32 (G) Beneficial use, dewatering, and disposal of dredged material of marine origins, where
33 such activities take place within two hundred feet (200') of mean high water or a coastal
34 physiographic feature, or where there is a reasonable probability of conflict with a plan or program

1 for resources management or damage to the coastal environment.

2 (iv) Notwithstanding the provisions of subsections ~~(ii) and (iii)~~ (2)(ii) and (2)(iii) above,
3 the department of environmental management shall maintain jurisdiction over the administration
4 of chapter 1, title 2, including permitting of freshwater wetlands alterations and enforcement, with
5 respect to all agricultural activities undertaken by a farmer, as that term is defined in § 2-1-22(j),
6 wherever located; provided, however, that with respect to activities located partially or completely
7 within two hundred feet (200') of the coastal physiographic feature, the department shall exercise
8 jurisdiction in consultation with the council.

9 (3) **Coordination.** The council has the following coordinating powers and duties:

10 (i) Functioning as a binding arbitrator in any matter of dispute involving both the resources
11 of the state's coastal region and the interests of two (2) or more municipalities or state agencies.

12 (ii) Consulting and coordinating actions with local, state, regional, and federal agencies
13 and private interests.

14 (iii) Conducting or sponsoring coastal research.

15 (iv) Advising the governor, the general assembly, and the public on coastal matters.

16 (v) Serving as the lead state agency and initial and primary point of contact for dredging
17 activities in tidal waters and in that capacity, integrating and coordinating the plans and policies of
18 other state agencies as they pertain to dredging in order to develop comprehensive programs for
19 dredging as required by subparagraph (1)(ii)(H) of this section and chapter 6.1 of this title. The
20 Rhode Island resource recovery corporation prior to purchasing cover material for the state landfill
21 shall first contact the CRMC to see if there is a source of suitable dredged material available which
22 shall be used in place of the purchase cover material. Other state agencies engaged in the process
23 of dump closures shall also contact the CRMC to see if there is a source of suitable dredged material
24 available, which shall be used in place of the purchase cover material. In addition, cities and towns
25 may contact the CRMC prior to closing city or town controlled dump sites to see if there is a source
26 of suitable dredge material available, which may be used in place of the purchase cover material.

27 (vi) Acting as the state's representative to all bodies public and private on all coastal and
28 aquaculture related matters.

29 (4) **Operations.** The council is authorized to exercise the following operating functions,
30 which are essential to management of coastal resources:

31 (i) Issue, modify, or deny permits for any work in, above, or beneath the areas under its
32 jurisdiction, including conduct of any form of aquaculture.

33 (ii) Issue, modify, or deny permits for dredging, filling, or any other physical alteration of
34 coastal wetlands and all directly related contiguous areas which are necessary to preserve the

1 integrity of the wetlands, including, but not limited to, the transportation and disposal of dredge
2 materials in the tidal waters.

3 (iii) Grant licenses, permits, and easements for the use of coastal resources which are held
4 in trust by the state for all its citizens, and impose fees for private use of these resources.

5 (iv) Determining the need for and establishing pierhead, bulkhead, and harbor lines.

6 (v) Enforcing and implementing riparian rights in the tidal waters after judicial decisions.

7 (vi) The council may require an owner or operator of a commercial wharf or pier of a
8 marine commercial facility, as defined in 300.3 of the Rhode Island coastal resources management
9 program, but not including those facilities defined in 300.4 of the Rhode Island coastal resources
10 management program, and which is capable of offloading cargo, and is or will be subject to a new
11 use or a significant intensification of an existing use, to demonstrate that the commercial wharf or
12 pier is fit for that purpose. For the purposes of this subsection, a “commercial wharf or pier” means
13 a pier, bulkhead, wharf, docking facility, or underwater utilities. The council may order said owner
14 or operator to provide an engineering certification to the council’s satisfaction that the commercial
15 wharf or pier is fit for the new use or intensification of an existing use. If the council determines
16 that the commercial wharf or pier is not fit, it may order the owner or operator to undertake the
17 necessary work to make the commercial wharf or pier safe, within a reasonable time frame. If the
18 council determines that the commercial wharf or pier, because of its condition, is an immediate
19 threat to public health and safety it may order the commercial wharf or pier closed until the
20 necessary work to make the commercial wharf or pier safe has been performed and approved by
21 the council. All work performed must conform to the council’s management program. The council
22 is also given the authority to develop regulations to carry out this provision and to impose
23 administrative penalties of five thousand dollars (\$5,000) per day up to a maximum of twenty
24 thousand dollars (\$20,000) consistent with § 46-23-7.1 where there has been a violation of the
25 orders under this provision.

26 (5) **Rights-of-way.**

27 (i) The council is responsible for the designation of all public rights-of-way to the tidal
28 water areas of the state, and shall carry on a continuing discovery of appropriate public rights-of-
29 way to the tidal water areas of the state.

30 (ii) The council shall maintain a complete file of all official documents relating to the legal
31 status of all public rights-of-way to the tidal water areas of the state.

32 (iii)(A) The council has the power to designate for acquisition and development, and
33 posting, and all other functions of any other department for tidal rights-of-way and land for tidal
34 rights-of-way, parking facilities, and other council related purposes.

1 (B) Further, the council has the power to develop and prescribe a standard sign to be used
2 by the cities and towns to mark designated rights-of-way.

3 (iv) In conjunction with this subdivision, every state department controlling state-owned
4 land close to or adjacent to discovered rights-of-way is authorized to set out the land, or so much
5 of the land that may be deemed necessary for public parking.

6 (v) No use of land for public parking shall conflict with existing or intended use of the land,
7 and no improvement shall be undertaken by any state agency until detailed plans have been
8 submitted to and approved by the governing body of the local municipality.

9 (vi) In designating rights-of-way, the council shall consider the following matters in
10 making its designation:

11 (A) Land evidence records;

12 (B) The exercise of domain over the parcel such as maintenance, construction, or upkeep;

13 (C) The payment of taxes;

14 (D) The creation of a dedication;

15 (E) Public use;

16 (F) Any other public record or historical evidence such as maps and street indexes;

17 (G) Other evidence as set out in § 42-35-10.

18 (vii) A determination by the council that a parcel is a right-of-way shall be decided by
19 substantial evidence. A copy of the final council determination, and all official documents related
20 to the council determination, shall be provided to the municipality in which the right-of-way is
21 located.

22 (viii) Municipalities shall be required to identify and maintain a current list of public rights-
23 of-way to the tidal water areas in their municipality that have been designated by the council in
24 accordance with this section. Municipal identification of the council's designated public rights-of-
25 way shall also be incorporated and displayed on official maps in accordance with § 45-23.1-1. Non-
26 compliance with this municipal responsibility shall have no effect on the council designation
27 process or final determinations by the council that are set forth in this section.

28 (ix) The council shall be notified whenever by the judgment of the governing body of a
29 coastal municipality, a public right-of-way to tidal water areas located in such municipality has
30 ceased to be useful to the public, and such governing body proposes an order of abandonment of
31 such public right-of-way. Said notice shall be given not less than sixty (60) days prior to the date
32 of such abandonment.

33 **(6) Preexisting residential boating facilities.**

34 (i) The council is hereby authorized and empowered to issue assent for preexisting

1 residential boating facilities constructed prior to January 1, 1985. These assents may be issued for
2 preexisting residential boating facilities, even though such facilities do not meet current standards
3 and policies of the council; provided, however, that the council finds that such facilities do not pose
4 any significant risk to the coastal resources of the state of Rhode Island and do not endanger human
5 safety.

6 (ii) In addition to the above criteria, the applicant shall provide clear and convincing
7 evidence that:

8 (A) The facility existed in substantially the same configuration as it now exists prior to
9 January 1, 1985;

10 (B) The facility is presently intact and functional; and

11 (C) The facility presents no significant threat to the coastal resources of the state of Rhode
12 Island or human safety.

13 (iii) The applicant, to be eligible for this provision, shall apply no later than January 31,
14 1999.

15 (iv) The council is directed to develop rules and regulations necessary to implement this
16 subdivision.

17 (v) It is the specific intent of this subsection to require that all preexisting residential
18 boating facilities constructed on January 1, 1985, or thereafter conform to this chapter and the plans,
19 rules and regulations of the council.

20 **(7) Lease of filled lands which were formerly tidal lands to riparian or littoral owners.**

21 (i) Any littoral or riparian owner in this state who desires to obtain a lease from the state
22 of Rhode Island of any filled lands adjacent to his or her upland shall apply to the council, which
23 may make the lease. Any littoral or riparian owner who wishes to obtain a lease of filled lands must
24 obtain pre-approval, in the form of an assent, from the council. Any lease granted by the council
25 shall continue the public's interest in the filled lands including, but not limited to, the rights of
26 navigation, fishery, and commerce. The public trust in the lands shall continue and run concurrently
27 with the leasing of the lands by the state to private individuals, corporations, or municipalities.
28 Upon the granting of a lease by the council, those rights consistent with the public trust and secured
29 by the lease shall vest in the lessee. The council may approve a lease of filled lands for an initial
30 term of up to fifty (50) years, with, or without, a single option to renew for an additional term of
31 up to fifty (50) years.

32 (ii) The lessor of the lease, at any time, for cause, may by express act cancel and annul any
33 lease previously made to the riparian owner when it determines that the use of the lands is violating
34 the terms of the lease or is inconsistent with the public trust, and upon cancellation the lands, and

1 rights in the land so leased, shall revert to the state.

2 (8) “*Marinas*” as defined in the coastal resources management program in effect as of June
3 1, 1997, are deemed to be one of the uses consistent with the public trust. Subdivision (7) is not
4 applicable to:

5 (i) Any riparian owner on tidal waters in this state (and any successor in interest to the
6 owner) which has an assent issued by the council to use any land under water in front of his or her
7 lands as a marina, which assent was in effect on June 1, 1997;

8 (ii) Any alteration, expansion, or other activity at a marina (and any successor in interest)
9 which has an assent issued by the council, which assent was in effect on June 1, 1997; and

10 (iii) Any renewal of assent to a marina (or successor in interest), which assent was issued
11 by the council and in effect on June 1, 1997.

12 (9) “*Recreational boating facilities*” including marinas, launching ramps, and recreational
13 mooring areas, as defined by and properly permitted by the council, are deemed to be one of the
14 uses consistent with the public trust. Subdivision (7) is not applicable to:

15 (i) Any riparian owner on tidal waters in this state (and any successor in interest to the
16 owner) which has an assent issued by the council to use any land under water in front of his or her
17 lands as a recreational boating facility; any alteration, expansion or other activity at a recreational
18 boating facility (and any successor in interest) which has an assent issued by the council, which
19 assent was in effect as of June 1, 1997; and

20 (ii) Any renewal of assent to a recreational boating facility (or successor in interest), which
21 assent was issued by the council and in effect on June 1, 1997.

22 **ARTICLE III -- EFFECTIVE DATE**

23 SECTION 1. Article I of this act shall take effect on December 31, 2026, and Article II of
24 this act shall take effect upon passage.

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LC006193
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTES AND STATUTORY CONSTRUCTION

1 This act would reenact certain chapters of title 45 relating to towns and cities and would
2 provide various technical statutory construction edits throughout the general laws.

3 Article I of this act would take effect on December 31, 2026, and Article II of this act would
4 take effect upon passage.

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LC006193
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