

2012 -- H 7323

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR
THE FISCAL YEAR ENDING JUNE 30, 2013

Introduced By: Representative Helio Melo

Date Introduced: February 01, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

- | | | |
|----|------------|--|
| 1 | ARTICLE 1 | RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY |
| 2 | | 2013 |
| 3 | ARTICLE 2 | RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS |
| 4 | | FROM TAXES |
| 5 | ARTICLE 3 | RELATING TO RHODE ISLAND PUBLIC |
| 6 | | TELECOMMUNICATIONS AUTHORITY |
| 7 | ARTICLE 4 | RELATING TO GOVERNMENT ORGANIZATION |
| 8 | ARTICLE 5 | RELATING TO CAPITAL DEVELOPMENT PROGRAM |
| 9 | ARTICLE 6 | RELATING TO BOND PREMIUMS |
| 10 | ARTICLE 7 | RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS |
| 11 | ARTICLE 8 | RELATING TO INFORMATION TECHNOLOGY INVESTMENT |
| 12 | | FUND |
| 13 | ARTICLE 9 | RELATING TO DEPARTMENT OF HEALTH FEES |
| 14 | ARTICLE 10 | RELATING TO MAKING REVISED APPROPRIATIONS IN |
| 15 | | SUPPORT OF FY 2012 |
| 16 | ARTICLE 11 | RELATING TO STATE RETIREMENT CONTRIBUTIONS |
| 17 | ARTICLE 12 | RELATING TO EDUCATION AID |
| 18 | ARTICLE 13 | RELATING TO PUBLIC OFFICERS AND EMPLOYEES |

- 1 ARTICLE 14 RELATING TO RESTRICTED RECEIPT ACCOUNTS
- 2 ARTICLE 15 RELATING TO HOSPITAL UNCOMPENSATED CARE
- 3 ARTICLE 16 RELATING POLICE OFFICERS AND FIREFIGHTERS RELIEF
- 4 BENEFITS
- 5 ARTICLE 17 RELATING TO MEDICAL ASSISTANCE – DENTAL BENEFITS
- 6 ARTICLE 18 RELATING TO OFFICE OF HEALTH AND HUMANS SERVICES
- 7 ARTICLE 19 RELATING TO RHODE ISLAND VETERANS' HOME
- 8 ARTICLE 20 RELATING TO EAST BAY BRIDGE SYSTEM
- 9 ARTICLE 21 RELATING TO ABUSED AND NEGLECTED CHILDREN
- 10 ARTICLE 22 RELATING TO DEPARTMENT OF CORRECTIONS
- 11 ARTICLE 23 RELATING TO COMPENSATION OF BOARD MEMBERS
- 12 ARTICLE 24 RELATING TO TAXATION AND REVENUES
- 13 ARTICLE 25 RELATING TO DIVISION OF MOTOR VEHICLES
- 14 ARTICLE 26 RELATING TO MUNICIPALITIES
- 15 ARTICLE 27 RELATING TO HISTORIC PRESERVATION TAX CREDIT TRUST
- 16 FUND
- 17 ARTICLE 28 RELATING TO CENTRAL FALLS
- 18 ARTICLE 29 RELATING TO MUNICIPAL POLICE TRAINING ACADEMY
- 19 ARTICLE 30 RELATING TO DEPARTMENT OF ENVIRONMENTAL
- 20 MANAGEMENT
- 21 ARTICLE 31 RELATING TO MEDICAID REFORM ACT OF 2008
- 22 ARTICLE 32 RELATING TO MEDICAL ASSISTANCE RECOVERIES
- 23 ARTICLE 33 RELATING TO HOLIDAYS
- 24 ARTICLE 34 RELATING TO EFFECTIVE DATE

1 **ARTICLE 1**

2 **RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2013**

3 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
4 in this act, the following general revenue amounts are hereby appropriated out of any money in
5 the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
6 2013. The amounts identified for federal funds and restricted receipts shall be made available
7 pursuant to section 35-4-22 and Chapter 41 of Title 42 of the Rhode Island General Laws. For the
8 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
9 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
10 portions thereof as may be required from time to time upon receipt by him or her of properly
11 authenticated vouchers.

12 **Administration**

13 *Central Management*

14	General Revenues	2,022,523
15	Total - Central Management	2,022,523

16 *Legal Services*

17	General Revenue	2,006,995
18	Total - Legal Services	2,066,995

19 *Accounts and Control*

20	General Revenues	3,815,349
21	Total – Accounts and Control	3,815,349

22 *Office of Management and Budget*

23	General Revenues	3,004,055
24	Restricted Receipts	411,460
25	Total – Office of Management and Budget	3,415,515

26 *Purchasing*

27	General Revenues	2,441,468
28	Federal Funds	76,297
29	Other Funds	320,614
30	Total – Purchasing	2,838,379

31 *Human Resources*

32	General Revenues	8,369,425
33	Federal Funds	833,539
34	Restricted Receipts	466,875

1	Other Funds	1,365,953
2	Total - Human Resources	11,035,792
3	<i>Personnel Appeal Board</i>	
4	General Revenues	34,932
5	Total – Personnel Appeal Board	34,932
6	<i>Facilities Management</i>	
7	General Revenues	32,690,324
8	Federal Funds	1,069,511
9	Restricted Receipts	609,814
10	Other Funds	3,324,920
11	Total – Facilities Management	37,694,569
12	<i>Capital Projects and Property Management</i>	
13	General Revenues	2,184,943
14	Restricted Receipts	1,411,631
15	Total – Capital Projects and Property Management	3,596,574
16	<i>Information Technology</i>	
17	General Revenues	20,213,175
18	Federal Funds	6,174,413
19	Restricted Receipts	7,402,483
20	Other Funds	2,092,578
21	Total – Information Technology	35,882,649
22	<i>Library and Information Services</i>	
23	General Revenues	933,989
24	Federal Funds	1,377,471
25	Restricted Receipts	1,895
26	Total - Library and Information Services	2,313,355
27	<i>Planning</i>	
28	General Revenues	3,960,126
29	Federal Funds	8,775,712
30	Other Funds	4,990,363
31	Total - Planning	17,726,201
32	<i>General</i>	
33	General Revenues	
34	Economic Development Corporation	4,871,658

1	EDC – Airport Impact Aid	1,025,000
2	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be	
3	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of	
4	the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent	
5	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the	
6	calendar year 2012 at North Central Airport, and Westerly Airport, respectively. The Economic	
7	Development Corporation shall make an impact payment to the towns of cities in which the	
8	airport is located based on this calculation.	
9	Each community upon which any parts of the above airports are located shall receive at	
10	least \$25,000.	
11	EDC – EPScore (Research Alliance)	1,150,000
12	Miscellaneous Grants	276,838
13	Slater Centers of Excellence	1,500,000
14	Torts – Courts	400,000
15	State Employees/Teachers Retiree Health Subsidy	2,321,057
16	Resource Sharing and State Library Aid	8,773,398
17	Library Construction Aid	2,471,714
18	General Revenue Total	22,789,665
19	Federal Funds	4,345,555
20	Restricted Receipts	421,500
21	Other Funds	
22	Rhode Island Capital Plan Funds	
23	Statehouse Renovations	3,000,000
24	Cranston Street Armory	800,000
25	Cannon Building	220,000
26	Zambarano Building Rehabilitation	1,200,000
27	Pastore Medical Center Rehab DOA	1,600,000
28	Old State House	500,000
29	State Office Building	1,250,000
30	Old Colony House	300,000
31	William Powers Building	700,000
32	Fire Code Compliance State Buildings	250,000
33	Pastore Center Fire Code Compliance	1,100,000
34	Pastore Center Utility Systems Upgrade	2,000,000

1	Replacement of Fueling Tanks	300,000
2	Environmental Compliance	200,000
3	Big River Management Area	120,000
4	Pastore Center Building Demolition	2,500,000
5	Washington County Government Center	500,000
6	Veterans Memorial Auditorium	4,000,000
7	Chapin Health Laboratory	1,500,000
8	Pastore Center Parking	1,000,000
9	Pastore Center Water Tanks	500,000
10	Board of Elections New Location	4,400,000
11	Building 79 Stabilization	2,200,000
12	Station Park	200,000
13	Renovate Building #81	150,000
14	Administrative Costs	608,515
15	Pastore Cottages Rehabilitation	100,000
16	Other Funds Total	31,198,515
17	Total – General	58,755,235
18	<i>Debt Service Payments</i>	
19	General Revenues	152,559,567
20	Federal Funds	2,759,328
21	Restricted Receipts	4,454,480
22	Other Funds	
23	RIPTA Debt Service	1,680,844
24	Transportation Debt Service	42,317,954
25	Investment Receipts – Bond Funds	100,000
26	COPS - DLT Building – TDI	278,848
27	Other Funds Total	44,377,646
28	Total - Debt Service Payments	204,151,021
29	<i>Energy Resources</i>	
30	Federal Funds	
31	Federal Funds	318,349
32	Federal Funds – Stimulus	163,065
33	Federal Funds Total	481,414
34	Restricted Receipts	12,366,791

1	Total – Energy Resources	12,848,205
2	Grand Total – General Revenue Funds	257,026,536
3	Grand Total – Administration	398,137,294
4	Business Regulation	
5	<i>Central Management</i>	
6	General Revenues	1,145,060
7	Other Funds	
8	Rhode Island Capital Plan Funds	
9	DBR Break Room Conversion to Conference Room	16,545
10	Other Funds Total	16,545
11	Total - Central Management	1,161,605
12	<i>Banking Regulation</i>	
13	General Revenues	1,737,766
14	Restricted Receipts	125,000
15	Total - Banking Regulation	1,862,766
16	<i>Securities Regulation</i>	
17	General Revenues	1,068,375
18	Restricted Receipts	15,000
19	Total - Securities Regulation	1,083,375
20	<i>Insurance Regulation</i>	
21	General Revenues	4,066,525
22	Restricted Receipts	1,300,336
23	Total - Insurance Regulation	5,366,861
24	<i>Office of the Health Commissioner</i>	
25	General Revenues	542,929
26	Federal Funds	2,514,487
27	Restricted Receipts	10,500
28	Total – Office of the Health Commissioner	3,067,916
29	<i>Board of Accountancy</i>	
30	General Revenues	82,483
31	Total - Board of Accountancy	82,483
32	<i>Commercial Licensing, Racing & Athletics</i>	
33	General Revenues	719,111
34	Restricted Receipts	515,037

1	Total - Commercial Licensing, Racing & Athletics	1,234,148
2	<i>Board for Design Professionals</i>	
3	General Revenues	249,799
4	Total – Board for Design Professionals	249,799
5	Grand Total – General Revenue Funds	9,612,048
6	Grand Total - Business Regulation	14,108,953
7	Labor and Training	
8	<i>Central Management</i>	
9	General Revenues	107,310
10	Restricted Receipts	361,238
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	Center General Asset Protection	310,500
14	Other Funds Total	310,500
15	Total - Central Management	779,048
16	<i>Workforce Development Services</i>	
17	Federal Funds	22,590,725
18	Restricted Receipts	7,126,139
19	Total - Workforce Development Services	29,716,864
20	<i>Workforce Regulation and Safety</i>	
21	General Revenues	2,994,552
22	Total - Workforce Regulation and Safety	2,994,552
23	<i>Income Support</i>	
24	General Revenues	4,246,368
25	Federal Funds	
26	Federal Funds	13,045,349
27	Federal Funds – Stimulus - UI	7,885,000
28	Federal Funds Total	20,930,349
29	Restricted Receipts	
30	Restricted Receipts	1,490,000
31	Job Development Fund	18,572,493
32	Restricted Receipts Total	20,062,493
33	Other Funds	
34	Temporary Disability Insurance Fund	182,105,976

1	Employment Security Fund	282,151,493
2	Other Funds Total	464,257,469
3	Total - Income Support	509,496,679
4	<i>Injured Workers Services</i>	
5	Restricted Receipts	9,151,106
6	Total - Injured Workers Services	9,151,106
7	<i>Labor Relations Board</i>	
8	General Revenues	292,185
9	Total – Labor Relations Board	292,185
10	Grand Total – General Revenue Funds	7,640,415
11	Grand Total - Labor and Training	552,430,434
12	Department of Revenue	
13	<i>Director of Revenue</i>	
14	General Revenues	783,388
15	Total - Director of Revenue	783,388
16	<i>Office of Revenue Analysis</i>	
17	General Revenues	538,285
18	Total - Office of Revenue Analysis	538,285
19	<i>Lottery Division</i>	
20	Other Funds	
21	Lottery Funds	232,744,968
22	Other Funds Total	232,744,968
23	Total - Lottery Division	232,744,968
24	<i>Municipal Finance</i>	
25	General Revenue	2,064,780
26	Total – Municipal Finance	2,064,780
27	<i>Taxation</i>	
28	General Revenues	17,904,225
29	Federal Funds	1,435,279
30	Restricted Receipts	949,422
31	Other Funds	
32	Motor Fuel Tax Evasion	43,382
33	Temporary Disability Insurance	975,730
34	Other Funds Total	1,019,112

1	Total – Taxation	21,308,038
2	<i>Registry of Motor Vehicles</i>	
3	General Revenues	18,625,175
4	Federal Funds	1,128,630
5	Restricted Receipts	14,763
6	Other Funds	
7	Rhode Island Capital Plan Funds	
8	Safety & Emissions Lift Replacement	100,000
9	Other Funds Total	100,000
10	Total – Registry of Motor Vehicles	19,868,568
11	<i>State Aid</i>	
12	General Revenue	55,075,899
13	Restricted Receipts	957,497
14	Total – State Aid	56,033,396
15	Grand Total – General Revenue Funds	94,991,752
16	Grand Total – Revenue	333,341,423
17	Legislature	
18	General Revenues	38,764,516
19	Restricted Receipts	1,760,031
20	Grand Total – Legislature	40,524,547
21	Lieutenant Governor	
22	General Revenues	962,955
23	Federal Funds	141,063
24	Grand Total - Lieutenant Governor	1,104,018
25	Secretary of State	
26	<i>Administration</i>	
27	General Revenues	2,007,105
28	Total - Administration	2,007,105
29	<i>Corporations</i>	
30	General Revenues	2,068,731
31	Total - Corporations	2,068,731
32	<i>State Archives</i>	
33	General Revenues	79,385
34	Restricted Receipts	535,983

1	Total - State Archives	615,368
2	<i>Elections & Civics</i>	
3	General Revenues	2,000,552
4	Total – Elections and Civics	2,000,552
5	<i>State Library</i>	
6	General Revenues	565,216
7	Total - State Library	565,216
8	<i>Office of Public Information</i>	
9	General Revenues	358,884
10	Total – Office of Public Information	358,884
11	Grand Total – General Revenue Funds	7,079,873
12	Grand Total – Secretary of State	7,615,856
13	General Treasurer	
14	<i>Treasury</i>	
15	General Revenues	2,096,374
16	Federal Funds	342,587
17	Other Funds	
18	Temporary Disability Insurance Fund	271,812
19	Other Funds Total	271,812
20	Total – Treasury	2,710,773
21	<i>State Retirement System</i>	
22	Restricted Receipts	
23	Admin Expenses - State Retirement System	10,789,115
24	Retirement - Treasury Investment Operations	1,233,160
25	Defined Contribution – Administration	570,598
26	Restricted Receipts Total	12,592,873
27	Total - State Retirement System	12,592,873
28	<i>Unclaimed Property</i>	
29	Restricted Receipts	20,182,611
30	Total - Unclaimed Property	20,182,611
31	<i>Crime Victim Compensation Program</i>	
32	General Revenues	133,981
33	Federal Funds	844,029
34	Restricted Receipts	1,169,331

1	Total - Crime Victim Compensation Program	2,147,341
2	Grand Total – General Revenue Funds	2,230,355
3	Grand Total – General Treasurer	37,633,598
4	Board of Elections	
5	General Revenues	1,944,116
6	Grand Total - Board of Elections	1,944,116
7	Rhode Island Ethics Commission	
8	General Revenues	1,557,881
9	Grand Total - Rhode Island Ethics Commission	1,557,881
10	Office of Governor	
11	General Revenues	
12	General Revenues	4,168,290
13	Contingency Fund	250,000
14	General Revenue Total	4,418,290
15	Federal Funds	1,097,141
16	Grand Total – Office of Governor	5,515,431
17	Commission for Human Rights	
18	General Revenues	1,161,717
19	Federal Funds	325,992
20	Grand Total - Commission for Human Rights	1,487,709
21	Public Utilities Commission	
22	Federal Funds	
23	Federal Funds	118,669
24	Federal Funds – Stimulus	230,498
25	Federal Funds Total	349,167
26	Restricted Receipts	8,384,648
27	Grand Total - Public Utilities Commission	8,733,815
28	Office of Health and Human Services	
29	<i>Central Management</i>	
30	General Revenue	22,408,631
31	Federal Funds	
32	Federal Funds	61,904,865
33	Federal Funds – Stimulus	312,000
34	Federal Funds Total	62,216,865

1	Restricted Receipts	957,586
2	Total – Central Management	85,583,082
3	<i>Medical Assistance</i>	
4	General Revenue	
5	Managed Care	290,837,603
6	Hospitals	110,168,609
7	Nursing Facilities	167,636,600
8	Home and Community Based Services	36,735,341
9	Other Services	42,731,590
10	Pharmacy	53,814,160
11	Rhody Health	99,362,982
12	General Revenue Total	801,286,885
13	Federal Funds	
14	Managed Care	321,225,535
15	Hospitals	118,546,704
16	Nursing Facilities	177,863,400
17	Home and Community Based Services	41,014,014
18	Other Services	60,094,754
19	Pharmacy	2,985,840
20	Rhody Health	105,424,698
21	Special Education	18,350,000
22	Federal Funds Total	845,504,945
23	Restricted Receipts	11,133,995
24	Total – Medical Assistance	1,657,925,825
25	Grand Total – General Revenue Funds	823,695,516
26	Grand Total – Health and Human Services	1,743,508,907
27	Children, Youth, and Families	
28	<i>Central Management</i>	
29	General Revenues	4,224,549
30	Federal Funds	2,497,956
31	Restricted Receipts	204,094
32	Total - Central Management	6,926,599
33	<i>Children's Behavioral Health Services</i>	
34	General Revenues	10,077,912

1	Federal Funds	7,573,068
2	Other Funds	
3	Rhode Island Capital Plan Funds	
4	NAFI Center	500,000
5	Mt. Hope Building Facade	275,000
6	Various Repairs and Improvements	195,000
7	86 Mt. Hope Avenue	50,000
8	Other Funds Total	1,020,000
9	Total - Children's Behavioral Health Services	18,670,980
10	<i>Juvenile Correctional Services</i>	
11	General Revenue	30,164,550
12	Federal Funds	
13	Federal Funds	1,268,825
14	Federal Funds – Stimulus	21,914
15	Federal Funds Total	1,290,739
16	Other Funds	
17	Rhode Island Capital Plan Funds	
18	Thomas C. Slater Training School Maintenance Building	535,000
19	Generators – Thomas C. Slater Training School	441,000
20	Other Funds Total	976,000
21	Total - Juvenile Correctional Services	32,431,289
22	<i>Child Welfare</i>	
23	General Revenues	
24	General Revenue	10,255,227
25	18 to 21 Year Olds	92,007,393
26	General Revenue Total	102,262,620
27	Federal Funds	
28	Federal Funds	44,846,647
29	18 to 21 Year Olds	2,497,984
30	Federal Funds Total	47,344,631
31	Restricted Receipts	2,621,159
32	Other Funds	
33	Rhode Island Capital Plan Funds	
34	Fire Code Upgrades	1,000,000

1	Other Funds Total	1,000,000
2	Total - Child Welfare	153,228,410
3	<i>Higher Education Incentive Grants</i>	
4	General Revenues	200,000
5	Total – Higher Education Incentive Grants	200,000
6	Grand Total – General Revenue Funds	146,929,631
7	Grand Total - Children, Youth, and Families	211,457,278
8	Health	
9	<i>Central Management</i>	
10	General Revenues	1,176,370
11	Federal Funds	8,547,673
12	Restricted Receipts	3,370,469
13	Total - Central Management	13,094,512
14	<i>State Medical Examiner</i>	
15	General Revenues	2,409,943
16	Federal Funds	210,765
17	Total - State Medical Examiner	2,620,708
18	<i>Environmental and Health Services Regulation</i>	
19	General Revenues	9,398,755
20	Federal Funds	5,902,339
21	Restricted Receipts	4,372,431
22	Total - Environmental and Health Services Regulation	19,673,525
23	<i>Health Laboratories</i>	
24	General Revenues	5,599,964
25	Federal Funds	
26	Federal Funds	1,370,528
27	Federal Funds - Stimulus	207,065
28	Federal Funds Total	1,577,593
29	Total - Health Laboratories	7,177,557
30	<i>Public Health Information</i>	
31	General Revenues	1,741,431
32	Federal Funds	
33	Federal Funds	775,231
34	Federal Funds - Stimulus	382,095

1	Federal Funds Total	1,157,326
2	Total – Public Health Information	2,898,757
3	<i>Community and Family Health and Equity</i>	
4	General Revenues	2,418,974
5	Federal Funds	
6	Federal Funds	44,036,172
7	Federal Funds - Stimulus	844,268
8	Federal Funds Total	44,880,440
9	Restricted Receipts	21,483,877
10	Other Funds	
11	Safe And Active Commuting	172,000
12	Other Funds Total	172,000
13	Total – Community and Family Health and Equity	68,955,291
14	<i>Infectious Disease and Epidemiology</i>	
15	General Revenues	1,758,403
16	Federal Funds	
17	Federal Funds	3,381,047
18	Federal Funds – Stimulus	40,003
19	Federal Funds Total	3,421,050
20	Total – Infectious Disease and Epidemiology	5,179,453
21	Grand Total – General Revenue	24,503,840
22	Grand Total – Health	119,599,803
23	Human Services	
24	<i>Central Management</i>	
25	General Revenues	5,204,015
26	Federal Funds	5,333,616
27	Restricted Receipts	519,347
28	Total - Central Management	11,056,978
29	<i>Child Support Enforcement</i>	
30	General Revenues	2,315,247
31	Federal Funds	6,215,808
32	Total – Child Support Enforcement	8,531,055
33	<i>Individual and Family Support</i>	
34	General Revenues	23,170,788

1	Federal Funds	
2	Federal Funds	116,682,101
3	Federal Funds – Stimulus	7,066,062
4	Federal Funds Total	123,748,163
5	Restricted Receipts	180,000
6	Other Funds	
7	Rhode Island Capital Plan Fund	
8	Blind Vending Facilities	165,000
9	Intermodal Surface Transportation Fund	4,224,184
10	Other Funds Total	4,389,184
11	Total - Individual and Family Support	151,488,135
12	<i>Veterans' Affairs</i>	
13	General Revenues	19,879,830
14	Federal Funds	7,707,781
15	Restricted Receipts	1,077,762
16	Total - Veterans' Affairs	28,665,373
17	<i>Health Care Quality, Financing and Purchasing</i>	
18	General Revenues	8,314,370
19	Federal Funds	9,523,746
20	Total - Health Care Quality, Financing & Purchasing	17,838,116
21	<i>Supplemental Security Income Program</i>	
22	General Revenues	18,622,000
23	Total – Supplemental Security Income Program	18,622,000
24	<i>Rhode Island Works</i>	
25	General Revenues	
26	Child Care	9,392,481
27	General Revenue Total	9,392,481
28	Federal Funds	80,816,569
29	Total – Rhode Island Works	90,209,050
30	<i>State Funded Programs</i>	
31	General Revenues	
32	General Public Assistance	2,541,960
33	Of this appropriation, \$210,000 shall be used for hardship contingency payments.	
34	General Revenue Total	2,541,960

1	Federal Funds	299,204,062
2	Total - State Funded Programs	301,746,022
3	<i>Elderly Affairs</i>	
4	General Revenues	
5	General Revenue	10,165,749
6	RIPAE	174,000
7	Care and Safety of the Elderly	1,287
8	General Revenue Total	10,341,036
9	Federal Funds	18,028,865
10	Restricted Receipts	572,091
11	Total – Elderly Affairs	28,941,992
12	Grand Total General Revenue	99,781,727
13	Grand Total - Human Services	657,098,721
14	Behavioral Health, Developmental Disabilities, and Hospitals	
15	<i>Central Management</i>	
16	General Revenues	797,214
17	Federal Funds	361,940
18	Total - Central Management	1,159,154
19	<i>Hospital and Community System Support</i>	
20	General Revenues	2,527,114
21	Restricted Receipts	505,624
22	Other Funds	
23	Rhode Island Capital Plan Funds	
24	Medical Center Rehabilitation	1,000,000
25	Community Facilities Fire Code	750,000
26	Other Funds Total	1,750,000
27	Total - Hospital and Community System Support	4,782,738
28	<i>Services for the Developmentally Disabled</i>	
29	General Revenues	100,536,726
30	Federal Funds	111,426,257
31	Restricted Receipts	1,776,017
32	Other Funds	
33	Rhode Island Capital Plan Funds	
34	DD Private Waiver	61,351

1	Regional Center Repair/Rehabilitation	750,000
2	MR Community Facilities/Access to Independence	1,000,000
3	Other Funds Total	2,511,351
4	Total - Services for the Developmentally Disabled	216,250,351
5	<i>Behavioral Healthcare Services</i>	
6	General Revenues	34,886,857
7	Federal Funds	
8	Federal Funds	74,545,660
9	Federal Funds – Stimulus	35,000
10	Federal Funds Total	74,580,660
11	Restricted Receipts	125,000
12	Other Funds	
13	Rhode Island Capital Plan Funds	
14	MH Community Facilities Repair	300,000
15	MH Housing Development-Thresholds	800,000
16	MH Residence Furniture	32,000
17	Substance Abuse Asset Production	300,000
18	Other Funds Total	1,432,000
19	Total – Behavioral Healthcare Services	111,024,517
20	<i>Hospital and Community Rehabilitative Services</i>	
21	General Revenues	50,561,279
22	Federal Funds	47,566,291
23	Restricted Receipts	4,782,193
24	Other Funds	
25	Rhode Island Capital Plan Funds	
26	Zambarano Buildings and Utilities	725,000
27	Hospital Consolidation	5,500,000
28	Eleanor Slater HVAC/Elevators	2,000,000
29	MR Community Facilities	1,300,000
30	Other Funds Total	9,525,000
31	Total - Hospital and Community Rehabilitative Services	112,434,763
32	Grand Total – General Revenue	189,309,190
33	Grand Total – Behavioral Hlth, Developmental Disabilities, & Hospitals	445,651,523
34	Office of the Child Advocate	

1	General Revenues	611,469
2	Federal Funds	50,034
3	Grand Total – Office of the Child Advocate	661,503
4	Commission on the Deaf and Hard of Hearing	
5	General Revenues	390,251
6	Grand Total – Com on Deaf and Hard of Hearing	390,251
7	Governor's Commission on Disabilities	
8	General Revenues	371,096
9	Federal Funds	125,502
10	Restricted Receipts	9,694
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	Facility Renovation – Handicapped Access	250,000
14	Other Funds Total	
15	Grand Total - Governor's Commission on Disabilities	756,292
16	Office of the Mental Health Advocate	
17	General Revenues	447,119
18	Grand Total – Office of the Mental Health Advocate	447,119
19	Elementary and Secondary Education	
20	<i>Administration of the Comprehensive Education Strategy</i>	
21	General Revenues	18,789,182
22	Federal Funds	
23	Federal Funds	191,123,178
24	Federal Funds – Stimulus	19,260,394
25	Education Jobs Fund	2,398,375
26	RTTT LEA Share	15,534,615
27	Federal Funds Total	228,316,562
28	Restricted Receipts	
29	Restricted Receipts	1,305,190
30	HRIC Adult Education Grants	3,500,000
31	Restricted Receipts Total	4,805,190
32	Other Funds	
33	Statewide Transportation – RIPTA Grant	47,000
34	Rhode Island Capital Plan Funds	

1	Cranston Career and Technical	350,000
2	Newport Career and Technical	256,638
3	Warwick Career and Technical	230,000
4	Woonsocket Career and Technical	275,000
5	Other Funds Total	1,158,638
6	Total – Administration of the Comprehensive Education Strategy	253,069,572
7	<i>Davies Career and Technical School</i>	
8	General Revenues	13,400,497
9	Federal Funds	
10	Federal Funds	1,342,423
11	Federal Funds – Stimulus	65,636
12	Federal Funds Total	1,408,059
13	Restricted Receipts	1,845,968
14	Other Funds	
15	Rhode Island Capital Plan Funds	
16	Davies HVAC	250,628
17	Davies Asset Protection	425,000
18	Other Funds Total	675,628
19	Total - Davies Career and Technical School	17,330,152
20	<i>RI School for the Deaf</i>	
21	General Revenues	6,240,642
22	Federal Funds	
23	Federal Funds	276,418
24	Federal Funds – Stimulus – Medicaid	4,194
25	Federal Funds Total	280,612
26	Restricted Receipts	510,596
27	Total - RI School for the Deaf	7,031,850
28	<i>Metropolitan Career and Technical School</i>	
29	General Revenues	11,601,699
30	Other Funds	
31	Rhode Island Capital Plan Funds	
32	MET School East Bay	3,600,000
33	MET School HVAC	833,333
34	Other Funds Total	4,433,333

1	Total – Metropolitan Career and Technical School	16,035,032
2	<i>Education Aid</i>	
3	General Revenues	689,843,930
4	Restricted Receipts	19,339,899
5	Other Funds	
6	Permanent School Fund – Education Aid	183,624
7	Other Funds Total	183,624
8	Total – Education Aid	709,367,453
9	<i>Central Falls School District</i>	
10	General Revenues	39,413,322
11	Total – Central Falls School District	39,413,322
12	<i>Housing Aid</i>	
13	General Revenues	74,568,906
14	Total – Housing Aid	74,568,906
15	<i>Teachers' Retirement</i>	
16	General Revenues	78,219,694
17	Total – Teachers' Retirement	78,219,694
18	Grand Total – General Revenue	932,077,872
19	Grand Total - Elementary and Secondary Education	1,195,035,981
20	Public Higher Education	
21	<i>Board of Governors/Office of Higher Education</i>	
22	General Revenues	11,484,770
23	Federal Funds	18,217,619
24	Restricted Receipts	8,760,402
25	Total - Board of Governors/Office of Higher Education	38,462,791
26	<i>University of Rhode Island</i>	
27	General Revenue	
28	General Revenues	57,624,557
29	State Crime Lab	858,820
30	Debt Service	19,160,529
31	General Revenue Total	77,643,906
32	Federal Funds – Stimulus	383,779
33	Other Funds	
34	University and College Funds	605,259,806

1	Debt – Dining Services	1,140,806
2	Debt – Education and General	3,273,434
3	Debt – Health Services	149,892
4	Debt – Housing Loan Funds	11,155,852
5	Debt – Memorial Union	121,514
6	Debt – Ryan Center	2,801,358
7	Debt – Alton Jones Services	114,650
8	Debt - Parking Authority	1,017,799
9	Debt – Sponsored Research	99,667
10	Debt – URI Energy Conservation	2,283,588
11	Rhode Island Capital Plan Funds	
12	Asset Protection	7,200,000
13	New Chemistry Building	1,000,000
14	Other Funds Total	635,618,366
15	Total – University of Rhode Island	713,646,051
16	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or	
17	unencumbered balances as of June 30, 2013 relating to the University of Rhode Island are hereby	
18	reappropriated to fiscal year 2014.	
19	<i>Rhode Island College</i>	
20	General Revenues	
21	General Revenues	38,607,587
22	Debt Service	3,049,029
23	General Revenue Total	41,656,616
24	Other Funds	
25	University and College Funds	113,955,578
26	Debt – Education and General	892,644
27	Debt – Housing	2,042,304
28	Debt – Student Center and Dining	172,392
29	Debt – Student Union	232,944
30	Debt – G.O. Debt Service	1,630,317
31	Rhode Island Capital Plan Funds	
32	Asset Protection	3,075,000
33	Infrastructure Modernization	1,000,000
34	Other Funds – Total	123,001,179

1	Total – Rhode Island College	164,657,795
2	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or	
3	unencumbered balances as of June 30, 2013 relating to Rhode Island College are hereby	
4	reappropriated to fiscal year 2014.	
5	<i>Community College of Rhode Island</i>	
6	General Revenues	
7	General Revenues	44,317,462
8	Debt Service	2,464,156
9	General Revenue Total	46,781,618
10	Restricted Receipts	817,872
11	Other Funds	
12	University and College Funds	94,799,271
13	Debt – Bookstore	29,193
14	CCRI Debt Service – Energy Conservation	808,025
15	Rhode Island Capital Plan Funds	
16	Asset Protection	2,050,000
17	Other Funds Total	97,686,489
18	Total – Community College of RI	145,285,979
19	Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or	
20	unencumbered balances as of June 30, 2013 relating to the Community College of Rhode Island	
21	are hereby reappropriated to fiscal year 2014.	
22	Grand Total – General Revenue	177,566,910
23	Grand Total – Public Higher Education	1,062,052,616
24	RI State Council on the Arts	
25	General Revenues	
26	Operating Support	725,058
27	Grants	861,671
28	General Revenue Total	1,586,729
29	Federal Funds	998,794
30	Other Funds	
31	Arts for Public Facilities	843,500
32	Other Funds Total	843,500
33	Grand Total - RI State Council on the Arts	3,429,023
34	RI Atomic Energy Commission	

1	General Revenues	876,213
2	Federal Funds	180,216
3	Other Funds	
4	URI Sponsored Research	283,122
5	Rhode Island Capital Plan Funds	
6	RINSC Asset Protection	50,000
7	Other Funds Total	333,122
8	Grand Total - RI Atomic Energy Commission	1,389,551
9	RI Historical Preservation and Heritage Commission	
10	General Revenues	1,370,938
11	Federal Funds	886,057
12	Restricted Receipts	458,506
13	Other Funds	
14	Rhode Island Capital Funds	
15	Eisenhower House Asset Protection	75,000
16	Other Funds Total	75,000
17	Grand Total – RI Historical Preservation and Heritage Commission	2,790,501
18	RI Public Telecommunications Authority	
19	General Revenues	425,286
20	Other Funds	
21	Corporation for Public Broadcasting	701,768
22	Other Funds Total	701,768
23	Grand Total – RI Public Telecommunications Authority	1,127,054
24	Attorney General	
25	<i>Criminal</i>	
26	General Revenues	14,369,909
27	Federal Funds	1,575,823
28	Restricted Receipts	384,522
29	Total – Criminal	16,330,254
30	<i>Civil</i>	
31	General Revenues	4,888,477
32	Restricted Receipts	845,583
33	Total – Civil	5,734,060
34	<i>Bureau of Criminal Identification</i>	

1	General Revenues	1,209,375
2	Federal Funds	25,030
3	Total - Bureau of Criminal Identification	1,234,405
4	<i>General</i>	
5	General Revenues	2,808,563
6	Other Funds	
7	Rhode Island Capital Plan Funds	
8	Building Renovations and Repairs	287,500
9	Other Funds Total	287,500
10	Total – General	3,096,063
11	Grand Total – General Revenue	23,276,324
12	Grand Total - Attorney General	26,394,782
13	Corrections	
14	<i>Central Management</i>	
15	General Revenues	9,365,983
16	Federal Funds	22,246
17	Total – Central Management	9,388,229
18	<i>Parole Board</i>	
19	General Revenues	1,331,469
20	Federal Funds	36,850
21	Total - Parole Board	1,368,319
22	<i>Custody and Security</i>	
23	General Revenues	114,766,168
24	Federal Funds	1,082,621
25	Restricted Receipts	29,758
26	Total – Custody and Security	115,878,547
27	<i>Institutional Support</i>	
28	General Revenues	15,780,466
29	Other Funds	
30	RICAP – Asset Protection	3,500,000
31	RICAP – Maximum – General Renovations	850,000
32	RICAP – General Renovations Women’s	1,500,000
33	RICAP – Bernadette Guay Roof	600,000
34	RICAP – Women’s Bath Renovations	1,235,000

1	RICAP – ISC Exterior Envelope and HVAC	4,000,000
2	RICAP – Minimum Security Kitchen Expansion	475,000
3	RICAP – Medium Infrastructure	3,310,000
4	Other Funds Total	15,470,000
5	Total – Institutional Support	31,250,466
6	<i>Institutional Based Rehab./Population Management</i>	
7	General Revenues	8,908,408
8	Federal Funds	
9	Federal Funds	1,006,186
10	Federal Funds – Stimulus	446,310
11	Federal Funds Total	1,452,496
12	Total – Institutional Based Rehab/Population Management	10,360,904
13	<i>Healthcare Services</i>	
14	General Revenues	18,550,741
15	Total – Healthcare Services	18,550,741
16	<i>Community Corrections</i>	
17	General Revenues	14,530,363
18	Federal Funds	153,088
19	Restricted Receipts	35,167
20	Total – Community Corrections	14,718,618
21	Grand Total – General Revenue	183,233,598
22	Grand Total – Corrections	201,515,824
23	Judiciary	
24	<i>Supreme Court</i>	
25	General Revenues	
26	General Revenues	26,088,277
27	Defense of Indigents	3,562,240
28	General Revenue Total	29,650,517
29	Federal Funds	220,021
30	Restricted Receipts	1,532,049
31	Other Funds	
32	Rhode Island Capital Plan Funds	
33	Judicial HVAC	550,000
34	Judicial Complexes Asset Protection	625,000

1	Licht Judicial Complex Restoration	500,000
2	Other Funds Total	1,675,000
3	Total - Supreme Court	33,077,587
4	<i>Judicial Tenure and Discipline</i>	
5	General Revenues	113,609
6	Total – Judicial Tenure and Discipline	113,609
7	<i>Superior Court</i>	
8	General Revenues	21,911,328
9	Federal Funds	100,025
10	Restricted Receipts	527,627
11	Total - Superior Court	22,538,980
12	<i>Family Court</i>	
13	General Revenues	18,144,955
14	Federal Funds	2,296,099
15	Restricted Receipts	764,352
16	Total - Family Court	21,205,406
17	<i>District Court</i>	
18	General Revenues	11,493,967
19	Federal Funds	130,128
20	Restricted Receipts	300,516
21	Total - District Court	11,924,611
22	<i>Traffic Tribunal</i>	
23	General Revenues	8,239,888
24	Total – Traffic Tribunal	8,239,888
25	<i>Workers' Compensation Court</i>	
26	Restricted Receipts	8,215,324
27	Total – Workers' Compensation Court	8,215,324
28	Grand Total – General Revenue	89,554,264
29	Grand Total – Judiciary	105,315,405
30	Military Staff	
31	<i>National Guard</i>	
32	General Revenues	1,516,817
33	Federal Funds	12,303,008
34	Restricted Receipts	300,000

1	Other Funds	
2	Rhode Island Capital Plan Funds	
3	Armory of Mounted Command Roof Replacement	2,000,000
4	State Armories Fire Code Compliance	20,250
5	Federal Armories Fire Code Compliance	20,250
6	Asset Protection	500,000
7	Logistics/Maintenance Facilities Fire Code Comp.	12,500
8	Command Readiness Center Addition	850,000
9	Burrillville Regional Training Institute	125,000
10	Camp Fogarty Armory Roof	375,000
11	Other Funds Total	3,903,000
12	Total - National Guard	18,022,825
13	<i>Emergency Management</i>	
14	General Revenues	2,116,940
15	Federal Funds	21,931,533
16	Restricted Receipts	181,278
17	Total - Emergency Management	24,229,751
18	Grand Total – General Revenue	3,633,757
19	Grand Total - Military Staff	42,252,576
20	Public Safety	
21	<i>Central Management</i>	
22	General Revenues	1,172,630
23	Federal Funds	
24	Federal Funds	4,110,385
25	Federal Funds – Stimulus	261,065
26	Federal Funds Total	4,371,450
27	Restricted Receipts	850
28	Total – Central Management	5,544,930
29	<i>E-911 Emergency Telephone System</i>	
30	General Revenues	5,493,425
31	Total – E-911 Emergency Telephone System	5,493,425
32	<i>State Fire Marshal</i>	
33	General Revenues	2,684,019
34	Federal Funds	52,773

1	Restricted Receipts	293,799
2	Other Funds	
3	Rhode Island Capital Plan Funds	
4	Fire Academy	1,500,000
5	Quonset Development Corp	58,751
6	Other Funds – Total	1,558,571
7	Total - State Fire Marshal	4,589,162
8	<i>Security Services</i>	
9	General Revenues	21,735,322
10	Total – Security Services	21,735,322
11	<i>Municipal Police Training Academy</i>	
12	Federal Funds	214,167
13	Restricted Receipts	356,811
14	Total - Municipal Police Training Academy	570,978
15	<i>State Police</i>	
16	General Revenues	63,432,716
17	Federal Funds	
18	Federal Funds	2,487,765
19	Federal Funds – Stimulus	160,886
20	Federal Funds Total	2,648,651
21	Restricted Receipts	50,000
22	Other Funds	
23	Rhode Island Capital Plan Funds	
24	Barracks and Training	1,785,000
25	Headquarters Repairs/Rehabilitation	100,000
26	HQ Expansion	500,000
27	Traffic Enforcement - Municipal Training	130,150
28	Lottery Commission Assistance	246,963
29	Airport Corporation	246,963
30	Road Construction Reimbursement	3,078,000
31	Other Funds Total	6,087,076
32	Total - State Police	72,218,443
33	Grand Total –General Revenue	94,518,112
34	Grand Total – Public Safety	110,152,260

1	Office of Public Defender	
2	General Revenues	10,679,011
3	Federal Funds	439,300
4	Grand Total - Office of Public Defender	11,118,311
5	Environmental Management	
6	<i>Office of the Director</i>	
7	General Revenues	4,760,195
8	Federal Funds	493,000
9	Restricted Receipts	3,043,668
10	Total – Office of the Director	8,296,863
11	<i>Natural Resources</i>	
12	General Revenues	18,306,313
13	Federal Funds	22,998,301
14	Restricted Receipts	3,712,021
15	Other Funds	
16	DOT Recreational Projects	29,245
17	Blackstone Bikepath Design	1,075,225
18	Transportation MOU	82,172
19	Rhode Island Capital Plan Funds	
20	Dam Repair	1,000,000
21	Recreational Facilities Improvements	1,590,000
22	Fort Adams Rehabilitation	500,000
23	Fort Adams America’s Cup	3,108,704
24	Galilee Piers Upgrade	1,050,000
25	Newport Piers	250,000
26	Blackstone Valley Bike Path	500,000
27	World War II Facility	2,200,000
28	Other Funds Total	11,385,346
29	Total - Natural Resources	56,401,981
30	<i>Environmental Protection</i>	
31	General Revenues	11,556,487
32	Federal Funds	12,428,872
33	Restricted Receipts	8,071,784
34	Other Funds	

1	Transportation MOU	90,107
2	Retrofit Heavy-Duty Diesel Vehicles	2,760,000
3	Other Funds Total	2,850,107
4	Total - Environmental Protection	34,907,250
5	Grand Total – General Revenue	34,622,995
6	Grand Total - Environmental Management	99,606,094
7	Coastal Resources Management Council	
8	General Revenues	2,300,733
9	Federal Funds	1,823,864
10	Restricted Receipts	250,000
11	Other Funds	
12	Rhode Island Capital Plan Funds	
13	South Coast Restoration Project	850,000
14	Secure Facility Area	50,000
15	Other Funds Total	900,000
16	Grand Total - Coastal Resources Mgmt. Council	5,274,597
17	Transportation	
18	<i>Central Management</i>	
19	Federal Funds	10,515,473
20	Other Funds	
21	Gasoline Tax	1,353,338
22	Other Funds Total	1,353,338
23	Total - Central Management	11,868,811
24	<i>Management and Budget</i>	
25	Other Funds	
26	Gasoline Tax	1,937,648
27	Other Funds Total	1,937,648
28	Total - Management and Budget	1,937,648
29	<i>Infrastructure Engineering- GARVEE/Motor Fuel Tax Bonds</i>	
30	Federal Funds	
31	Federal Funds	342,937,715
32	Federal Funds – Stimulus	8,880,580
33	Federal Funds Total	351,818,295
34	Restricted Receipts	998,758

1	Other Funds	
2	Gasoline Tax	54,326,020
3	Motor Fuel Tax Residuals	4,076,029
4	Land Sale Revenue	22,354,473
5	Rhode Island Capital Funds	
6	RIPTA Land and Buildings	70,000
7	Other Funds Total	80,826,522
8	Total - Infrastructure Engineering – GARVEE	433,643,575
9	<i>Infrastructure Maintenance</i>	
10	Other Funds	
11	Gasoline Tax	39,776,826
12	Non-Land Surplus Property	10,000
13	Outdoor Advertising	100,000
14	Rhode Island Capital Plan Funds	
15	Cherry Hill/Lincoln Facility	777,050
16	Maintenance Facilities Improvements	400,000
17	Portsmouth Facility	1,435,000
18	Salt Storage Facilities	2,000,000
19	Maintenance Facility Fire Alarms	325,000
20	Other Funds Total	44,823,876
21	Total - Infrastructure Maintenance	44,823,876
22	Grand Total – Transportation	492,273,910
23	Statewide Totals	
24	General Revenues	3,269,153,035
25	Federal Funds	2,594,212,185
26	Restricted Receipts	224,124,174
27	Other Funds	1,855,945,563
28	Statewide Grand Total	7,943,434,957

29 SECTION 2. Each line appearing in Section 1 of this Article shall constitute an
30 appropriation.

31 SECTION 3. Upon the transfer of any function of a department or agency to another
32 department or agency, the Governor is hereby authorized by means of executive order to transfer
33 or reallocate, in whole or in part, the appropriations and the full-time equivalent limits affected
34 thereby.

1 SECTION 4. From the appropriation for contingency shall be paid such sums as may be
 2 required at the discretion of the Governor to fund expenditures for which appropriations may not
 3 exist. Such contingency funds may also be used for expenditures in the several departments and
 4 agencies where appropriations are insufficient, or where such requirements are due to unforeseen
 5 conditions or are non-recurring items of an unusual nature. Said appropriations may also be used
 6 for the payment of bills incurred due to emergencies or to any offense against public peace and
 7 property, in accordance with the provisions of Titles 11 and 45 of the General Laws of 1956, as
 8 amended. All expenditures and transfers from this account shall be approved by the Governor.

9 SECTION 5. The general assembly authorizes the state controller to establish the internal
 10 service accounts shown below, and no other, to finance and account for the operations of state
 11 agencies that provide services to other agencies, institutions and other governmental units on a
 12 cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are
 13 managed in a businesslike manner, promote efficient use of services by making agencies pay the
 14 full costs associated with providing the services, and allocate the costs of central administrative
 15 services across all fund types, so that federal and other non-general fund programs share in the
 16 costs of general government support. The controller is authorized to reimburse these accounts for
 17 the cost of work or services performed for any other department or agency subject to the
 18 following expenditure limitations:

<u>Account</u>	<u>Expenditure Limit</u>
20 State Assessed Fringe Benefit Internal Service Fund	32,106,713
21 Administration Central Utilities Internal Service Fund	20,227,492
22 State Central Mail Internal Service Fund	5,613,232
23 State Telecommunications Internal Service Fund	2,881,461
24 State Automotive Fleet Internal Service Fund	13,952,999
25 Capital Police Internal Service Fund	828,732
26 Surplus Property Internal Service Fund	2,500
27 Health Insurance Internal Service Fund	306,268,634
28 Central Distribution Center Internal Service Fund	7,434,366
29 Correctional Industries Internal Service Fund	7,353,091
30 Secretary of State Record Center Internal Service Fund	897,072

31 SECTION 6. The General Assembly may provide a written "statement of legislative
 32 intent" signed by the chairperson of the House Finance Committee and by the chairperson of the
 33 Senate Finance Committee to show the intended purpose of the appropriations contained in
 34 Section 1 of this Article. The statement of legislative intent shall be kept on file in the House

1 Finance Committee and in the Senate Finance Committee.

2 At least twenty (20) days prior to the issuance of a grant or the release of funds, which
3 grant or funds are listed on the legislative letter of intent, all department, agency and corporation
4 directors, shall notify in writing the chairperson of the House Finance Committee and the
5 chairperson of the Senate Finance Committee of the approximate date when the funds are to be
6 released or granted.

7 SECTION 7. *Appropriation of Temporary Disability Insurance Funds* -- There is hereby
8 appropriated pursuant to sections 28-39-5 and 28-39-8 of the Rhode Island General Laws all
9 funds required to be disbursed for the benefit payments from the Temporary Disability Insurance
10 Fund and Temporary Disability Insurance Reserve Fund for the fiscal year ending June 30, 2013.

11 SECTION 8. *Appropriation of Employment Security Funds* -- There is hereby
12 appropriated pursuant to section 28-42-19 of the Rhode Island General Laws all funds required to
13 be disbursed for benefit payments from the Employment Security Fund for the fiscal year ending
14 June 30, 2013.

15 SECTION 9. *Appropriation of University and College Funds* -- There is hereby
16 appropriated pursuant to section 16-59-9 of the Rhode Island General Laws relating to the
17 appropriation of funds by the General Assembly for Higher Education, and section 16-59-18 of
18 the General Laws relating to receipts from sources other than appropriations, any funds received
19 by the Board of Governors for Higher Education for the fiscal year ending June 30, 2013 payable
20 out of the University and College Funds.

21 SECTION 10. *Appropriation of Lottery Division Funds* -- There is hereby appropriated to
22 the Lottery Division any funds required to be disbursed by the Lottery Division for the purposes
23 of paying commissions or transfers to the prize fund for the fiscal year ending June 30, 2013.

24 SECTION 11. Departments and agencies listed below may not exceed the number of full-
25 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do
26 not include seasonal or intermittent positions whose scheduled period of employment does not
27 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and
28 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include
29 individuals engaged in training, the completion of which is a prerequisite of employment.
30 Provided, however, that the Governor or designee, Speaker of the House of Representatives or
31 designee, and the President of the Senate or designee may authorize an adjustment to any
32 limitation. Prior to the authorization, the State Budget Officer shall make a detailed written
33 recommendation to the Governor, the Speaker of the House, and the President of the Senate. A
34 copy of the recommendation and authorization to adjust shall be transmitted to the chairperson of

1 the House Finance Committee, Senate Finance Committee, the House Fiscal Advisor and the
2 Senate Fiscal Advisor.

3 State employees whose funding is from non-state general revenue funds that are time
4 limited shall receive limited term appointment with the term limited to the availability of non-
5 state general revenue funding source.

6 FY 2013 FTE POSITION AUTHORIZATION

7 Departments and Agencies	Full-Time Equivalent
8 Administration	665.6
9 Business Regulation	94.0
10 Labor and Training	364.4
11 Revenue	458.0
12 Legislature	298.5
13 Office of the Lieutenant Governor	8.0
14 Office of the Secretary of State	57.0
15 Office of the General Treasurer	82.0
16 Board of Elections	11.0
17 Rhode Island Ethics Commission	12.0
18 Office of the Governor	45.0
19 Commission for Human Rights	14.5
20 Public Utilities Commission	47.0
21 Office of Health and Human Services	163.0
22 Children, Youth, and Families	665.5
23 Health	423.3
24 Human Services	947.7
25 Behavioral Health, Developmental Disabilities, and Hospitals	1,383.2
26 Office of the Child Advocate	5.8
27 Commission on the Deaf and Hard of Hearing	3.0
28 Governor's Commission on Disabilities	4.0
29 Office of the Mental Health Advocate	3.7
30 Elementary and Secondary Education	169.4
31 School for the Deaf	60.0
32 Davies Career and Technical School	126.0
33 Office of Higher Education	56.4

34 Provided that 1.0 of the total authorization would be available only for positions that are

1	supported by third-party funds.	
2	University of Rhode Island	2,450.5
3	Provided that 593.2 of the total authorization would be available only for positions that	
4	are supported by third-party funds.	
5	Rhode Island College	919.6
6	Provided that 82.0 of the total authorization would be available only for positions that are	
7	supported by third-party funds.	
8	Community College of Rhode Island	854.1
9	Provided that 100.0 of the total authorization would be available only for positions that	
10	are supported by third-party funds.	
11	Rhode Island State Council on the Arts	8.6
12	RI Atomic Energy Commission	8.6
13	Historical Preservation and Heritage Commission	16.6
14	Public Telecommunications Authority	14.0
15	Office of the Attorney General	233.1
16	Corrections	1,419.0
17	Judicial	723.3
18	Military Staff	112.0
19	Public Safety	609.2
20	Office of the Public Defender	92.0
21	Environmental Management	407.0
22	Coastal Resources Management Council	29.5
23	Transportation	772.6
24	<u>Total</u>	<u>14,837.7</u>

25 SECTION 12. The amounts reflected in this Article include the appropriation of Rhode
26 Island Capital Plan funds for fiscal year 2013 and supersede appropriations provided for FY 2013
27 within Section 12 of Article 1 of Chapter 151 of the P.L. of 2011.

28 The following amounts are hereby appropriated out of any money in the State's Rhode
29 Island Capital Plan Fund not otherwise appropriated to be expended during the fiscal years ending
30 June 30, 2014, June 30, 2015, and June 30, 2016. These amounts supersede appropriations
31 provided within Section 12 of Article 1 of Chapter 151 of the P.L. of 2011. For the purposes and
32 functions hereinafter mentioned, the State Controller is hereby authorized and directed to draw
33 his or her orders upon the General Treasurer for the payment of such sums and such portions
34 thereof as may be required by him or her upon receipt of properly authenticated vouchers.

	Fiscal Yr Ending	Fiscal Yr Ending	Fiscal Yr Ending	
	<u>June 30, 2014</u>	<u>June 30, 2015</u>	<u>June 30, 2016</u>	
1				
2	<u>Project</u>			
3	BHDDH-Hospital Consolidation	11,000,000	8,577,000	10,000,000
4	DOA-State House Renovations	4,500,000	4,500,000	500,000
5	DOA-Pastore Center Building Demotion	2,500,000	1,500,000	500,000
6	ELSEC-Met. Career and Tech – East Bay	2,580,000	0	0
7	Higher Ed-Asset Protection-CCRI	2,093,500	2,138,305	2,184,100
8	Higher Ed-Asset Protection-RIC	3,143,250	3,213,548	3,285,400
9	Higher Ed-Asset Protection-URI	7,357,500	7,520,000	7,686,900
10	DOC Asset Protection	3,500,000	3,000,000	3,000,000
11	Judicial-Asset Protection	650,000	675,000	700,000
12	Mil Staff-Asset Protection	500,000	500,000	500,000
13	DEM-Dam Repairs	550,000	550,000	500,000
14	DEM-Recreation Facility Improvements	1,390,000	1,500,000	600,000
15	DOT-Highway Improvement Program	20,000,000	20,000,000	20,000,000

16 SECTION 13. [Reappropriation of Funding for Rhode Island Capital Plan Fund Projects.](#) -
17 Any unexpended and unencumbered funds from Rhode Island Capital Plan Fund project
18 appropriations may be reappropriated at the recommendation of the Governor in the ensuing
19 fiscal year and made available for the same purpose. The Governor shall submit a report of such
20 reappropriations to the chairperson of the house finance committee and the chairperson of the
21 senate finance committee stating the final enacted amount by project, the amounts expended and
22 the amounts reappropriated by August 15, 2013.

23 SECTION 14. Notwithstanding any provisions of Chapter 25 in Title 46 of the Rhode
24 Island General Laws, the Narragansett Bay Commission shall transfer to the State Controller by
25 June 30, 2013 the sum of three million seventy-three thousand dollars (\$3,073,000) for debt
26 service costs on general obligation bonds issued on behalf of the Narragansett Bay Commission
27 by the State of Rhode Island.

28 SECTION 15. Notwithstanding any public laws to the contrary, of the twelve million five
29 hundred fifty-three thousand five hundred sixty-six dollars (\$12,553,566) bond premium received
30 on the 2011 Series A general obligation bond issuance, six million five hundred fifty-three
31 thousand five hundred sixty-six dollars (\$6,553,566) shall be transferred from the Rhode Island
32 Capital Plan Fund to the Information Technology Investment Fund established pursuant to section
33 42-11-2.5 and six million dollars (\$6,000,000) shall be transferred from the Rhode Island Capital
34 Plan Fund to the general fund.

1 SECTION 16. For the Fiscal Year ending June 30, 2013, the Rhode Island Housing and
2 Mortgage Finance Corporation shall provide from its resources such sums as appropriate in
3 support of the Neighborhood Opportunities Program. The Corporation shall provide a report
4 detailing the amount of funding provided to this program, as well as information on the number
5 of units of housing provided as a result to the Director of Administration, the Chair of the
6 Housing Resources Commission, the Chair of the House Finance Committee, the Chair of the
7 Senate Finance Committee and the State Budget Officer.

8 SECTION 17. This article shall take effect as of July 1, 2012.

9 **ARTICLE 2**

10 **RELATING TO BORROWING IN ANTICIPATION OF RECEIPTS FROM TAXES**

11 SECTION 1. (a) The state of Rhode Island is hereby authorized to borrow during its
12 fiscal year ending June 30, 2013, in anticipation of receipts from taxes such sum or sums, at such
13 time or times and upon such terms and conditions not inconsistent with the provisions and
14 limitations of Section 17 of Article VI of the constitution of Rhode Island, as the general
15 treasurer, with the advice of the Governor, shall deem for the best interests of the state, provided
16 that the amounts so borrowed shall not exceed three hundred million dollars (\$300,000,000), at
17 any time outstanding. The state is hereby further authorized to give its promissory note or notes
18 signed by the general treasurer and counter-signed by the secretary of state for the payment of any
19 sum so borrowed. Any such proceeds shall be invested by the general treasurer until such time as
20 they are needed. The interest income earned from such investments shall be used to pay the
21 interest on the promissory note or notes, or other forms of obligations, and any expense of issuing
22 the promissory note or notes, or other forms of obligations, with the balance remaining at the end
23 of said fiscal year, if any, shall be used toward the payment of long-term debt service of the state,
24 unless prohibited by federal law or regulation.

25 (b) Notwithstanding any other authority to the contrary, duly authorized bonds or notes of
26 the state issued during the fiscal year ending June 30, 2013 may be issued in the form of
27 commercial paper, so-called. In connection herewith, the state, acting through the general
28 treasurer, may enter into agreements with banks, trust companies or other financial institutions
29 within or outside the state, whether in the form of letters or lines of credit, liquidity facilities,
30 insurance or other support arrangements. Any notes issued as commercial paper shall be in such
31 amounts and bear such terms as the general treasurer, with the advice of the governor, shall
32 determine, which may include provisions for prepayment at any time with or without premium at
33 the option of the state. Such notes may be sold at a premium or discount, and may bear interest or
34 not and, if interest bearing, may bear interest at such rate or rates variable from time to time as

1 determined by the Federal Reserve Bank Composite Index of Commercial Paper, or the
2 Municipal Market Data General Market Index or other similar commercial paper offerings, or
3 other method specified in any agreement with brokers for the placement or marketing of any such
4 notes issued as commercial paper, or other like agreements. Any such agreement may also
5 include such other covenants and provisions for protecting the rights, security and remedies of the
6 lenders as may, in the discretion of the general treasurer, be reasonable, legal and proper. The
7 general treasurer may also enter into agreements with brokers for the placement or marketing of
8 any such notes of the state issued as commercial paper. Any notes to the state issued as
9 commercial paper in anticipation of receipts from taxes in any fiscal year must also be issued in
10 accordance with the provisions of Section 17 of Article VI of the constitution of Rhode Island and
11 within the limitations set forth in Subsection (a) of Section 1 of this Article.

12 (c) Notwithstanding any other authority to the contrary, other forms of obligations of the
13 state not to exceed twenty million dollars (\$20,000,000) of the three hundred million dollar
14 (\$300,000,000) amount authorized in Section 1 may be issued during the fiscal year ending June
15 30, 2013 in the form of a commercial or business credit account, at any time outstanding, with
16 banks, trust companies or other financial institutions within or outside the state in order to finance
17 a payables incentive program for the state with its vendors. Any such forms of obligations entered
18 into pursuant to this subsection shall be in such amounts and bear such terms as the general
19 treasurer, with the advice of the governor, shall determine which may include provisions for
20 prepayment at any time with or without premium at the option of the state. Any such forms of
21 obligations entered into pursuant to this subsection may also include such other covenants and
22 provisions for protecting the rights, security and remedies of the lenders as may, in the discretion
23 of the general treasurer, be reasonable, legal and proper. Any such forms of obligations entered
24 into pursuant to this subsection must also be issued in accordance with the provisions of Section
25 17 of Article VI of the Constitution of Rhode Island and within the limitations set forth in
26 Subsection (a) of Section 1 of this Article.

27 SECTION 2. This article shall take effect upon passage.

28 **ARTICLE 3**

29 **RELATING TO RHODE ISLAND PUBLIC TELECOMMUNICATIONS AUTHORITY**

30 SECTION 1. Section 16-61-6 of the General Laws in Chapter 16-61 entitled "Rhode
31 Island Public Telecommunications Authority" is hereby amended to read as follows:

32 **16-61-6. Powers and duties of authority.** -- (a) The authority shall be empowered to:

33 (1) Adopt and amend and repeal suitable bylaws for the management of its affairs;

34 (2) Adopt and use the official seal and alter it at its pleasure;

- 1 (3) Maintain an office at any place or places within the state that it may designate;
- 2 (4) Establish, own, and operate noncommercial educational television or radio
3 broadcasting stations, one or more public broadcasting and public broadcasting
4 telecommunications networks or systems, and interconnection and program production facilities;
- 5 (5) Apply for, receive, and hold any authorizations and licenses and assignments and
6 reassignments of channels from the federal communications commission (FCC) as may be
7 necessary to conduct its operations; and prepare and file and prosecute before the FCC all
8 applications, reports, or other documents or requests for authorization of any type necessary or
9 appropriate to achieve the authorized purposes of the authority;
- 10 (6) Provide coordination and information on matters relating to public broadcasting
11 telecommunications among the agencies of the state government, all facets of Rhode Island
12 public education and individual associations, and institutions working in these fields both within
13 and without the state;
- 14 (7) Establish state-wide equipment compatibility policies and determine the method of
15 interconnection to be employed within the state's public broadcasting system;
- 16 (8) Assume responsibility for establishing broad programming philosophy which will
17 encourage diversity, quality, and excellence of programming which is released via its facilities.
18 The general manager shall be responsible for implementing programming policy in accordance
19 with the rules and regulations of the federal communications commission;
- 20 (9) Provide appropriate advisory assistance to other agencies of the state and local and
21 regional groups regarding public broadcasting techniques, planning, budgeting, and related
22 issues;
- 23 (10) Make to the governor and the legislature any recommendations that the authority
24 deems necessary with regard to ~~appropriations relating to~~ public broadcasting and public
25 broadcasting telecommunications equipment and facilities;
- 26 (11) Subject to the approval of the governor, receive and administer gifts, contributions,
27 and funds from public and private sources to be expended for public broadcasting and public
28 broadcasting telecommunications operations, facilities, and programming consistent with
29 furthering the purposes of the authority;
- 30 (12) Cooperate with federal agencies for the purpose of obtaining matching and other
31 federal funds and providing public broadcasting and public broadcasting telecommunications
32 facilities throughout the state and to make any reports that may be required of the state. The
33 authority shall provide appropriate advisory assistance to local school districts and others on these
34 matters;

1 (13) Contract with program production organizations, individuals, and noncommercial
2 educational television and radio stations within and without the state to produce or to procure
3 educational television or radio programs for use by noncommercial stations within the state;

4 (14) Establish and maintain a library and archives of educational television and radio
5 programs and related materials, disseminate information about those programs and make suitable
6 arrangements for the use of the programs and materials by colleges, universities, schools, and
7 noncommercial television and radio stations;

8 (15) Conduct explorations, research, demonstrations, or training in matters related to
9 public broadcasting and public broadcasting telecommunications in the state, directly or through
10 contracts with appropriate agencies, organizations, or individuals, or by grants to nonprofit,
11 noncommercial organizations such as colleges, universities, schools, and noncommercial
12 television and radio stations;

13 (16) Acquire, subject to the provisions of the general laws, through lease, purchase, or
14 other means, real and other property and to hold and use this property for public broadcasting and
15 public broadcasting telecommunications purposes;

16 (17) Contract, subject to the provisions of the general laws, for the construction, repair,
17 maintenance, and operations of public broadcasting and public broadcasting telecommunications
18 facilities including program production center, stations, and interconnection facilities;

19 (18) Make arrangements, where appropriate, with companies or other agencies and
20 institutions operating suitable interconnection facilities (e.g., landlines or satellites);

21 (19) Be empowered to set and collect reasonable fees for services provided through
22 contracts with agencies, companies, organizations, and individuals;

23 (20) Make reasonable rules and regulations to carry out the provisions of this chapter.

24 (21) Manage and operate public, education and government (PEG) access studios in
25 compliance with rules promulgated by the division of public utilities and carriers.

26 (22) To conduct a training course for newly appointed and qualified members within six
27 (6) months of their qualification or designation. The course shall be developed by the chair of the
28 authority, approved by the authority, and conducted by the chair of the authority. The authority
29 may approve the use of any authority or staff members or other individuals to assist with training.
30 The training course shall include instruction in the following areas: the provisions of chapters 42-
31 46, 36-14, and 38-2; and the committee's rules and regulations. The director of the department of
32 administration shall, within ninety (90) days of the effective date of this act [March 29, 2006],
33 prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and
34 38-2.

1 (b) In carrying out its powers and duties under this section, the authority shall be
2 empowered to enter into contracts or agreements with any nonprofit entity for the operations in
3 whole or in part of the public telecommunications functions assigned to it by this chapter.

4 SECTION 2. Section 16-61-13 of the General Laws in Chapter 16-61 entitled "Rhode
5 Island Public Telecommunications Authority" is hereby repealed.

6 ~~**16-61-13. Annual appropriation.** --- The general assembly shall annually appropriate
7 any sums as it deems necessary for the support and maintenance of public telecommunications in
8 the state, and the state controller is authorized and directed to draw his or her orders upon the
9 general treasurer for the payment of those appropriations or so much of this sum as may be
10 necessary for the purposes appropriated, upon the receipt by the controller of properly
11 authenticated vouchers, as the authority may by rule provide.~~

12 SECTION 3. This article shall take effect as of January 1, 2013.

13 ARTICLE 4

14 RELATING TO GOVERNMENTAL ORGANIZATION

15 SECTION 1. Sections 16-57-1, 16-57-3 through 16-57-6.1, 16-57-6.2, 16-57-6.3, 16-57-
16 6.5, 16-57-7 through 16-57-8, 16-57-10 through 16-57-15 and 16-57-17 in Chapter 16-57 of the
17 General Laws entitled "Higher Education Assistance Authority" are hereby amended to read as
18 follows:

19 **16-57-1. Short title.** -- This chapter shall be known as the "Rhode Island Higher
20 Education Assistance ~~Authority~~ Act".

21 **16-57-3. Definitions.** -- As used in this chapter, the following words and terms have the
22 following meanings unless the context indicates another or different meaning or intent:

23 (1) "Authority" means the governmental agency and public instrumentality previously
24 authorized, created, and established pursuant to §-16-57-4.

25 (2) "Board" means the Board of Governors for Higher Education authorized, created, and
26 established pursuant to section 16-59-1 et seq., and further authorized pursuant to section 16-57-
27 4.

28 ~~(2)~~(3) "Commissioner of higher education" means the commissioner appointed by the
29 Rhode Island board of governors for higher education or his or her designee.

30 ~~(3)~~(4) "Eligible borrower" means a student, or the parent of a student, who is either a
31 resident of the state or who, under rules promulgated by the authority, is qualified to make an
32 eligible loan.

33 ~~(4)~~(5) "Eligible institution", subject to further particular or more restrictive definition by
34 regulation of the authority, means:

1 (i) An institution of higher learning;
2 (ii) A vocational school; or
3 (iii) With respect to students who are nationals of the United States, an institution outside
4 the United States which is comparable to an institution of higher education or to a vocational
5 school and which has been approved by the authority and by the commissioner for purposes of
6 the guaranteed student loan program.

7 ~~(5)~~(6) "Eligible loan" means a loan to a student or to the parent of a student insured or
8 guaranteed by the commissioner, by the authority, or by any other governmental or private
9 agency, corporation, or organization having a reinsurance or guaranty agreement with the
10 commissioner applicable to the student loan.

11 ~~(6)~~(7) "Guaranteed student loan program" means the program of federal student loan
12 insurance and reinsurance administered by the commissioner.

13 ~~(7)~~(8) "Lender", subject to further particular or more restrictive definition by regulation
14 of the authority, means any governmental or private agency, corporation, organization, or
15 institution designated as an "eligible lender" by federal statute, regulation, or administrative
16 ruling for the purposes of the guaranteed student loan program.

17 ~~(8)~~(9) "Participant" means an individual, corporation, trust or other "person" within the
18 meaning of § 529 of the Internal Revenue Code [26 U.S.C. § 529], who makes contributions to
19 the tuition savings program established pursuant to § 16-57-6.1 for purposes of paying qualified
20 higher education expenses on behalf of a beneficiary.

21 ~~(9)~~(10) "Participating institution" means an institution for higher education which agrees
22 to participate in a savings program or prepaid tuition program established pursuant to this chapter.

23 ~~(10)~~(11) "Prepaid tuition program" means a program administered by the authority, in
24 conjunction with the executive director of the Rhode Island Student Loan Authority, and the
25 commissioner of higher education, which provides a means for qualified students, parents and
26 others responsible for paying the costs of education to fix all or a portion of the direct cost of
27 attendance at participating institutions in one or more future years.

28 ~~(11)~~(12) "Program" means the tuition savings program established pursuant to section 16-
29 57-6.1.

30 ~~(12)~~(13) "Qualified higher education expenses" means the costs of tuition, fees, books,
31 supplies and equipment required for enrollment or attendance at an institution of higher
32 education, and other education costs defined by federal law.

33 ~~(13)~~(14) "Secretary" means the United States secretary of education.

34 ~~(14)~~(15) "State" means the state of Rhode Island and Providence Plantations.

1 ~~(15)~~(16) "Student", as used with reference to the guaranteed student loan program and the
2 parent loan program, means an individual who, under rules promulgated by the authority, is
3 enrolled or accepted for enrollment at an eligible institution and who is making suitable progress
4 in his or her education toward obtaining a degree or other appropriate certification in accordance
5 with standards acceptable to the authority.

6 ~~(16)~~(17) "Tuition savings program" or "Savings program" means a program approved and
7 administered by the authority, in conjunction with the executive director of the Rhode Island
8 Student Loan Authority, and the commissioner of higher education, designed to facilitate and
9 encourage savings by or on behalf of students, future students and parents for the purpose of
10 paying the costs of attending institutions of higher education.

11 **16-57-4. Creation Authorization.** --. (a) ~~There is authorized, created, and established a~~
12 ~~public corporation of the state having a distinct legal existence from the state and not constituting~~
13 ~~a department of state government, which is a governmental agency and public instrumentality of~~
14 ~~the state, to be known as the "Rhode Island higher education assistance authority" with the~~
15 ~~powers set forth in this chapter~~ The Board of Governors for Higher Education is hereby granted
16 and authorized to use all of the powers conferred by and set forth in this chapter, for the purposes
17 of guaranteeing eligible loans to students in eligible institutions and to parents of those students
18 and of administering other programs of postsecondary student financial assistance assigned by
19 law to the authority.

20 (b) The exercise by the ~~authority~~ board of the powers conferred by this chapter shall be
21 deemed and held to be the performance of an essential governmental function of the state for
22 public purposes. It is the intent of the general assembly by the passage of this chapter to vest in
23 the ~~authority~~ board all powers, authority, rights, privileges, and titles which may be necessary to
24 enable it to accomplish the purposes set forth in this section and this chapter and the powers
25 granted by it shall be liberally construed in conformity with these purposes.

26 (c) The authority and its corporate existence shall ~~continue until~~ be terminated on
27 September 1, 2012, and ~~terminated by law or until the authority shall cease entirely and~~
28 ~~continuously to conduct or be involved in any business in furtherance of its purposes; provided,~~
29 ~~that no termination shall take effect so long as the authority shall have guaranties or other~~
30 ~~obligations outstanding, unless adequate provision shall have been made for the payment of the~~
31 ~~obligations pursuant to the documents securing them or to this law. Upon termination of the~~
32 ~~existence of the authority, all its rights,~~ obligations and properties shall pass to and be vested in
33 the ~~state~~ board. At no time shall the assets or other property of the authority inure to the benefit of
34 any person or other corporation or entity.

1 **16-57-5. General powers.** -- The [authority board](#) shall have all of the powers necessary
2 and convenient to carry out and effectuate the purposes and provisions of this chapter, including
3 without limiting the generality of the foregoing the power:

4 (1) To sue and be sued, complain and defend, in its corporate name.

5 (2) To have a seal which may be altered at pleasure and to use the seal by causing it, or a
6 facsimile of it, to be impressed or affixed or in any other manner reproduced.

7 (3) To acquire the assets and assume the liabilities or to effect the merger into itself of
8 any corporation or other organization incorporated or organized under the laws of this state,
9 which corporation or organization has as its principal business the guaranteeing of loans to
10 students in eligible institutions, all upon any terms and for any consideration as the authority shall
11 deem to be appropriate.

12 (4) To make contracts and guarantees and incur liabilities, and borrow money at any rates
13 of interest as the authority may determine.

14 (5) To make and execute all contracts, agreements, and instruments necessary or
15 convenient in the exercise of the powers and functions of the authority granted by this chapter.

16 (6) To lend money for its purposes, and to invest and reinvest its funds.

17 (7) To conduct its activities, carry on its operations, and have offices and exercise the
18 powers granted by this chapter, within or without the state.

19 (8) To elect, appoint, or employ in its discretion officers and agents of the [authority](#)
20 [board](#), and define their duties.

21 (9) To make and alter bylaws, not inconsistent with this chapter, for the administration
22 and regulation of the affairs of the [authority board](#), and the bylaws may contain provisions
23 indemnifying any person who is or was a director, officer, employee, or agent of the authority
24 [and/or the board](#), in the manner and to the extent provided in section 7-1.2-814.

25 (10) To have and exercise all powers necessary or convenient to effect its purposes.

26 **16-57-6. Additional general powers.** -- (a) In addition to the powers enumerated in
27 section 16-57-5, the [authority board](#) shall have power:

28 (1) To guarantee one hundred percent (100%) of the unpaid principal and accrued interest
29 of any eligible loan made by a lender to any eligible borrower for the purpose of assisting the
30 students in obtaining an education in an eligible institution.

31 (2) To procure insurance of every nature to protect the authority against losses which may
32 be incurred in connection with its property, assets, activities, or the exercise of the powers granted
33 under this chapter.

34 (3) To provide advisory, consultative, training, and educational services, technical

1 assistance and advice to any person, firm, partnership, or corporation, whether the advisee is
2 public or private, in order to carry out the purposes of this chapter.

3 (4) When the [authority board](#) deems it necessary or desirable, to consent to the
4 modification, with respect to security, rate of interest, time of payment of interest or principal, or
5 any other term of a bond or note, contract, or agreement between the authority [and/or the board](#)
6 and the recipient or maker of a loan, bond, or note holder, or agency or institution guaranteeing
7 the repayment of, purchasing, or selling an eligible loan.

8 (5) To engage the services of consultants on a contract basis for rendering professional
9 and technical assistance and advice, and to employ attorneys, accountants, financial experts, and
10 any other advisers, consultants, and agents as may be necessary in its judgment, and to fix their
11 compensation.

12 (6) To contract for and to accept any gifts, grants, loans, funds, property, real or personal,
13 or financial or other assistance in any form from the United States or any agency or
14 instrumentality of the United States, or from the state or any agency or instrumentality of the
15 state, or from any other source, and to comply, subject to the provisions of this chapter, with the
16 terms and conditions of those entities. Loans provided pursuant to subsection (b) of this section
17 shall be repaid to the [authority board](#) and deposited as general revenues of the state.

18 (7) To prescribe rules and regulations deemed necessary or desirable to carry out the
19 purposes of this chapter, including without limitation rules and regulations:

20 (i) To insure compliance by the authority with the requirements imposed by statutes or
21 regulation governing the guaranty, insurance, purchase, or other dealing in eligible loans by
22 federal agencies, instrumentalities, or corporations,

23 (ii) To set standards of eligibility for educational institutions, students, and lenders and to
24 define residency and all other terms as the authority deems necessary to carry out the purposes of
25 this chapter, and

26 (iii) To set standards for the administration of programs of postsecondary student
27 financial assistance assigned by law to the [authority board](#), including but not limited to savings
28 programs. Administrative rules governing savings programs shall authorize the [authority board](#),
29 in conjunction with ~~the executive director of the Rhode Island student loan authority and~~ the
30 commissioner of higher education, to negotiate reciprocal agreements with institutions in other
31 states offering similar savings programs for the purpose of maximizing educational benefits to
32 residents, students and institutions in this state.

33 [\(iv\) The provisions of the administrative procedures act, chapter 35 of title 42, shall not](#)
34 [apply to this chapter.](#)

1 (8) To establish penalties for violations of any order, rule, or regulation of the ~~authority~~
2 board, and a method for enforcing these.

3 (9) To set and collect fees and charges, in connection with its guaranties and servicing,
4 including without limitation reimbursement of costs of financing by the ~~authority~~ board, service
5 charges, and insurance premiums and fees and costs associated with implementing and
6 administering savings programs established pursuant to this chapter. Fees collected due to the
7 Rhode Island work-study program or due to unclaimed checks shall be deposited as general
8 revenues of the state.

9 (10) To enter into an agreement with any university to secure positions for Rhode Island
10 applicants in a complete course of study in its school of veterinary medicine, medicine, dentistry,
11 optometry, and three (3) positions in osteopathic medicine and to guarantee and pay the
12 university for each position.

13 (11) To enter into agreements with loan applicants providing preferential rates and terms
14 relative to other applicants; provided, that the loan applicants agree to work in a licensed child
15 care facility in Rhode Island for at least two (2) years upon completion or graduation in a course
16 of study in early childhood education or child care.

17 (12) To develop and administer, in conjunction with ~~the executive director of the Rhode~~
18 ~~Island student loan authority and~~ the commissioner of higher education, savings programs on
19 behalf of itself, the state, students, parents, or any other private parties, all in cooperation with
20 any other public and private parties and in accordance with any criteria or guidelines as the
21 ~~authority~~ board shall deem appropriate to effectuate the purposes of this chapter. To the extent
22 practicable, these savings programs shall provide students, parents, and others an opportunity to
23 participate conveniently and shall enable them to set aside relatively small amounts of money at a
24 time and shall incorporate or be available in conjunction with, directly or indirectly, tuition
25 agreements from as many eligible institutions as feasible.

26 (13) In connection with any savings program, the ~~authority~~ board may accept, hold, and
27 invest funds of students, parents, institutions of higher education, and others and may establish
28 special accounts for carrying out the purposes of this chapter.

29 (14) To enter into contracts with institutions of higher education, financial institutions,
30 financial consultants, attorneys, and other qualified entities on terms and conditions and for a
31 term as it may deem advisable or desirable for the purpose of establishing and maintaining
32 savings programs authorized pursuant to this chapter.

33 (15) To create and supervise a marketing plan dedicated to the promotion of savings
34 programs created pursuant to this chapter and to hire professional consultants and attorneys for

1 these purposes.

2 (16) To assist the general treasurer in the implementation of the college and university
3 savings bond program established under chapter 15 of title 35.

4 (b) The [authority board](#) shall enter into agreements with the prospective students to the
5 university for the repayment by the students of the money advanced under any terms and
6 conditions as are reasonable. The [authority board](#) may charge students interest on the money
7 advanced under this chapter at a fixed or variable rate not exceeding the greater of seven and one-
8 half percent (7 1/2%) per annum or the maximum rate allowable under 42 U.S.C. § 292 et seq.
9 and the regulations promulgated under that act by the United States office of education.

10 **16-57-6.1. Tuition savings program.** -- (a) The [authority board](#) shall, in conjunction
11 with the ~~executive director of the Rhode Island student loan authority~~ [general treasurer](#) and the
12 commissioner of higher education, establish in any form as it deems appropriate, a tuition savings
13 program to allow persons to save money for the sole purpose of meeting qualified higher
14 education expenses.

15 (b) All money received in connection with the tuition savings program shall be
16 segregated from all other funds of the [authority board](#) into two (2) funds, a program fund and an
17 administrative fund. No more than two percent (2%) of money in the program fund may be
18 transferred annually to the administrative fund for the purpose of paying operating costs of
19 administering the tuition savings program. Money accrued by participants in the program fund
20 may be used for payments to an eligible institution.

21 (c) The state investment commission shall invest money within the program fund in any
22 investments which are authorized by the general laws, including equities and fixed income
23 securities. The composition of investments shall be determined by the state investment
24 commission, subject to the approval of the [authority board](#). The state investment commission
25 shall consider the recommendations of the commissioner of higher education and the ~~executive~~
26 ~~director of the Rhode Island Student Loan Authority~~ [general treasurer](#) with respect to the
27 appropriate composition of investments within the program fund.

28 (d) A participant may at any time withdraw funds from the participant's account in the
29 tuition savings program in an amount up to the value of the account at the time the withdrawal is
30 implemented, less such administrative fee as may be levied by the [authority board](#) in connection
31 with the withdrawal.

32 (e) Notwithstanding any of the foregoing provisions, no administrative fee may be levied
33 by the [authority board](#) in the event that a participant requests withdrawal of funds from the
34 participant's account in the tuition savings program on account of, and within the meanings of §

1 529 of the Internal Revenue Code [26 U.S.C. § 529]:

2 (1) The death of the beneficiary of the account;

3 (2) The disability of the beneficiary; or

4 (3) A scholarship, allowance, or payment received by the beneficiary to the extent that
5 the amount of the refund does not exceed the amount of the scholarship, allowance, or payment.

6 (f) In the event that a participant requests a withdrawal from an account in the tuition
7 savings program other than (1) a withdrawal used for qualified higher education expenses of the
8 beneficiary of the account, or (2) for a reason referred to in subdivision (e)(1), (e)(2), or (e)(3) of
9 this section, the [authority board](#) shall impose a more than de minimus penalty on the earnings
10 portion of the withdrawal in accordance with § 529 of the Internal Revenue Code [26 U.S.C. §
11 529]; provided that no penalty shall be imposed with respect to any such withdrawal, or any other
12 withdrawal, from any account in the tuition savings plan to which the tax made applicable by §
13 529 of the Internal Revenue Code [26 U.S.C. § 529] is effective.

14 (g) Resources of the [authority board](#) and the Rhode Island student loan authority shall be
15 employed to effect implementation of the tuition savings program.

16 **16-57-6.2. Ownership of assets – Transfer of ownership rights.** -- (a) The participant
17 retains ownership of all assets properly allocated to an account maintained for the participant in
18 the tuition savings program up to the date of withdrawal or distribution of these from the
19 program.

20 (b) All assets of the tuition savings program shall be considered to be held in trust. As
21 required by the Internal Revenue Code, no interest in the tuition savings program or any portion
22 of these may be used as security for a loan.

23 (c) Any amounts paid to the administrative fund of the tuition savings program are owned
24 by the [authority board](#). These amounts may include, but are not limited to, appropriated state
25 funds.

26 (d) A participant may transfer ownership rights in the tuition savings program to another
27 participant or designate a new beneficiary insofar as permitted by § 529 of the Internal Revenue
28 Code [26 U.S.C. § 529] under such conditions as the authority deems appropriate.

29 **16-57-6.3. Tax exempt earnings.** -- (a) For state income tax purposes, annual earnings of
30 the tuition savings program and the prepaid tuition program shall be exempt from tax to the
31 program, and shall not be includible in the Rhode Island income of either beneficiaries or
32 participants in the program until withdrawn or distributed from it, and then in accordance with
33 chapter 30 of title 44.

34 (b) The tax administrator, in consultation with the [authority board](#), may adopt rules and

1 regulations necessary to monitor, implement, and administer the Rhode Island personal income
2 tax provisions referred to in subsection (a) relating to this chapter. These regulations shall provide
3 for each taxable year for the timely submission to the tax administrator by the program manager
4 of the tuition savings program of this information in the form the tax administrator shall prescribe
5 concerning contributions to, and withdrawals including transfers and rollovers from, the tuition
6 savings program during that year.

7 **16-57-6.5. Annual audited financial report to the governor and general assembly. –**

8 (a) The [authority board](#), shall submit to the governor, the speaker of the house of representatives,
9 the president of the senate, and the secretary of state an annual audited financial report, prepared
10 in accordance with generally accepted accounting principles, on the operations of the tuition
11 savings program by November 1 of each year. The annual audit shall be made either by the
12 auditor general or by an independent certified public accountant approved by the auditor general
13 and shall include direct and indirect costs attributable to the use of outside consultants,
14 independent contractors, and any other persons who are not state employees.

15 (b) The annual audited financial report shall be supplemented by the following
16 information, to be submitted by April 1 of each year, on the operations of the program for the
17 previous calendar year:

18 (1) A summary of meetings or hearings held, meeting minutes, subjects addressed,
19 decisions rendered, rules or regulations promulgated, studies conducted, policies and plans
20 developed, approved, or modified, and programs administered or initiated; and a summary of any
21 clerical, administrative or technical support received; a summary of performance during the
22 previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of
23 hearings, complaints, suspensions or other legal matters related to the authority of the board; a
24 summary of any training courses held pursuant to subsection 16-57-7(a)(2); a briefing on
25 anticipated activities in the upcoming fiscal year; and findings and recommendations for
26 improvements;

27 (2) A summary of the benefits provided by the tuition savings program including the
28 number of participants and beneficiaries;

29 (3) Any other information which is relevant in order to make a full, fair and effective
30 disclosure of the assets and operations of the program; and

31 (4) The foregoing supplemental information shall be posted electronically on the general
32 assembly's and the secretary of state's websites as prescribed in § 42-20-8.2 of the Rhode Island
33 general laws. The director of the department of administration shall be responsible for the
34 enforcement of this provision.

1 ~~**16-57-7. Directors, Officers, and employees**~~ **Officers and employees.** -- (a)(1) The
2 powers of the authority shall be vested in a board of directors consisting of nine (9) members, five
3 (5) of whom shall be appointed by the governor from among members of the general public, who
4 are qualified by training or experience in education finance or personal investment consulting and
5 made in accordance with subsection (b) of this section; three (3) of whom shall be appointed by
6 the governor, who shall give due consideration to the recommendations made by the chairperson
7 of the board of governors for higher education and by the Rhode Island Independent Higher
8 Education Association for those appointments; and the state general treasurer ex officio or his or
9 her designee who shall be a subordinate from within the office of the general treasurer. All
10 gubernatorial appointments made to this board shall be subject to the advice and consent of the
11 senate. All board members first appointed to the board after the effective date of this act shall be
12 residents of this state. Designees of members serving ex officio shall represent him or her at all
13 meetings of the board. Except for the chairpersons of the house and senate finance committees or
14 their designees who shall cease to be members of the authority upon the effective date of this act,
15 each member shall serve until his or her successor is appointed and qualified. The original
16 members appointed by the governor shall be appointed in a manner as to provide for the
17 expiration of the term of one member on the first day of July of each year.

18 (2) Newly appointed and qualified public members and designees of ex officio members
19 shall, within six (6) months of their qualification or designation, attend a training course that shall
20 be developed with board approval and conducted by the chair of the board and shall include
21 instruction in the following areas: the provisions of chapters 16-57, 42-46, 36-14 and 38-2; and
22 the board's rules and regulations. The director of the department of administration shall, within
23 ninety (90) days of the effective date of this act, prepare and disseminate training materials
24 relating to the provisions of chapters 42-46, 36-14 and 38-2.

25 (3) Public members of the board shall be removable by the appointing authority for cause
26 only, and removal solely for partisan or personal reasons unrelated to capacity or fitness for the
27 office shall be unlawful.

28 (b) During the month of June of each year, the governor shall appoint a member to
29 succeed the member whose term will then next expire to serve for a term of five (5) years
30 commencing on the first day of July then next following, and after this, until a successor is
31 appointed and qualified. As soon as practicable after the effective date of this act, the governor
32 shall appoint a member to serve an initial term to expire on July 1, 2010. Thereafter, all members
33 appointed by the general treasurer shall be appointed to terms of five (5) years, and the governor
34 shall, during the month of June preceding the expiration of each term, appoint a member whose

1 ~~term will then next expire. In the event of a vacancy occurring in the office of a member by death,~~
2 ~~resignation, removal, or otherwise, the vacancy shall be filled in the same manner as an original~~
3 ~~appointment but only for the remainder of the term of the former member.~~

4 ~~(c) The directors shall receive no compensation for the performance of their duties under~~
5 ~~this chapter, but each director shall be reimbursed for his or her reasonable expenses incurred in~~
6 ~~carrying out the duties. A director may engage in private employment or in a profession or~~
7 ~~business.~~

8 ~~(d) Upon appointment and qualification of the original board of directors, and during the~~
9 ~~month of July of each year after this, the board of directors shall elect one of its members to serve~~
10 ~~as chairperson. The board may elect from among its members such other officers as they deem~~
11 ~~necessary. Five (5) directors shall constitute a quorum and any action to be taken by the authority~~
12 ~~under the provisions of this chapter may be authorized by resolution approved by a majority of~~
13 ~~the directors present and voting at any regular or special meeting at which a quorum is present. A~~
14 ~~vacancy in the membership of the board of directors shall not impair the right of a quorum to~~
15 ~~exercise all the rights and perform all the duties of the authority.~~

16 ~~(e) In addition to electing a chairperson, the board of directors shall appoint a secretary~~
17 ~~and any additional officers and staff members as they shall deem appropriate. The board of~~
18 ~~directors shall appoint an executive director who shall be in the unclassified service and vest in~~
19 ~~that person or his or her subordinates the authorization to appoint The board acting through the~~
20 ~~commissioner of higher education shall appoint additional staff members who shall be in the non-~~
21 ~~classified service and to determine the amount of compensation each individual shall receive.~~
22 ~~Those persons who were regularly established full time employees of the authority, prior to~~
23 ~~March 27, 1979, and who are required to be in the classified service may be placed in appropriate~~
24 ~~classifications within the classified service without the requirement of competitive examination~~
25 ~~(as approved by the executive director). All employees hired after March 27, 1979, will be hired~~
26 ~~in accordance with the requirements of the classified service for examination, approved state lists,~~
27 ~~and other procedures of the state division of personnel. Those persons who were regularly~~
28 ~~established full time employees of the authority, prior to March 27, 1979, shall have the right to~~
29 ~~purchase retirement credits for the period commencing November 1, 1977, to March 27, 1979, at~~
30 ~~the its full actuarial cost.~~

31 ~~(2) Any All employee employees in either the classified or unclassified service who was,~~
32 ~~prior to his or her hiring by the authority, a participant in the retirement program adopted for~~
33 ~~personnel at any state or private college shall have the option to either remain with that retirement~~
34 ~~program while an employee of the authority or become a participant in the employees' retirement~~

1 ~~system of the state~~ shall be required to participate in the board's alternate retirement program
2 upon becoming eligible for membership in that program and shall have the options, if applicable,
3 as required by and set forth in 16-17.1-1 et seq.

4 (f)(b) No full time employee shall during the period of his or her employment by the
5 authority board engage in any other private employment, profession, or business, except with the
6 approval of the board of directors; provided, that the executive director shall not engage in any
7 other private employment, profession, or business, including, but not limited to consulting.

8 (g)(c) Notwithstanding any other law to the contrary, it shall not be or constitute a
9 conflict of interest for a director, officer, or employee of any financial institution, investment
10 banking firm, brokerage firm, commercial bank, trust company, savings and loan association,
11 credit union, insurance company, educational institution, or any other firm, person, or corporation
12 to serve as a director member of the authority board, nor shall any contract or transaction between
13 the authority board and any financial institution, investment banking firm, brokerage firm,
14 commercial bank, trust company, savings and loan association, credit union, insurance company,
15 educational institution, or any other firm, person, or corporation be void or voidable by reason of
16 any service as director a member of the authority board. If any director, officer, or employee of
17 the authority board shall be interested either directly or indirectly, or shall be a director, officer,
18 or employee of or have an ownership interest (other than as the owner of less than one percent
19 (1%) of the shares of a publicly held corporation) in any firm or corporation interested directly or
20 indirectly in any contract with the authority, the interest shall be disclosed to the authority board
21 and set forth in the minutes of the authority board, and the director, officer, or employee having
22 interest in this shall not participate on behalf of the authority in the authorization of any contract.
23 Interested directors members may be counted in determining the presence of a quorum at a
24 meeting of the board of directors of the authority which authorizes the contract or transaction.

25 (h)(d) Any action taken by the authority board under the provisions of this chapter may
26 be authorized by vote at any regular or special meeting, and each vote shall take effect
27 immediately.

28 (i)(e) The board of directors may designate from among its members an executive
29 committee and one or more other committees each of which, to the extent authorized by the board
30 of directors, shall have and may exercise all the authority of the board of directors set forth in this
31 chapter, but no committee shall have the authority of the board of directors in reference to the
32 disposition of all or substantially all the property and assets of the authority board or amending
33 the bylaws of the authority board.

34 **16-57-8. Designated agency. --** The authority board is designated the state agency or

1 corporation to apply for, receive, accept, and disburse federal funds, and funds from other public
2 and private sources, made available to the state for use as reserves to guarantee student loans or as
3 administrative money to operate student loan programs, and is designated to administer any
4 statewide programs of student assistance that shall be established under federal law.

5 **16-57-10. Reserve funds.** -- To assure the continued operation and solvency of the
6 [authority board](#) for the carrying out of its corporate purposes [as set forth in this chapter](#), the
7 [authority board](#) may create and establish any reserve funds as may be necessary or desirable for
8 its corporate purposes, and may pay into the funds any money appropriated and made available
9 by the state, the commissioner, or any other source for the purpose of the funds, and any money
10 collected by the authority as fees for the guaranty of eligible loans.

11 **16-57-11. Exemption from taxation.** -- (a) The exercise of the powers granted by this
12 chapter will be in all respects for the benefit of the people of this state, the increase of their
13 commerce, welfare, and prosperity and for the improvement of their living conditions and will
14 constitute the performance of an essential governmental function and the [authority board](#) shall not
15 be required to pay any taxes or assessments upon or in respect of any transaction or of any
16 property or money of the [authority board](#), levied by any municipality or political subdivision of
17 the state.

18 (b) The [authority board](#) shall not be required to pay state taxes of any kind, and the
19 [authority board](#), its property, and money shall at all times be free from taxation of every kind by
20 the state and by the municipalities and all political subdivisions of the state. The [authority board](#)
21 shall not be required to pay any transfer tax of any kind on account of instruments recorded by it
22 or on its behalf.

23 **16-57-12. Credit of state.** -- Guaranties made under the provisions of this chapter shall
24 not constitute debts, liabilities, or obligations of the state or of any political subdivision of the
25 state other than the [authority board](#) or a pledge of the faith and credit of the state or any political
26 subdivision other than the [authority board](#), but shall be payable solely from ~~the revenues or assets~~
27 [of the authority reserve funds set forth and established by the board pursuant to section 16-57-10.](#)

28 **16-57-13. Authorization to accept appropriated money.** -- The [authority board](#) is
29 authorized to accept any money as may be appropriated by the general assembly for effectuating
30 its corporate purposes including, without limitation, the payment of the initial expenses of
31 administration and operation and the establishment of reserves or contingency funds to be
32 available for the payment of obligations of the [authority board](#) and to reimburse the authority for
33 sums forgiven pursuant to section 16-41-5.

34 **16-57-14. Assistance by state officer, departments, boards, and commissions.** -- (a)

1 All state agencies may render any services to the authority within their respective functions as
2 may be requested by the [authority board](#).

3 (b) Upon request of the [authority board](#), any state agency is authorized and empowered to
4 transfer to the [authority board](#) any officers and employees as it may deem necessary to assist the
5 [authority board](#) in carrying out its functions and duties under this chapter. Officers and employees
6 transferred shall not lose their civil service status or rights.

7 **16-57-15. Annual report.** -- The [authority board](#) shall submit to the governor within four
8 (4) months after the close of its fiscal year a report of its activities for the preceding fiscal year,
9 and the report shall set forth a complete operating and financial statement covering the [authority's](#)
10 [board's](#) operations [under this chapter](#) during the preceding fiscal year. The [authority board](#) shall
11 include in its report the names and addresses of each recipient. The [authority board](#) shall cause an
12 audit of its books and accounts [related to its operation under this chapter](#) to be made at least once
13 each fiscal year by certified public accountants selected by it and its cost shall be paid by the
14 [authority board](#) from funds available to it pursuant to this chapter.

15 **16-57-17. Other statutes.** -- Nothing contained in this chapter shall restrict or limit the
16 powers of the [authority board](#) arising under any laws of this state except where those powers are
17 expressly contrary to the provisions of this chapter. This chapter shall be construed to provide a
18 complete additional and alternative method for doing the things authorized by it and shall be
19 regarded as supplemental and in addition to the powers conferred by other laws. The making of
20 any guaranty under the provisions of this chapter need not comply with the requirements of any
21 other statute applicable to the making of guaranties. Except as provided in this chapter no
22 proceedings or notice of approval shall be required for the making of any guaranty.

23 SECTION 2. Section 16-59-4 in Chapter 16-59 of the General Laws entitled "Board of
24 Governors for Higher Education" is hereby amended to read as follows:

25 **16-59-4. Powers and duties of board.** -- The board of governors for higher education
26 shall have, in addition to those enumerated in section 16-59-1, the following powers and duties:

27 (1) To approve a systematic program of information gathering, processing, and analysis
28 addressed to every level, aspect, and form of higher education in this state especially as that
29 information relates to current and future educational needs so that current needs may be met with
30 reasonable promptness and plans formulated to meet future needs as they arise in the most
31 efficient and economical manner possible.

32 (2) To approve a master plan defining broad goals and objectives for higher education in
33 the state including a comprehensive capital development program. These goals and objectives
34 shall be expressed in terms of what men and women should know and be able to do as a result of

1 their educational experience. The board of governors shall continuously evaluate the efforts and
2 results of education in the light of these objectives.

3 (3) To formulate broad policy to implement the goals and objectives established and
4 adopted by the board of governors, to adopt standards and require enforcement and to exercise
5 general supervision over all higher public education in the state and over independent higher
6 education in the state as provided in subdivision (8) of this section. The board of governors shall
7 not engage in the operation or administration of any subordinate committee, university, junior
8 college, or community college, except its own office of higher education and except as
9 specifically authorized by an act of the general assembly; provided, the presidents of each
10 institution of higher learning shall be the chief administrative and executive officers of that
11 institution; and provided that nothing contained in this section shall prohibit their direct access to
12 or interfere with the relationship between the presidents and the board of governors. The adoption
13 and submittal of the budget, the approval of tables of organization, the creation, abolishment, and
14 consolidation of departments, divisions, programs, and courses of study, and the acquisition,
15 holding, disposition, and general management of property shall not be construed to come within
16 the purview of the preceding prohibition. The board shall communicate with and seek the advice
17 of the commissioner of higher education and all those concerned with and affected by its
18 determinations as a regular procedure in arriving at its conclusions and in setting its policy.

19 (4) To prepare and maintain a five (5) year funding plan for higher education; to prepare
20 with the assistance of the commissioner of higher education and to present annually to the state
21 budget officer in accordance with section 35-3-4 a state higher educational budget, which shall
22 include, but not be limited to, the budget of the office of higher education and the budget of the
23 state colleges. In the preparation of the budget, the board shall determine priorities of
24 expenditures for public higher education purposes of state revenues and other public resources
25 made available for the support of higher public education. Nothing contained in this subdivision
26 shall authorize the board to alter the allocation of grants or aid otherwise provided by law.

27 (5) To maintain an office of higher education; to provide for its staffing and organization;
28 and to appoint a commissioner of higher education pursuant to section 16-59-6, who shall serve at
29 its pleasure. The commissioner of higher education and the office of higher education shall have
30 the duties and responsibilities as defined in sections 16-59-6 and 16-59-7.

31 (6) To appoint and dismiss presidents of the public institutions of higher learning with the
32 assistance of the commissioner of higher education, and to establish procedures for this, and with
33 the assistance of the commissioner to approve or disapprove vice presidents of the public
34 institutions of higher learning appointed by the respective presidents of the public institutions of

1 higher learning.

2 (7) To establish other educational agencies or subcommittees necessary or desirable for
3 the conduct of any or all aspects of higher education and to determine all powers, functions, and
4 composition of any agencies or subcommittees and to dissolve them when their purpose shall
5 have been fulfilled.

6 (8) To exercise the authority vested in the board of regents for education with relation to
7 independent higher educational institutions within the state under the terms of chapter 40 of this
8 title, and other laws affecting independent higher education in the state.

9 (9) To enforce the provisions of all laws relating to higher education, public and
10 independent.

11 (10) To be responsible for all the functions, powers, and duties which were vested in the
12 board of regents for education relating to higher education, including but not limited to the
13 following specific functions:

14 (i) To approve the tables of organization at public institutions of higher learning with the
15 assistance of the commissioner of higher education.

16 (ii) To adopt and require standard accounting procedures for the office of higher
17 education and all public colleges and universities.

18 (iii) To create, abolish, and consolidate departments, divisions, programs, and courses of
19 study within the public colleges and universities with the assistance of the commissioner of
20 higher education after consultation with the presidents.

21 (iv) To establish a clear and definitive mission for each public institution of higher
22 learning with the assistance of the commissioner of higher education.

23 (v) To promote maximum efficiency, economy, and cooperation in the delivery of public
24 higher educational services in the state and cooperation with independent institutions of higher
25 education.

26 (11) To incorporate into its own affirmative action reporting process periodic reports
27 monitoring specific faculty and staff searches by the chairperson of the search committee to
28 include the rationale for granting those interviews and the final hiring results. The institutions
29 must empower its affirmative action officer to monitor searches in this manner, to intervene
30 during the search, and, when necessary, to cause a search to cease if affirmative action goals are
31 not being adequately served.

32 (12) To incorporate a specific category for accountability on affirmative action goals and
33 implementation as part of the board's annual evaluations and three (3) year reviews for the
34 presidents of each of the public institutions of higher education.

1 (13) To make a formal request of the governor that whenever an opportunity arises to
2 make new appointments to the board, that the governor make every effort to increase the number
3 of African Americans, Native Americans, Asians, and Hispanics on the board.

4 (14) Within ninety (90) days after the end of each fiscal year, the board shall submit an
5 annual report to the governor, the speaker of the house of representatives, and the president of the
6 senate of its activities during that fiscal year. The report shall provide: an operating statement
7 summarizing meetings or hearings held, subjects addressed, decisions rendered, rules or
8 regulations promulgated, studies conducted, policies and plans developed, approved, or modified,
9 and programs administered or initiated; a consolidated financial statement of all funds received
10 and expended including the source of the funds, a listing of any staff supported by these funds,
11 and a summary of any clerical, administrative or technical support received; a summary of
12 performance during the previous fiscal year including accomplishments, shortcomings and
13 remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the
14 authority of the board; a briefing on anticipated activities in the upcoming fiscal year; and
15 findings and recommendations for improvements. The director of the department of
16 administration shall be responsible for the enforcement of the provisions of this subsection.

17 (15) The board shall conduct a training course for newly appointed and qualified
18 members within six (6) months of their qualification. The course shall be developed by the
19 chairperson of the board, approved by the board, and conducted by the chairperson of the board.
20 The board may approve the use of any board or staff members or other individuals to assist with
21 training. The training course shall include instruction in the following areas: the provisions of
22 chapters 42-46, 36-14, and 38-2; and the board's own rules. The director of the department of
23 administration shall, within ninety (90) days of the effective date of this act [March 24, 2006],
24 prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14, and
25 38-2.

26 (16) To exercise the authority and powers vested in the board of governors for higher
27 education with relation to higher education assistance, as set forth under the terms of chapter 57
28 of this title.

29 SECTION 3. Title 35 of the General Laws entitled "PUBLIC FINANCE" is hereby
30 amended by adding thereto the following chapter:

31 CHAPTER 35-1.1

32 OFFICE OF MANAGEMENT AND BUDGET

33 **35-1.1-1. Statement of intent.** -- The purpose of this chapter is to establish a
34 comprehensive public finance and management system for the State of Rhode Island that

1 manages a data-driven budget process, monitors state departments' and agencies' performance,
2 maximizes the application for and use of federal grants and ensures accountability and
3 transparency regarding the use of public funds.

4 **35-1.1-2. Establishment of the office of management and budget. --** There is hereby
5 established within the department of administration an office of management and budget. This
6 office shall serve as the principal agency of the executive branch of state government for
7 managing budgetary functions, performance management, and federal grants management. In this
8 capacity, the office shall:

9 (1) Establish an in-depth form of data analysis within and between departments and
10 agencies, creating a more informed process for resource allocation to best meet the needs of
11 Rhode Island citizens;

12 (2) Identify federal grant funding opportunities to support the Governor's and General
13 Assembly's major policy initiatives and provide technical assistance with the application process
14 and post-award grants management;

15 (3) Analyze federal budgetary issues and report on potential impacts to the state;

16 (4) Coordinate the budget functions of the state with performance management
17 objectives,;

18 (5) Maximize efficiencies in departments, agencies, advisory councils and
19 instrumentalities of the State by improving processes and prioritizing programs;

20 (6) Upon the written request of the governor, the director of the department of
21 administration, or the director of the office of management and budget, the office shall conduct
22 audits, provide management advisory and consulting services, or conduct investigations relative
23 to the financial affairs or the efficiency of management, or both, of any state department or
24 agency. The office may from time to time make such investigations and additional reports to the
25 governor, the director of the department of administration or the director of the office of
26 management and budget shall deem necessary or advisable.

27 **35-1.1-3. Director of management and budget – Appointment and responsibilities. –**

28 (a) Within the department of administration there shall be a director of management and budget,
29 who shall be appointed by the director of administration with the approval of the governor. The
30 director shall be responsible to the governor and director of administration for supervising the
31 office of management and budget and for managing and providing strategic leadership and
32 direction to the budget officer, the performance management office, and the federal grants
33 management office.

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

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

5 (2)Manage federal fiscal proposals and guidelines, and serve as the State Clearinghouse
6 for the application of federal grants; and,

7 (3) Maximize the indirect cost recoveries by state agencies set forth by section 35-4-23.1.

8 **35-1.1-4. Offices and functions assigned to the office management and budget –**
9 **Powers and duties.** – (a) The offices assigned to the office of management and budget include
10 the budget office, the performance management office and the federal grants management office.

11 (b) The offices assigned to the office of management and budget shall:

12 (1) Exercise their respective powers and duties in accordance with their statutory
13 authority and the general policy established by the governor or by the director acting on behalf of
14 the governor or in accordance with the powers and authorities conferred upon the director by this
15 chapter;

16 (2) Provide such assistance or resources as may be requested or required by the governor
17 and/or the director;

18 (3) Provide such records and information as may be requested or required by the
19 governor and/or the director, to the extent allowed under the provisions of any applicable general
20 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of
21 such records or information; and,

22 (c) Except as provided herein, no provision of this chapter or application thereof shall be
23 construed to limit or otherwise restrict the budget officer from fulfilling any statutory requirement
24 or complying with any valid rule or regulation.

25 **35-1.1-5. Federal grants management.** -- (a) The office of management and budget
26 shall be responsible for managing federal grant applications, providing administrative assistance
27 to agencies regarding reporting requirements, providing technical assistance and approving
28 agreements with federal agencies pursuant to section 35-1-1. The director shall:

29 (1) Establish state goals and objectives for maximizing the utilization of federal aid
30 programs;

31 (2) Ensure that the state establishes and maintains statewide federally-mandated grants
32 management processes and procedures as mandated by the federal Office of Management and
33 Budget;

34 (3) Promulgate procedures and guidelines for all state departments, agencies, advisory

1 councils, instrumentalities of the state and public higher education institutions covering
2 applications for federal grants;

3 (4) Require, upon request, any state department, agency, advisory council,
4 instrumentality of the state or public higher education institution receiving a grant of money from
5 the federal government to submit a report to the director of expenditures and program measures
6 for the fiscal period in question;

7 (5) Ensure state departments and agencies adhere to the requirements of section 42-41-
8 5 regarding Legislative appropriation authority and delegation thereof;

9 (6) Assist the state controller in managing and overseeing the disbursements of federal
10 funds in accordance with section 35-6-42;

11 (7) Assist the state controller in the preparation of the statewide cost allocation plan and
12 serve as the monitoring agency to ensure that state departments and agencies are working within
13 the guidelines contained in the plan; and,

14 (8) Provide technical assistance to agencies to ensure resolution and closure of all single
15 state audit findings and recommendations made by the Auditor General related to Federal
16 funding.

17 (b) The office of management and budget shall serve as the State Clearinghouse for
18 purposes of coordinating federal grants, aid and assistance applied for and/or received by any
19 state department, agency, advisory council or instrumentality of the state. Any state department,
20 agency, advisory council, or instrumentality of the state applying for federal funds, aids, loans, or
21 grants shall file a summary notification of the intended application with the director.

22 (1) When as a condition to receiving federal funds, the state is required to match the
23 federal funds, a statement shall be filed with the notice of intent or summary of the application
24 stating:

25 (i) The amount and source of state funds needed for matching purposes;

26 (ii) The length of time the matching funds shall be required;

27 (iii) The growth of the program;

28 (iv) How the program will be evaluated;

29 (v) What action will be necessary should the federal funds be canceled, curtailed, or
30 restricted; and,

31 (vi) Any other financial and program management data required by the office or by law.

32 (2) Except as otherwise required, any application submitted by an executive agency for
33 federal funds, aids, loans, or grants which will require state matching or replacement funds at the
34 time of application or at any time in the future, must be approved by the director or their

1 designated agents prior to its filing with the appropriate federal agency. Any application
2 submitted by an executive agency for federal funds, aids, loans, or grants which will require state
3 matching or replacement funds at the time of application or at any time in the future, when funds
4 have not been appropriated for that express purpose, must be approved by the General Assembly
5 in accordance with section 42-41-5. When the general assembly is not in session, the application
6 shall be reported to and reviewed by the Director pursuant to rules and regulations promulgated
7 by the Director.

8 (3) When any federal funds, aids, loans, or grants are received by any state department,
9 agency, advisory council or instrumentality of the state, a report of the amount of funds received
10 shall be filed with the office; and this report shall specify the amount of funds which would
11 reimburse an agency for indirect costs, as provided for under federal OMB Circular A-87.

12 (4) The director may refuse to issue approval for the disbursement of any state or federal
13 funds from the State Treasury as the result of any application which is not approved as provided
14 by this section, or in regard to which the statement or reports required by this section were not
15 filed.

16 (5) The director shall be responsible for the orderly administration of this section and for
17 issuing the appropriate guidelines and regulations from each source of funds used.

18 **35-1.1-6. Office of Management and Budget expenses.** -- (a) There is created a
19 restricted receipt account for the office of management and budget to be known as OMB
20 administrative expense account. Payments from the account shall be limited to expenses for
21 administrative oversight and management of federal and state funds received by the state
22 agencies..

23 (b) All amounts deposited in the office of management and budget accounts shall be
24 exempt from the indirect cost recovery provisions of section 35-4-27.

25 (c) The office of management and budget is authorized to receive indirect costs on federal
26 funds to cover oversight expenses

27 **35-1.1-7. Appointment of employees.** -- The director of administration, subject to the
28 provisions of applicable state law, shall be the appointing authority for all employees of the office
29 of management and budget. The director of administration may delegate this function to such
30 subordinate officers and employees of the office as may to him or her seem feasible or desirable.

31 **35-1.1-8. Appropriations and disbursements.** -- The general assembly shall annually
32 appropriate such sums as it may deem necessary for the purpose of carrying out the provisions of
33 this chapter. The state controller is hereby authorized and directed to draw his or her orders upon
34 the general treasurer for the payment of such sum or sums, or so much thereof as may from time

1 to time be required, upon receipt by him or her of proper vouchers approved by the director of the
2 office of management and budget, or his or her designee.

3 **35-1.1-9. Cooperation of other state executive branch agencies.** – (a) The departments
4 and other agencies of the state of the executive branch that have not been assigned to the
5 executive office of management and budget under this chapter shall assist and cooperate with the
6 executive office as may be required by the governor and/or requested by the director of
7 management and budget, this assistance may include, but not be limited to, utilizing staff
8 resources from other departments or agencies for special projects within a defined period of time
9 to improve processes within agencies and/or lead to cost savings.

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

19 **35-1.1-10. Organizational reviews and special initiatives.** – (a) The director of the
20 office of management and budget is hereby directed to conduct research and analysis to study the
21 powers, duties and programs of the department of environmental management, coastal resource
22 management council, Narragansett Bay estuary program, Rhode Island bays, rivers, and
23 watersheds coordination team, and the Narragansett Bay national estuarine research reserve and
24 recommend a plan for the organizational structure of environmental and coastal marine programs.
25 The director of the office of management and budget is authorized to consult with the appropriate
26 federal agencies and departments that provide funds to, or delegate authority to, the state
27 environmental and coastal resource management agencies listed above.

28 (b) This plan shall address the goal of improving efficiency of environmental and coastal
29 marine programs; identifying similar programs that are being performed; and optimizing
30 effectiveness of performance while providing sufficient support to the governance structure of
31 environmental and coastal marine management.

32 (c) The office of management and budget is directed to report findings,
33 recommendations, and alternative designs to the governor and general assembly no later than
34 November 1, 2012 with copies to the governor, speaker of the house, senate president, chairs of

1 the house and senate finance committees and their respective fiscal advisors.

2 (d) The report shall include a strategic plan that outlines the mission, goals, the estimated
3 cost and timelines to implement said recommendations, and the federal and state mandates
4 associated with the current programs. The report shall provide a clear definition of roles and
5 responsibilities, including those responsible for implementing the proposed recommendations.
6 The analysis shall develop outcome measures and an appropriate timeline to measure
7 implementation progress. It shall also include:

8 (1) An examination of the various organizational structures in other states, evaluating
9 their strengths and weaknesses, and how they may or may not be applicable in Rhode Island. This
10 should include an evaluation of the best practices regarding organizational structures for
11 environmental and coastal resource management, and consider the benefits and costs associated
12 with these structures to Rhode Island programs.

13 (2) An analysis of what programs and responsibilities could be more efficiently
14 implemented and managed. This should include, but not be limited to, strategies to reorganize and
15 or centralize environmental and coastal resource management programs.

16 (3) An evaluation of the federal, state and other revenues that support these programs,
17 and the impacts on revenues and expenses associated with the alternatives and recommendations.

18 (e) The department of environmental management, coastal resource management council,
19 Narragansett Bay estuary program, Rhode Island bays, rivers, and watersheds coordination team,
20 and the Narragansett Bay national estuarine research reserve shall furnish such advice and
21 information, documentary or otherwise, to the director of the office of management and budget as
22 is deemed necessary or desirable to facilitate the purposes of the study.

23 **35-1.1-11. Rules and regulations.** – The office of management and budget shall be
24 deemed an agency for purposes of section 42-35-1, et seq. of the Rhode Island general laws. The
25 director shall make and promulgate such rules and regulations, and establish fee schedules not
26 inconsistent with state law and fiscal policies and procedures as he or she deems necessary for the
27 proper administration of this chapter and to carry out the policy and purposes thereof.

28 **35-1.1-12. Severability.** – If any provision of this chapter or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not effect other provisions or
30 applications of the chapter, which can be given effect without the invalid provision or application,
31 and to this end the provisions of this chapter are declared to be severable.

32 SECTION 4. Section 35-1-1 of the General Laws in Chapter 35-1 entitled “Fiscal
33 Functions of Department of Administration” is hereby amended to read as follows:

34 **35-1.1. Approval of agreements with federal agencies.** – No department or agency of

1 the state shall enter into an agreement with a federal agency involving state funds without the
2 approval of the ~~director of administration or the director's~~ director of the office of management
3 and budget or his or her duly authorized agents.

4 SECTION 5. Sections 35-3-1 and 35-3-24.1 of the General Laws in Chapter 35-3 entitled
5 "State Budget" are hereby amended to read as follows:

6 **35-3.1. Budget officer – General powers and duties.** – (a) Within the ~~department of~~
7 ~~administration~~ office of management and budget there shall be a budget officer who shall be
8 appointed by the director of administration with the approval of the governor. The budget officer
9 shall be required to:

10 (1) Exercise budgetary control over all state departments and agencies and perform
11 management analyses;

12 (2) Operate an appropriation allotment system;

13 (3) Prepare the annual budget of the receipts and expenditures of the state;

14 (4) Develop long term activity and financial programs, particularly capital improvement
15 programs;

16 (5) Approve or disapprove all requests for new personnel and to investigate periodically
17 the need of all existing positions in the state service and report thereon to the director of
18 administration; and

19 (6) Prepare a five (5) year financial projection of anticipated general revenue receipts and
20 expenditures, including detail of principal revenue sources and expenditures by major program
21 areas, which projection shall be included in the budget submitted to the general assembly
22 pursuant to § 35-3-7.

23 (b) The budget officer may approve or disapprove requisitions for equipment, materials,
24 and supplies.

25 (c) The budget officer's duties and powers relating to budgetary controls and personnel
26 requests of the legislative and judicial departments shall be purely ministerial, concerned only
27 with the availability of the funds, and in no event shall the budget officer interpose his or her
28 judgment regarding the wisdom or expediency of items of expenditure.

29 **35-3.24. Program performance measurement.** – (a) Beginning with the fiscal year
30 ending June 30, 1997, the governor shall submit, as part of each budget submitted to the general
31 assembly pursuant to § 35-3-7, performance objectives for each program in the budget for the
32 ensuing fiscal year, estimated performance data for the fiscal year in which the budget is
33 submitted, and actual performance data for the preceding two (2) completed fiscal years.
34 Performance data shall include efforts at achieving equal opportunity hiring goals as defined in

1 the department's annual affirmative action plan. The governor shall, in addition, recommend
2 appropriate standards against which to measure program performance. Performance in prior years
3 may be used as a standard where appropriate. These performance standards shall be stated in
4 terms of results obtained.

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

8 (c)(1) The office of management and budget shall be responsible for managing and
9 collecting program performance measures on behalf of the governor. The office is authorized to
10 conduct performance reviews and audits of agencies to determine progress towards achieving
11 performance objectives for programs.

12 (2) In order to collect performance measures from agencies, review performance and
13 provide recommendations the office of budget and management is authorized to conduct audits of
14 any state department, state agency, or private entity that is a recipient of state funding or state
15 grants. As deemed necessary or expedient by the office, audits may be made relative to the
16 financial affairs or the economy and efficiency of management of each department and agency.
17 The office shall determine which such audits shall be performed in accordance with a risk-based
18 evaluation.

19 SECTION 6. Section 35-7-3.1 of Chapter 35-7 of the General Laws entitled, "Post Audit
20 of Accounts" is hereby amended to read as follows:

21 **35-7.3.1. Cost of forensic examinations.** – When it is determined by ~~the bureau of audits~~
22 the office of management and budget that an audit is necessary because there is sufficient
23 evidence to believe that there may have been fiscal impropriety, wrongdoing or fiscal
24 mismanagement by any employee, board member, or commissioner of any state agency or
25 authority as defined in § 42-35-1, the ~~bureau of audits~~ office of management and budget may
26 conduct a forensic examination of such entity. All costs associated with the forensic examination
27 shall be paid, as deemed appropriate, either by the examined entity or by an appropriation
28 proposed by the governor and enacted by the general assembly. Such costs shall include, but not
29 be limited to, the following expenses:

30 (1) One hundred percent (100%) of the total salaries and benefits paid to the examining
31 personnel of the ~~bureau of audits~~ office engaged in those examinations;

32 (2) All costs associated with the procurement of a forensic consultant;

33 (3) All costs associated with a consultant that provides expertise pertinent to the
34 examinee's operations;

1 (4) All reasonable technology costs related to the forensic examination process.
2 Technology costs shall include the actual cost of software and hardware utilized in the
3 examination process and the cost of training examination personnel in the proper use of the
4 software hardware.

5 SECTION 7. Section 36-4-2 of the General Laws in Chapter 36-4 entitled "Merit
6 System" is hereby amended to read as follows:

7 **36-4.2. Positions in unclassified service.** – The classified service shall comprise all
8 positions in the state service now existing or hereinafter established, except the following specific
9 positions which with other positions heretofore or hereinafter specifically exempted by legislative
10 act shall constitute the unclassified service:

11 (1) Officers and legislators elected by popular vote and persons appointed to fill
12 vacancies in elective offices.

13 (2) Employees of both houses of the general assembly.

14 (3) Officers, secretaries, and employees of the office of the governor, office of the
15 lieutenant governor, department of state, department of the attorney general, and the treasury
16 department.

17 (4) Members of boards and commissions appointed by the governor, members of the state
18 board of elections and the appointees of the board, members of the commission for human rights
19 and the employees of the commission, and directors of departments.

20 (5) The following specific offices:

21 (i) In the department of administration: director, chief information officer, [director of](#)
22 [office of management and budget, and director of performance management within the office of](#)
23 [management and budget](#);

24 (ii) In the department of business regulation: director;

25 (iii) In the department of elementary and secondary education: commissioner of
26 elementary and secondary education;

27 (iv) In the department of higher education: commissioner of higher education;

28 (v) In the department of health: director;

29 (vi) In the department of labor and training: director, administrative assistant,
30 administrator of the labor board and legal counsel to the labor board;

31 (vii) In the department of environmental management: director;

32 (viii) In the department of transportation: director;

33 (ix) In the department of human services: director and director of veterans' affairs;

34 (x) In the state properties committee: secretary;

1 (xi) In the workers' compensation court: judges, administrator, deputy administrator,
2 clerk, assistant clerk, clerk secretary;

3 (xii) In the division of elderly affairs: director;

4 (xiii) In the department of behavioral healthcare, developmental disabilities and hospitals:
5 director;

6 (xiv) In the department of corrections: director, assistant director (institutions/operations),
7 assistant director (rehabilitative services), assistant director (administration), and wardens;

8 (xv) In the department of children, youth and families: director, one assistant director,
9 one associate director, and one executive director;

10 (xvi) In the public utilities commission: public utilities administrator;

11 (xvii) In the water resources board: general manager;

12 (xviii) In the human resources investment council: executive director.

13 (xix) In the office of health and human services: secretary of health and human services.

14 (6) Chief of the hoisting engineers, licensing division, and his or her employees;
15 executive director of the veterans memorial building and his or her clerical employees.

16 (7) One confidential stenographic secretary for each director of a department and each
17 board and commission appointed by the governor.

18 (8) Special counsel, special prosecutors, regular and special assistants appointed by the
19 attorney general, the public defender and employees of his or her office, and members of the
20 Rhode Island bar occupying a position in the state service as legal counsel to any appointing
21 authority.

22 (9) The academic and/or commercial teaching staffs of all state institution schools, with
23 the exception of those institutions under the jurisdiction of the board of regents for elementary
24 and secondary education and the board of governors for higher education.

25 (10) Members of the military or naval forces, when entering or while engaged in the
26 military or naval service.

27 (11) Judges, referees, receivers, clerks, assistant clerks, and clerical assistants of the
28 supreme, superior, family, and district courts, the traffic tribunal, security officers of the traffic
29 tribunal, jurors and any persons appointed by any court.

30 (12) Election officials and employees.

31 (13) Executive high sheriff, chief deputy sheriff, sheriffs, deputy sheriffs, and other
32 employees of the sheriffs division within the department of public safety.

33 (14) Patient or inmate help in state charitable, penal, and correctional institutions and
34 religious instructors of these institutions and student nurses in training, residents in psychiatry in

1 training, and clinical clerks in temporary training at the institute of mental health within the state
2 of Rhode Island medical center.

3 (15)(i) Persons employed to make or conduct a temporary and special inquiry,
4 investigation, project or examination on behalf of the legislature or a committee therefor, or on
5 behalf of any other agency of the state if the inclusion of these persons in the unclassified service
6 is approved by the personnel administrator. The personnel administrator shall notify the house
7 fiscal advisor and the senate fiscal advisor whenever he or she approves the inclusion of a person
8 in the unclassified service.

9 (ii) The duration of the appointment of a person, other than the persons enumerated in
10 this section, shall not exceed ninety (90) days or until presented to the department of
11 administration. The department of administration may extend the appointment another ninety (90)
12 days. In no event shall the appointment extend beyond one hundred eighty (180) days.

13 (16) Members of the division of state police within the department of public safety.

14 (17) Executive secretary of the Blackstone Valley district commission.

15 (18) Artist and curator of state owned art objects.

16 (19) Mental health advocate.

17 (20) Child advocate.

18 (21) The position of aquaculture coordinator and marine infrastructure specialist within
19 the coastal resources management council.

20 (22) Employees of the office of the health insurance commissioner.

21 (23) In the department of revenue: the director, secretary, attorney.

22 (24) In the department of public safety: the director.

23 SECTION 8. Sections 35-7-1, 35-7-3, 37-7-5 and 37-5-5.1 of the general laws in chapter
24 35-7 entitled "Post Audit of Accounts" are hereby repealed.

25 ~~35-7-1. Bureau of audits. — The director of administration shall create a bureau of audits
26 which shall conduct all audits required by any department.~~

27 ~~35-7-3. Audits performed by the bureau of audits. — (a) The bureau of audits is
28 authorized to conduct audits of any state department, state agency, or private entity that is a
29 recipient of state funding or state grants. As deemed necessary or expedient by the bureau of
30 audits, audits may be made relative to the financial affairs or the economy and efficiency of
31 management of each department and agency. The bureau of audits shall determine which such
32 audits shall be performed in accordance with a risk-based evaluation. Unless there is an issue of
33 misappropriation, the provisions of this section shall not apply to non-profit organizations.~~

34 ~~(b) Within twenty (20) days following the date of the issuance of the final audit report,~~

1 ~~the head of the department, agency or private entity audited shall respond in writing to each~~
2 ~~recommendation made in the final audit report. This response shall address the department's,~~
3 ~~agency's or private entity's plan of implementation for each specific audit recommendation and, if~~
4 ~~applicable, the reasons for disagreement with any recommendation proposed in the audit report.~~
5 ~~Within one year following the date on which the audit report was issued, the bureau of audits may~~
6 ~~perform a follow up audit for the purpose of determining whether the department, agency or~~
7 ~~private entity has implemented, in an efficient and effective manner, its plan of action for the~~
8 ~~recommendations proposed in the audit report.~~

9 ~~(c) The bureau of audits shall maintain a full record of each audit. In the event that~~
10 ~~information gathered as a result of an audit indicates that criminal activity may have occurred, the~~
11 ~~chief of the bureau of audits may provide such information to a state or federal law enforcement~~
12 ~~agency. For any such information that is otherwise exempt from public disclosure under the~~
13 ~~provisions of Rhode Island general law § 38-2-1 et seq., the provision of such information to a~~
14 ~~law enforcement agency shall not therefore require that this information be further disclosed.~~

15 ~~(d) Copies of each audit report, the written response to the audit report, and the results of~~
16 ~~each follow up audit as described in subsection (b) above shall be submitted to the chairpersons~~
17 ~~of the house finance committee and the senate finance committee.~~

18 ~~**35-7-5. Investigations or management advisory and consulting services upon request**~~
19 ~~**of governor or general assembly.**—The bureau of audits shall, upon the written request of the~~
20 ~~governor, the director of the department of administration, or of either branch of the general~~
21 ~~assembly, conduct audits, provide management advisory and consulting services, or conduct~~
22 ~~investigations relative to the financial affairs or the economy and efficiency of management, or~~
23 ~~both, of any state department or agency. The bureau of audits may from time to time make such~~
24 ~~investigations and additional reports to the governor, the director of the department of~~
25 ~~administration, and the general assembly as the chief of the bureau shall deem necessary or~~
26 ~~advisable.~~

27 ~~**35-7-5.1. Management advisory and consulting services provided to state agencies**~~
28 ~~**and departments.**—When requested in writing by the head of a state department or agency to the~~
29 ~~director of administration, the bureau of audits may provide management advisory or consulting~~
30 ~~services to the department or agency. Any such request must include the scope of services~~
31 ~~requested and a schedule for the work to be performed.~~

32 SECTION 9. Chapter 42-12 of the General Laws entitled “Department of Human
33 Services” is hereby amended by adding thereto the following section:

34 **42-12.1-5. Transfer of functions from the office of energy resources.** – [\(a\) There is](#)

1 [hereby transferred from the office of energy resources to the department of human services the](#)
2 [administration, management, all functions and resources associated with :](#)

3 [\(1\) The federal low-income home energy assistance program, which provides heating](#)
4 [assistance to eligible low-income persons and any state funded or privately funded heating](#)
5 [assistance program of a similar nature assigned to it for administration;](#)

6 [\(2\) The weatherization assistance program, which offers home weatherization grants and](#)
7 [heating system upgrades to eligible persons of low-income; and,](#)

8 [\(3\) The emergency fuel program, which provides oil deliveries to families experiencing a](#)
9 [heating emergency.](#)

10 [\(b\) The department is authorized to request advisory assistance from the office of energy](#)
11 [resources in order to maintain continuity of assistance provided to LIHEAP eligible households](#)
12 [pursuant to section 39-2-1\(d\).](#)

13 SECTION 10. Sections 23-82-3 and 23-82-6 of the General Laws in Chapter 23-82
14 entitled "Implementation of the Regional Greenhouse Gas Initiative Act" are hereby amended to
15 read as follows:

16 **23-82-3. Definitions.** -- As used in this chapter:

17 (1) "Allowance" means an authorization to emit a fixed amount of carbon dioxide;

18 (2) "Department" means department of environmental management;

19 (3) "Regional greenhouse gas initiative" or "RGGI" means the memorandum of
20 understanding (MOU) dated December 20, 2005, as may be amended, and corresponding model
21 rule, as may be amended, that establishes an electric power sector carbon emissions cap and trade
22 program.

23 (4) "Office" means the office of energy resources; and

24 (5) "Council" means the energy efficiency and resources management council.

25 [\(6\) "Board" means the renewable energy coordinating board established pursuant to](#)
26 [chapter 42-140.3.](#)

27 **23-82-6. Use of auction or sale proceeds.** -- (a) The proceeds from the auction or sale of
28 the allowances shall be used for the benefit of energy consumers through investment in the most
29 cost-effective available projects that can reduce long-term consumer energy demands and costs.
30 Such proceeds may be used only for the following purposes, in a proportion to be determined
31 annually by the office in consultation with the council, [board](#), and the department:

32 (1) Promotion cost-effective energy efficiency and conservation;

33 (2) Promotion of cost-effective renewable non-carbon emitting energy technologies as
34 defined in Rhode Island general law § 39-26-5;

- 1 (3) Cost-effective direct rate relief for consumers;
- 2 (4) Direct rate relief for low-income consumers;
- 3 (5) Reasonable compensation to an entity selected to administer the auction or sale; and
- 4 (6) Reasonable costs of the department and office in administering this program, which
- 5 shall not ~~in any year~~ exceed three hundred thousand dollars (\$300,000) or five percent (5%) of
- 6 the proceeds from sale or auction of the allowances, whichever is less. Administrative funds not
- 7 expended in any fiscal year shall remain in the administrative account.

8 (b) Any interest earned on the funds so generated must be credited to the fund. Funds not

9 spent in any fiscal year shall remain in the fund to be used for future energy efficiency and carbon

10 reduction programs.

11 (c) Annually, the office, in consultation with ~~the department and~~ the council, and the

12 board, shall prepare a draft proposal on how the proceeds from the allowances shall be allocated.

13 The draft proposal shall be designed to augment and coordinate with existing energy efficiency

14 and renewable energy ~~low income~~ programs, and shall not propose use of auction proceeds for

15 projects already funded under other programs. The proposal for allocation of proceeds in

16 subsections 23-82-6(1), (2) and (3) shall be one that best achieves the purposes of the law,

17 namely, lowering carbon emissions and minimizing costs to consumers over the long term. The

18 office shall hold a public hearing and accept public comment on the draft proposal in accordance

19 with chapter 42-35 (the "Administrative Procedure Act"). Once the proposal is final, the

20 ~~department~~ office shall authorize the disbursement of funds in accordance with the final plan.

21 (d) The office shall prepare, in consultation with ~~the department and~~ the council and the

22 board, a report by January 1st of each year describing the implementation and operation of RGGI,

23 the revenues collected and the expenditures made under this section, the statewide energy

24 efficiency and carbon reduction programs, and any recommendations for changes to law relating

25 to the state's energy conservation or carbon reduction efforts. The report shall be made public and

26 shall also be submitted to the general assembly.

27 SECTION 11. Section 39-2-1.2 of the General Laws in Chapter 39-2 entitled "Duties of

28 Utilities and Carriers" is hereby amended to read as follows:

29 **39-2-1.2. Utility base rate – Advertising, demand side management and renewables.**

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

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

32 advertising, either direct or indirect, which promotes the use of its product or service, or is

33 designed to promote the public image of the industry. No public utility may furnish support of

34 any kind, direct, or indirect, to any subsidiary, group, association, or individual for advertising

1 and include the expense as part of its base rate. Nothing contained in this section shall be deemed
2 as prohibiting the inclusion in the base rate of expenses incurred for advertising, informational or
3 educational in nature, which is designed to promote public safety conservation of the public
4 utility's product or service. The public utilities commission shall promulgate such rules and
5 regulations as are necessary to require public disclosure of all advertising expenses of any kind,
6 direct or indirect, and to otherwise effectuate the provisions of this section.

7 (b) Effective as of January 1, 2008, and for a period of ten (10) years thereafter, each
8 electric distribution company shall include charges per kilowatt-hour delivered to fund demand
9 side management programs and 0.3 mills per kilowatt-hour delivered to fund renewable energy
10 programs. The electric distribution company shall establish and after July 1, 2007, maintain two
11 (2) separate accounts, one for demand side management programs, which shall be administered
12 and implemented by the distribution company, subject to the regulatory reviewing authority of the
13 commission, and one for renewable energy programs, which shall be administered by the
14 ~~economic development corporation~~ office of energy resources pursuant to § ~~42-64-13.2~~ 42-140-
15 10 and, shall be held and disbursed by the distribution company as directed by the ~~economic~~
16 ~~development corporation~~ office of energy resources for the purposes of developing, promoting
17 and supporting renewable energy programs.

18 During the ten (10) year period the commission may, in its discretion, after notice and
19 public hearing, increase the sums for demand side management and renewable resources;
20 thereafter, the commission shall, after notice and public hearing, determine the appropriate charge
21 for these programs. The office of energy resources ~~and/or the administrator of the renewable~~
22 ~~energy programs~~ may seek to secure for the state an equitable and reasonable portion of
23 renewable energy credits or certificates created by private projects funded through those
24 programs. As used in this section, "renewable energy resources" shall mean: (1) power generation
25 technologies as defined in § 39-26-5, "eligible renewable energy resources", including off-grid
26 and on-grid generating technologies located in Rhode Island as a priority; (2) research and
27 development activities in Rhode Island pertaining to eligible renewable energy resources and to
28 other renewable energy technologies for electrical generation; or (3) projects and activities
29 directly related to implementing eligible renewable energy resources projects in Rhode Island.
30 Technologies for converting solar energy for space heating or generating domestic hot water may
31 also be funded through the renewable energy programs, ~~so long as these technologies are installed~~
32 ~~on housing projects that have been certified by the executive director of the Rhode Island housing~~
33 ~~and mortgage finance corporation as serving low income Rhode Island residents~~. Fuel cells may
34 be considered an energy efficiency technology to be included in demand sided management

1 programs. Special rates for low-income customers in effect as of August 7, 1996 shall be
2 continued, and the costs of all of these discounts shall be included in the distribution rates
3 charged to all other customers. Nothing in this section shall be construed as prohibiting an electric
4 distribution company from offering any special rates or programs for low-income customers
5 which are not in effect as of August 7, 1996, subject to the approval by the commission.

6 ~~(c) On or before November 15, 2008, the economic development corporation shall create~~
7 ~~the municipal renewable energy investment program, utilizing the lesser of fifty percent (50%) or~~
8 ~~one million dollars (\$1,000,000) collected annually from the .3 mills per kilo watt hour charge for~~
9 ~~renewable energy programs, to fund qualified municipal renewable energy projects in accordance~~
10 ~~with this chapter and the following provisions: On or before September 15, 2012 the office of~~
11 ~~energy resources shall create a renewable energy investment program in accordance with section~~
12 ~~39-26-7 and section 42-140-10. Any funds not expended from the renewable energy development~~
13 ~~fund in a given year shall remain in the fund and shall be distributed in the next award cycle.~~

14 ~~(1) The municipal renewable energy investment programs shall be administered pursuant~~
15 ~~to rules established by the economic development corporation. Said rules shall provide~~
16 ~~transparent criteria to rank qualified municipal renewable energy projects, giving consideration~~
17 ~~to:~~

18 ~~(i) the feasibility of project completion;~~

19 ~~(ii) the anticipated amount of renewable energy the project will produce;~~

20 ~~(iii) the potential of the project to mitigate energy costs over the life of the project; and~~

21 ~~(iv) the estimated cost per kilo watt hour (kwh) of the energy produced from the project.~~

22 ~~Municipalities that have not previously received financing from this program shall be given~~
23 ~~priority over those municipalities that have received funding under this program.~~

24 ~~(2) Beginning on January 1, 2009, the economic development corporation shall solicit~~
25 ~~proposals from municipalities for eligible projects and shall award grants, in accordance with the~~
26 ~~rules and ranking criteria, of no more than five hundred thousand dollars (\$500,000) to each~~
27 ~~eligible project.~~

28 ~~(3) Any funds not expended from the municipal renewable energy investment programs~~
29 ~~in a given year shall remain in the fund and be added to the balance to be distributed in the next~~
30 ~~award cycle. For the purposes of this section, qualified municipal renewable energy projects~~
31 ~~means any project that produces renewable energy resources and whose output of power and~~
32 ~~other attributes is controlled in its entirety by at least one Rhode Island city or town.~~

33 ~~(d) On or before November 15, 2008, the economic development corporation shall create~~
34 ~~the nonprofit affordable housing renewable energy investment program utilizing the lesser of ten~~

1 ~~percent (10%) or two hundred thousand dollars (\$200,000) collected annually from the .3 mils per~~
2 ~~kilo-watt-hour charge for renewable energy programs to fund qualified nonprofit affordable~~
3 ~~housing renewable energy projects in accordance with this chapter and the following provisions:~~

4 ~~(1) The nonprofit affordable housing renewable energy investment programs shall be~~
5 ~~administered pursuant to rules established by the economic development corporation in~~
6 ~~consultation with the Rhode Island housing mortgage finance corporation. Said rules shall~~
7 ~~provide transparent criteria to rank qualified nonprofit affordable housing renewable energy~~
8 ~~projects, giving consideration to:~~

9 ~~(i) the feasibility of project completion;~~

10 ~~(ii) the anticipated amount of renewable energy the project will produce;~~

11 ~~(iii) the potential of the project to mitigate energy costs over the life of the project; and~~

12 ~~(iv) the estimated cost per kilo-watt-hour (kwh) of the energy produced from the project.~~

13 ~~Nonprofit affordable housing agencies that have not previously received financing from this~~
14 ~~program shall be given priority over those agencies that have received funding under this~~
15 ~~program.~~

16 ~~(2) Beginning on January 1, 2009, the economic development corporation, in consultation~~
17 ~~with the Rhode Island housing and mortgage finance corporation, shall solicit proposals from~~
18 ~~eligible nonprofit housing agencies for renewable energy projects and shall award grants, in~~
19 ~~accordance with the rules and ranking criteria. The economic development corporation shall~~
20 ~~consult with the Rhode Island housing and mortgage finance corporation in the grant-making~~
21 ~~process and shall notify the corporation of the awardees.~~

22 ~~(3) Any funds not expended from the affordable housing renewable energy investment~~
23 ~~program in a given year shall remain in the fund and be added to the balance to be distributed in~~
24 ~~the next award cycle. For the purposes of this section, "qualified nonprofit affordable housing~~
25 ~~renewable energy projects" means any project that produces renewable energy resources and~~
26 ~~whose output of power and other attributes is controlled in its entirety by at least one nonprofit~~
27 ~~affordable housing development as defined in § 42-55-3 and is restricted to producing energy for~~
28 ~~the nonprofit affordable housing development.~~

29 ~~(e)(d) The executive director of the economic development corporation~~ commissioner of
30 the office of energy resources is authorized to enter into a contract with a vendor for the cost
31 effective administration and technical assistance of the renewable energy programs funded by this
32 section. ~~A competitive bid and contract award for administration of the renewable energy~~
33 ~~programs may occur every three (3) years and shall include as a condition that after July 1, 2008~~
34 ~~the account for the renewable energy programs shall be maintained and administered by the~~

1 ~~economic development corporation as provided for in subdivision (b) above.~~

2 ~~(f)~~(e) Effective January 1, 2007, and for a period of eleven (11) years thereafter, each gas
3 distribution company shall include, with the approval of the commission, a charge per deca therm
4 delivered to demand side management programs, including, but not limited to, programs for cost-
5 effective energy efficiency, energy conservation, combined heat and power systems, and
6 weatherization services for low income households.

7 ~~(g)~~(f) The gas company shall establish a separate account for demand side management
8 programs, which shall be administered and implemented by the distribution company, subject to
9 the regulatory reviewing authority of the commission. The commission may establish
10 administrative mechanisms and procedures that are similar to those for electric demand side
11 management programs administered under the jurisdiction of the commissions and that are
12 designed to achieve cost-effectiveness and high life-time savings of efficiency measures
13 supported by the program.

14 ~~(h)~~(g) The commission may, if reasonable and feasible, except from this demand side
15 management change:

16 (i) gas used for distribution generation; and

17 (ii) gas used for the manufacturing processes, where the customer has established a self-
18 directed program to invest in and achieve best effective energy efficiency in accordance with a
19 plan approved by the commission and subject to periodic review and approval by the
20 commission, which plan shall require annual reporting of the amount invested and the return on
21 investments in terms of gas savings.

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

27 ~~(j)~~(i) Effective January 1, 2007, the commission shall allocate from demand-side
28 management gas and electric funds authorized pursuant to this § 39-2-1.2, an amount not to
29 exceed two percent (2%) of such funds on an annual basis for the retention of expert consultants,
30 and reasonable administrations costs of the ~~energy efficiency and resources management council~~
31 office of energy resources associated with planning, management, and evaluation of energy
32 efficiency programs, renewable energy programs and least-cost procurement, and with regulatory
33 proceedings, contested cases, and other actions pertaining to the purposes, powers and duties of
34 the council and office of energy resources ~~which allocation may by mutual agreement, be used in~~

1 ~~coordination with the office of energy resources to support such activities.~~ The energy efficiency
2 and resources management council may request funding from the office of energy resources to
3 carry out the purposes of the council.

4 SECTION 12. Section 39-26-7 of the General Laws in Chapter 39-26 entitled
5 “Renewable Energy Standard” is hereby amended to read as follows:

6 **39-26-7. Renewable energy development fund.** -- (a) There is hereby authorized and
7 created within the ~~economic development corporation~~ office of energy resources a renewable
8 energy development fund for the purpose of increasing the supply of NE-GIS certificates
9 available for compliance in future years by obligated entities with renewable energy standard
10 requirements, as established in this chapter. The fund shall be located at and administered by the
11 ~~Rhode Island economic development corporation~~ office of energy resources in ~~accordance~~
12 accordance with § ~~42-64-13.2~~ 42-140-10. The ~~economic development corporation~~ office of
13 energy resources shall: ~~Adopt~~ adopt plans and guidelines for the management and use of the fund
14 in accordance with § ~~42-64-13.2~~ this section and 42-140-10, and;

15 (b) The ~~economic development corporation~~ office of energy resources shall enter into
16 agreements with obligated entities to accept alternative compliance payments, consistent with
17 rules of the commission and the purposes set forth in this section; and alternative compliance
18 payments received pursuant to this section shall be trust funds to be held and applied solely for
19 the purposes set forth in this section.

20 (c) The uses of the fund shall include but not be limited to:

21 (1) Stimulating investment in renewable energy development by entering into
22 agreements, including multi-year agreements, for renewable energy certificates;

23 (2) Issuing assurances and/or guarantees to support the acquisition of renewable energy
24 certificates and/or the development of new renewable energy sources for Rhode Island;

25 (3) Establishing escrows, reserves, and/or acquiring insurance for the obligations of the
26 fund;

27 (4) Paying administrative costs of the fund incurred by ~~the economic development~~
28 ~~corporation, the board of trustees, or~~ the office of energy resources, not to exceed ten percent
29 (10%) of the income of the fund, including, but not limited to, alternative compliance payments.
30 All funds ~~transferred from the economic development corporation~~ to support the office of energy
31 resources' administrative costs shall be deposited as restricted receipts.

32 (d) NE-GIS certificates acquired through the fund may be conveyed to obligated entities
33 or may be credited against the renewable energy standard for the year of the certificate provided
34 that the commission assesses the cost of the certificates to the obligated entity, or entities,

1 benefiting from the credit against the renewable energy standard, which assessment shall be
2 reduced by previously made alternative compliance payments and shall be paid to the fund.

3 SECTION 13. Section 42-64-13.2 of the General Laws in Chapter 42-64 entitled "Rhode
4 Island Economic Development Corporation" is hereby repealed.

5 ~~**42-64-13.2. Renewable energy investment coordination.** — (a) *Intent.* To develop an
6 integrated organizational structure to secure for Rhode Island and its people the full benefits of
7 cost-effective renewable energy development from diverse sources.~~

8 ~~(b) *Definitions.* For purposes of this section, the following words and terms shall have the
9 meanings set forth in RIGL 42-64-3 unless this section provides a different meaning. Within this
10 section, the following words and terms shall have the following meanings:~~

11 ~~(1) "Corporation" means the Rhode Island economic development corporation.~~

12 ~~(2) "Municipality" means any city or town, or other political subdivision of the state.~~

13 ~~(3) "Office" means the office of energy resources established by chapter 42-140.~~

14 ~~(c) *Purpose.* The corporation is authorized to integrate the management of public funds to
15 promote the expansion and sound development of renewable energy resources by providing
16 coordinated and cost-effective use of funds from:~~

17 ~~(1) The renewable energy program of the demand side management program as set forth
18 in § 39-2-1.2; and~~

19 ~~(2) The renewable energy development fund of the renewable energy standard, as set
20 forth in chapter 39-26.~~

21 ~~(3) The office of energy resources from the sale of allowances under the greenhouse gas
22 initiative act to the extent available for renewable energy, as set forth in chapter 23-82.~~

23 ~~(d) *Renewable energy development fund.* The corporation shall, in the furtherance of its
24 responsibilities to promote and encourage economic development, establish and administer a
25 renewable energy development fund as provided for in § 39-26-7, may exercise the powers set
26 forth in this chapter, as necessary or convenient to accomplish this purpose, and shall provide
27 such administrative support as may be needed for the coordinated administration of the renewable
28 energy standard as provided for in chapter 39-26 and the renewable energy program established
29 by § 39-2-1.2. The corporation may upon the request of any person undertaking a renewable
30 energy facility project, grant project status to the project, and a renewable energy facility project,
31 which is given project status by the corporation, shall be deemed an energy project of the
32 corporation.~~

33 ~~(e) *Duties.* The corporation shall, with regards to renewable energy project investment:~~

34 ~~(1) Establish by rule, in consultation with the office, standards for financing renewable~~

1 ~~energy projects from diverse sources.~~

2 ~~(2) Enter into agreements, consistent with this chapter and renewable energy investment~~
3 ~~plans adopted by the office, to provide support to renewable energy projects that meet applicable~~
4 ~~standards established by the corporation. Said agreements may include contracts with~~
5 ~~municipalities and public corporations.~~

6 ~~(f) Conduct of activities:~~

7 ~~(1) To the extent reasonable and practical, the conduct of activities under the provisions~~
8 ~~of this chapter shall be open and inclusive; the director shall seek, in addressing the purposes of~~
9 ~~this chapter, to involve the research and analytic capacities of institutions of higher education~~
10 ~~within the state, industry, advocacy groups, and regional entities, and shall seek input from~~
11 ~~stakeholders including, but not limited to, residential and commercial energy users.~~

12 ~~(2) By January 1, 2009, the director shall adopt:~~

13 ~~(A) Goals for renewable energy facility investment which is beneficial, prudent, and from~~
14 ~~diverse sources;~~

15 ~~(B) A plan for a period of five (5) years, annually upgraded as appropriate, to meet the~~
16 ~~forementioned goals; and~~

17 ~~(C) Standards and procedures for evaluating proposals for renewable energy projects in~~
18 ~~order to determine the consistency of proposed projects with the plan.~~

19 ~~(g) Reporting. On March 1, of each year after the effective date of this chapter, the~~
20 ~~corporation shall submit to the governor, the president of the senate, the speaker of the house of~~
21 ~~representatives, and the secretary of state, a financial and performance report. These reports shall~~
22 ~~be posted electronically on the general assembly and the secretary of state's websites as~~
23 ~~prescribed in § 42-20-8.2. The reports shall set forth:~~

24 ~~(1) The corporation's receipts and expenditures in each of the renewable energy program~~
25 ~~funds administered in accordance with this section.~~

26 ~~(2) A listing of all private consultants engaged by the corporation on a contract basis and~~
27 ~~a statement of the total amount paid to each private consultant from the two (2) renewable energy~~
28 ~~funds administered in accordance with this chapter; a listing of any staff supported by these~~
29 ~~funds, and a summary of any clerical, administrative or technical support received; and~~

30 ~~(3) A summary of performance during the prior year including accomplishments and~~
31 ~~shortcomings; project investments, the cost effectiveness of renewable energy investments by the~~
32 ~~corporation; and recommendations for improvement.~~

33 SECTION 14. Sections 42-140-3, 42-140-7 and 42-140-9 of the General Laws in Chapter
34 42-140 entitled "Rhode Island Energy Resources Act" are hereby amended to read as follows:

1 **42-140-3. Purposes.** -- The purposes of the office shall be to:

2 (1) Develop and put into effect plans and programs to promote, encourage, and assist the
3 provision of energy resources for Rhode Island in a manner that enhances economic well-being,
4 social equity, and environmental quality;

5 (2) Monitor, forecast, and report on energy use, energy prices, and energy demand and
6 supply forecasts, and make findings and recommendations with regard to energy supply diversity,
7 reliability, and procurement, including least-cost procurement;

8 (3) Develop and to put into effect plans and programs to promote, encourage and assist
9 the efficient and productive use of energy resources in Rhode Island, and to coordinate energy
10 programs for natural gas, electricity, and heating oil to maximize the aggregate benefits of
11 conservation and efficiency of investments;

12 (4) Monitor and report technological developments that may result in new and/or
13 improved sources of energy supply, increased energy efficiency, and reduced environmental
14 impacts from energy supply, transmission and distribution;

15 (5) Administer the programs, duties, and responsibilities heretofore exercised by the state
16 energy office, except as these may be assigned by executive order to other departments and
17 agencies of state government;

18 (6) Develop, recommend and, as appropriate, implement integrated and/or comprehensive
19 strategies, including at regional and federal levels, to secure Rhode Island's interest in energy
20 resources, their supply and efficient use, and as necessary to interact with persons, private sector,
21 non-profit, regional, federal entities and departments and agencies of other states to effectuate this
22 purpose;

23 (7) Cooperate with agencies, departments, corporations, and entities of the state and of
24 political subdivisions of the state in achieving its purposes;

25 (8) Cooperate with and assist the state planning council and the division of state planning
26 in developing, maintaining, and implementing state guide plan elements pertaining to energy and
27 renewable energy;

28 (9) Administer [and/or provide advice](#), as assigned by law or executive order, state and
29 federally funded or authorized energy programs, which may include, but not be limited to:

30 (i) The federal low-income home energy assistance program which provides heating
31 assistance to eligible low-income persons and any state funded or privately funded heating
32 assistance program of a similar nature assigned to it for administration;

33 (ii) The weatherization assistance program which offers home weatherization grants and
34 heating system upgrades to eligible persons of low-income;

1 (iii) The emergency fuel program which provides oil deliveries to families experiencing a
2 heating emergency;

3 (iv) The energy conservation program, which offers service and programs to all sectors;
4 and

5 (v) The renewable energy program established under Rhode Island general laws chapter
6 39-2.

7 ~~(10) Advise the economic development corporation in the development of standards and~~
8 ~~rules for the solicitation and award of renewable energy program investment funds in accordance~~
9 ~~with § 42-64-13.2;~~

10 ~~(10)~~ (10) Develop, recommend, and evaluate energy programs for state facilities and
11 operations in order to achieve and demonstrate the benefits of energy-efficiency, diversification
12 of energy supplies, energy conservation, and demand management; and

13 ~~(11)~~ (11) Advise the governor and the general assembly with regard to energy resources
14 and all matters relevant to achieving the purposes of the office.

15 **42-140-7. Conduct of activities.** -- (a) To the extent reasonable and practical, the
16 conduct of activities under the provisions of this chapter shall be open and inclusive; the
17 commissioner and the council shall seek in addressing the purposes of the office to involve the
18 research and analytic capacities of institutions of higher education within the state, industry,
19 advocacy groups, and regional entities, and shall seek input from stakeholders including, but not
20 limited to, residential and commercial energy users.

21 (b) The commissioner shall ~~transmit any unencumbered funds from the renewable energy~~
22 ~~program under chapter 39-2 to the economic development corporation to be administered in~~
23 ~~accordance with a the provisions of § 39-2-1.2.~~ adopt, in the manner as set forth in section 42-
24 140-9, investment and/or procurement standards and procedures for evaluating proposals for
25 renewable energy projects in order to determine the consistency of proposed projects with the
26 renewable energy program adopted pursuant to section 39-2 and section 39-26-7.

27 **42-140-9. Adoption of standards, procedures and rules.** -- The commissioner shall
28 have the authority to adopt, amend, and implement such rules as may be necessary ~~to~~ or desirable
29 to effectuate the purposes of this chapter. ~~It~~ However, in any rule making by the commissioner,
30 the commissioner shall consider as a matter of record the ~~advise~~ advice of the energy resources
31 council.

32 SECTION 15. Chapter 42-140 of the general laws entitled, “Rhode Island Energy
33 Resources Act” is hereby amended by adding thereto the following section:

34 **42-140-10. Renewable energy investment coordination.** -- (a) Intent. To develop an

1 integrated organizational structure to secure for Rhode Island and its people the full benefits of
2 cost-effective renewable energy development from diverse sources.

3 (b) Purpose. The office is authorized to integrate the management of public funds to
4 promote the expansion and sound development of renewable energy resources by providing
5 coordinated and cost-effective use of funds from:

6 (1) The renewable energy program of the demand side management program, as set forth
7 in § 39-2-1.2; and

8 (2) The renewable energy development fund of the renewable energy standard, as set
9 forth in chapter 39-26.

10 (3) The sale of allowances under the greenhouse gas initiative act to the extent available
11 for renewable energy, as set forth in chapter 23-82.

12 (c) Renewable energy development fund. The office shall, in the furtherance of its
13 responsibilities to promote the provision of energy resources for Rhode Island, establish and
14 administer a renewable energy development fund as provided for in § 39-26-7, may exercise the
15 powers set forth in this chapter, as necessary or convenient to accomplish this purpose, and shall
16 provide such administrative support as may be needed for the coordinated administration of the
17 renewable energy standard as provided for in chapter 39-26 and the renewable energy program
18 established by § 39-2-1.2.

19 (d) Duties. The office shall, with regards to renewable energy project investment:

20 (1) Establish standards for financing renewable energy projects from diverse sources.

21 (2) Enter into agreements, consistent with this chapter and renewable energy investment
22 plans adopted by the office, to provide support to renewable energy projects that meet applicable
23 standards established by the office. Said agreements may include contracts with municipalities
24 and public corporations.

25 (e) Conduct of activities.

26 (1) To the extent reasonable and practical, the conduct of activities under the provisions
27 of this section shall be open and inclusive; the commissioner shall seek, in addressing the
28 purposes of this chapter, to involve the research and analytic capacities of institutions of higher
29 education within the state, industry, advocacy groups, and regional entities, and shall seek input
30 from stakeholders including, but not limited to, residential and commercial energy users.

31 (f) Reporting. On March 1, of each year the office shall submit to the governor, the
32 president of the senate, the speaker of the house of representatives, and the secretary of state, a
33 financial and performance report. These reports shall be posted electronically on the general
34 assembly and the secretary of state's websites as prescribed in § 42-20-8.2. The reports shall set

1 [forth:](#)

2 [\(1\) The office's receipts and expenditures in each of the renewable energy program funds](#)
3 [administered in accordance with this section.](#)

4 [\(2\) A listing of all private consultants engaged by the office on a contract basis and a](#)
5 [statement of the total amount paid to each private consultant from the two \(2\) renewable energy](#)
6 [funds administered in accordance with this chapter; a listing of any staff supported by these](#)
7 [funds, and a summary of any clerical, administrative or technical support received; and](#)

8 [\(3\) A summary of performance during the prior year including accomplishments and](#)
9 [shortcomings; project investments, the cost-effectiveness of renewable energy investments by the](#)
10 [office; and recommendations for improvement.](#)

11 SECTION 16. Sections 42-140.1-3 and 42-140.1-6 of the General Laws in Chapter 42-
12 140.1 entitled "The Rhode Island Energy Efficiency and Resource Management Council" are
13 hereby amended to read as follows:

14 **42-140-1-3. Establishment of council -- Purposes. --** (a) There is hereby authorized,
15 created and established a council to be known as "The Rhode Island Energy Efficiency and
16 Resources Management Council" with the powers and duties set forth in this chapter.

17 (b) The purposes of this council are to:

18 (1) Evaluate and make recommendations [to the office of energy resources](#), including, but
19 not limited to, plans and programs, with regard to the optimization of energy efficiency, energy
20 conservation, energy resource development; and the development of a plan for least-cost
21 procurement for Rhode Island; and

22 (2) Provide consistent, comprehensive, informed and publicly accountable stake-holder
23 involvement in energy efficiency, energy conservation, and energy resource management; and

24 (3) Monitor and evaluate the effectiveness of programs to achieve energy efficiency,
25 energy conservation, and diversification of energy resources; and

26 (4) Promote public understanding of energy issues and of ways in which energy
27 efficiency, energy conservation, and energy resource diversification and management can be
28 effectuated.

29 **42-140-1-6. Additional general powers. --** In order to effectuate its powers and duties
30 the council has the following powers:

31 (a) To make any studies of conditions, activities, or problems related to the state's energy
32 needs, usage, and supplies to carry out its responsibilities.

33 (b) To adopt amend bylaws, to establish committees, to elect and/or appoint officers and
34 agents, and to engage consultants and professional services as necessary and appropriate to fulfill

1 its purposes.

2 (c) To accept and administer grants from the ~~federal government and from other sources,~~
3 ~~public or private,~~ office of energy resources for the carrying out of any of its functions, which
4 loans or grants shall not be expended for other than the purposes for which provided.

5 (d) To work with the appropriate federal, regional, and state agencies, and private
6 entities.

7 (e) To apply for, accept and expend allocations, grants and bequests of funds from the
8 office of energy resources, for the purpose of carrying out the lawful responsibilities of the
9 council.

10 SECTION 17. Section 42-17.1-17 of the General Laws in Chapter 42-17.1 entitled
11 “Department of Environmental Management” is hereby amended to read as follows:

12 **42-17.1-17. Transfer of powers and functions from department of environmental**
13 **management.** -- (a) There are hereby transferred to the department of administration:

14 (1) Those functions of the department of environmental management which were
15 administered through or with respect to departmental programs in the performance of strategic
16 planning as defined in § 42-11-10(c);

17 (2) All officers, employees, agencies, advisory councils, committees, commissions, and
18 task forces of the department of environmental management who were performing strategic
19 planning functions as defined in § 42-11-10(c); and

20 (3) So much of other functions or parts of functions and employees and resources,
21 physical and funded, related thereto of the director of environmental management as are
22 incidental to and necessary for the performance of the functions transferred by subdivisions (1)
23 and (2).

24 ~~(b) There are hereby transferred to the department of public safety dispatch functions of~~
25 ~~the division of enforcement of the department of environmental management.~~

26 ~~(c) In order that there is no interruption in the dispatch functions of the division of~~
27 ~~enforcement, the actual transfer of the dispatch functions, corresponding resources, and personnel~~
28 ~~to the department of public safety, may be postponed until such time, as determined by the~~
29 ~~director of public safety, that the transfer provided herein may be best put into force and effect,~~
30 ~~but shall occur no later than January 1, 2012 and shall be reflected in the FY 2012 supplemental~~
31 ~~budget submission.~~

32 SECTION 18. This article shall take effect upon passage.

33 **ARTICLE 5**
34 **RELATING TO CAPITAL DEVELOPMENT PROGRAM**

1 SECTION 1. Proposition to be submitted to the people. -- At the general election to be
2 held on the Tuesday next after the first Monday in November 2012, there shall be submitted to
3 the people for their approval or rejection the following proposition:

4 "Shall the action of the general assembly, by an act passed at the January 2012 session,
5 authorizing the issuance of bonds, refunding bonds, and temporary notes of the state for the
6 capital projects and in the amount with respect to each such project listed below be approved, and
7 the issuance of bonds, refunding bonds, and temporary notes authorized in accordance with the
8 provisions of said act?"

9 Project

10 (1) Higher Education Facilities..... \$109,900,000

11 Approval of this question will allow the State of Rhode Island to issue general obligation
12 bonds, refunding bonds, and temporary notes in an amount not to exceed sixty-five million two
13 hundred thousand dollars (\$65,200,000) for the construction of a new University of Rhode
14 Island/Rhode Island College nursing education building and forty-four million seven hundred
15 thousand dollars (\$44,700,000) for renovations and modernization of academic buildings at
16 Rhode Island College.

17 (2) Transportation \$21,500,000

18 Approval of this question will authorize the State of Rhode Island to issue general
19 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed twenty
20 million dollars (\$20,000,000) to match federal funds and provide direct funding for improvements
21 to the state's highways, roads, and bridges and one million five hundred thousand dollars
22 (\$1,500,000) to purchase buses and other vehicles for the Rhode Island Public Transit
23 Authority.

24 (3) Clean Water Finance Agency..... \$20,000,000

25 Approval of this question will authorize the State of Rhode Island to issue general
26 obligation bonds, refunding bonds, and temporary notes in an amount not to exceed twelve
27 million dollars (\$12,000,000) to be leveraged with federal and state capitalization grants to
28 finance wastewater infrastructure projects and eight million dollars (\$8,000,000) to be leveraged
29 with federal and state capitalization grants to finance drinking water infrastructure projects.

30 (4) Environmental Management \$25,000,000

31 Approval of this question will allow the State of Rhode Island to issue general obligation
32 bonds, refunding bonds, and temporary notes for environmental and recreational purposes to be
33 allotted as follows:

34 (a) Narragansett Bay and Watershed Restoration..... \$4,000,000

1 Provides funds for activities to restore and protect the water quality and enhance the
2 economic viability and environmental sustainability of Narragansett Bay and the state's
3 watersheds. Eligible activities include: nonpoint source pollution abatement, including
4 stormwater management; nutrient loading abatement; commercial, industrial and agricultural
5 pollution abatement; and riparian buffer and watershed ecosystem restoration.

6 (b) State Land Acquisition – Open Space..... \$2,500,000

7 Provides funds for the purchase of land, development rights and conservation easements
8 in Rhode Island. This program acquires recreational and open space lands for the State of Rhode
9 Island in accordance with the Rhode Island Comprehensive Outdoor Recreation Plan, Land
10 Protection Plan, and the Rhode Island Greenspace 2000 plan.

11 (c) Farmland Development Rights..... \$4,500,000

12 Provides funds for the purchase of agricultural development rights to active farms in
13 Rhode Island. The State purchases the development rights to farms to eliminate the economic
14 pressure on farmers to sell properties for residential and commercial development. The
15 Agricultural Land Preservation Commission accepts and evaluates farmland applications for these
16 funds.

17 (d) Local Land Acquisition Grants \$2,500,000

18 Provides funds for grants to municipalities, local land trusts and non-profit organizations
19 to acquire fee-simple title, development rights, or conservation easements to open space in Rhode
20 Island. The grants provide funding up to fifty percent (50%) of the purchase price for land,
21 surveys, appraisals and title costs. The grant applications are reviewed and evaluated by the
22 Governor's Natural Heritage Preservation Commission according to the program guidelines.

23 (e) Local Recreation Grants..... \$3,500,000

24 Provides grants to municipalities for acquisition, development, or rehabilitation of local
25 recreational facilities. These grants provide funding assistance up to fifty percent (50%) of the
26 project costs. All grant applications are evaluated and ranked by the State Recreation Resources
27 Review Committee.

28 (f) Historic/Passive Parks..... \$1,000,000

29 Provides grants to municipalities for the renovation and development of historic and
30 passive recreation areas. The grants provide funding assistance of up to ninety percent (90%) of
31 the project costs. All grant applications are evaluated and ranked by the State Recreation
32 Resources Review Committee.

33 (g) Local Recreation – Distressed Communities \$2,000,000

34 Provides grants to distressed communities for acquisition, development, or rehabilitation

1 of local recreation facilities. Grants provide funding assistance of up to ninety percent (90%) of
2 the project costs for development and cost for parkland acquisition. The five cities eligible under
3 the current program guidelines are: Providence, West Warwick, Pawtucket, Central Falls, and
4 Woonsocket.

5 (h) State Recreation Facilities..... \$5,000,000

6 Provides funds for asset protection, infrastructure, and facility improvement at Rhode
7 Island State Parks and Management Areas. These funds are used for the restoration of critical
8 buildings, roads, and other facilities at Fishermen’s Memorial Campground, Lincoln Woods State
9 Park, and Goddard Memorial State Park.

10 (5) Affordable Housing..... \$25,000,000

11 Approval of this question will allow the State of Rhode Island to issue general obligation
12 bonds, refunding bonds, and temporary notes in an amount not to exceed twenty-five million
13 dollars (\$25,000,000) for affordable housing.

14 SECTION 2. Ballot labels and applicability of general election laws. -- The secretary
15 of state shall prepare and deliver to the state board of elections ballot labels for each of the
16 projects provided for in Section 1 hereof with the designations "approve" or "reject" provided
17 next to the description of each such project to enable voters to approve or reject each such
18 proposition. The general election laws, so far as consistent herewith, shall apply to this
19 proposition.

20 SECTION 3. Approval of projects by people. -- If a majority of the people voting on
21 the proposition provided for in Section 1 hereof shall vote to approve the proposition as to any
22 project provided for in Section 1 hereof, said project shall be deemed to be approved by the
23 people. The authority to issue bonds, refunding bonds and temporary notes of the state shall be
24 limited to the aggregate amount for all such projects as set forth in the proposition provided for in
25 section 1 hereof which has been approved by the people.

26 SECTION 4. Bonds for capital development program. -- The general treasurer is
27 hereby authorized and empowered with the approval of the governor and in accordance with the
28 provisions of this act, to issue from time to time capital development bonds in serial form in the
29 name and on behalf of the state in amounts as may be specified from time to time by the governor
30 in an aggregate principal amount not to exceed the total amount for all projects approved by the
31 people and designated as "capital development loan of 2012 bonds" provided, however, that the
32 aggregate principal amount of such capital development bonds and of any temporary notes
33 outstanding at any one time issued in anticipation thereof pursuant to Section 7 hereof shall not
34 exceed the total amount for all such projects as have been approved by the people. All provisions

1 in this act relating to "bonds" shall also be deemed to apply to "refunding bonds".

2 Capital development bonds issued under this act shall be in denominations of one
3 thousand dollars (\$1,000) each, or multiples thereof, and shall be payable in any coin or currency
4 of the United States which at the time of payment shall be legal tender for public and private
5 debts. These capital development bonds shall bear such date or dates, mature at specified time or
6 times, but not beyond the end of the twentieth state fiscal year following the state fiscal year in
7 which they are issued, bear interest payable semi-annually at a specified rate or different or
8 varying rates, be payable at designated time or times at specified place or places, be subject to
9 expressed terms of redemption or recall, with or without premium, be in a form, with or without
10 interest coupons attached, carry such registration, conversion, reconversion, transfer, debt
11 retirement, acceleration and other provisions as may be fixed by the general treasurer, with the
12 approval of the governor, upon each issue of such capital development bonds at the time of each
13 issue. Whenever the governor shall approve the issuance of such capital development bonds, he
14 or she shall certify approval to the secretary of state; the bonds shall be signed by the general
15 treasurer and countersigned by the manual or facsimile signature of the secretary of state and
16 shall bear the seal of the state or a facsimile thereof. The approval of the governor shall be
17 endorsed on each bond so approved with a facsimile of his or her signature.

18 SECTION 5. Refunding bonds for 2012 capital development program. -- The general
19 treasurer is hereby authorized and empowered, with the approval of the governor and in
20 accordance with the provisions of this act, to issue from time to time bonds to refund the 2012
21 capital development program bonds in the name and on behalf of the state, in amounts as may be
22 specified from time to time by the governor in an aggregate principal amount not to exceed the
23 total amount approved by the people, to be designated as "capital development program loan of
24 2012 refunding bonds" (hereinafter "refunding bonds").

25 The general treasurer with the approval of the governor shall fix the terms and form of
26 any refunding bonds issued under this act in the same manner as the capital development bonds
27 issued under this act, except that the refunding bonds may not mature more than twenty (20)
28 years from the date of original issue of the capital development bonds being refunded.

29 The proceeds of the refunding bonds, exclusive of any premium and accrual interest and
30 net the underwriters' cost, and cost of bond insurance, shall, upon their receipt, be paid by the
31 general treasurer immediately to the paying agent for the capital development bonds which are to
32 be called and prepaid. The paying agent shall hold the refunding bond proceeds in trust until they
33 are applied to prepay the capital development bonds. While such proceeds are held in trust, they
34 may be invested for the benefit of the state in obligations of the United States of America or the

1 State of Rhode Island.

2 If the general treasurer shall deposit with the paying agent for the capital development
3 bonds the proceeds of the refunding bonds or proceeds from other sources amounts that, when
4 invested in obligations of the United States or the State of Rhode Island, are sufficient to pay all
5 principal, interest, and premium, if any, on the capital development bonds until these bonds are
6 called for prepayment, then such capital development bonds shall not be considered debts of the
7 State of Rhode Island for any purpose from the date of deposit of such moneys with the paying
8 agent. The refunding bonds shall continue to be a debt of the state until paid.

9 The term "bond" shall include "note", and the term "refunding bonds" shall include
10 "refunding notes" when used in this act.

11 SECTION 6. Proceeds of capital development program. -- The general treasurer is
12 directed to deposit the proceeds from the sale of capital development bonds issued under this act,
13 exclusive of premiums and accrued interest and net the underwriters' cost, and cost of bond
14 insurance, in one or more of the depositories in which the funds of the state may be lawfully kept
15 in special accounts (hereinafter cumulatively referred to as "such capital development bond
16 fund") appropriately designated for each of the projects set forth in Section 1 hereof which shall
17 have been approved by the people to be used for the purpose of paying the cost of all such
18 projects so approved.

19 All monies in the capital development bond fund shall be expended for the purposes
20 specified in the proposition provided for in Section 1 hereof under the direction and supervision
21 of the director of administration (hereinafter referred to as "director"). The director or his or her
22 designee shall be vested with all power and authority necessary or incidental to the purposes of
23 this act, including but not limited to, the following authority: (a) to acquire land or other real
24 property or any interest, estate or right therein as may be necessary or advantageous to
25 accomplish the purposes of this act; (b) to direct payment for the preparation of any reports, plans
26 and specifications, and relocation expenses and other costs such as for furnishings, equipment
27 designing, inspecting and engineering, required in connection with the implementation of any
28 projects set forth in Section 1 hereof; (c) to direct payment for the costs of construction,
29 rehabilitation, enlargement, provision of service utilities, and razing of facilities, and other
30 improvements to land in connection with the implementation of any projects set forth in section 1
31 hereof; and (d) to direct payment for the cost of equipment, supplies, devices, materials and labor
32 for repair, renovation or conversion of systems and structures as necessary for 2012 capital
33 development program bonds or notes hereunder from the proceeds thereof. No funds shall be
34 expended in excess of the amount of the capital development bond fund designated for each

1 project authorized in Section 1 hereof. With respect to the bonds and temporary notes described
2 in section 1, the proceeds shall be utilized for the following purposes:

3 Question 1 relating to bonds in the amount of one hundred and nine million nine hundred
4 thousand dollars (\$109,900,000) for Higher Education shall be allocated as follows:

5 New Nursing Education Building for University of Rhode Island/
6 Rhode Island College..... \$65,200,000
7 Provides funds for the construction of a new nursing education building jointly used and
8 operated by the University of Rhode Island and Rhode Island College

9 (b) Infrastructure Modernization at Rhode Island College \$44,700,000
10 Provides funds for modernization and renovation of academic buildings on the Rhode
11 Island College campus.

12 Question 2 relating to bonds in the amount of twenty-one million five hundred thousand
13 dollars (\$21,500,000) for transportation purposes shall be allocated as follows:

14 (a) Highway improvement program..... 20,000,000
15 Provides funds for the Department of Transportation to match federal funds or to provide
16 direct funding for improvements to the state’s highway, roads and bridges.

17 (b) Buses and Other Vehicles for RI Public Transit Authority..... 1,500,000
18 Provides funds for the replacement of buses and other vehicles that have exceeded their
19 useful economic life.

20 Question 3 relating to bonds in the amount of twenty million dollars (\$20,000,000) for
21 the Clean Water Finance Agency to be allocated as follows:

22 (a) Clean Water State Revolving Loan Fund..... 12,000,000
23 Provides funds for wastewater projects structured as low-interest, subsidized loans for
24 local governments to finance wastewater infrastructure projects.

25 (b) Drinking Water State Revolving Loan Fund..... 8,000,000
26 Provides funds for drinking water projects structured as low-interest, subsidized loans for
27 eligible drinking water projects.

28 Question 4 relating to bonds in the amount of twenty-five million dollars (\$25,000,000)
29 for environmental and recreational purposes to be allocated as follows:

30 (a) Narragansett Bay and Watershed Restoration..... 5,000,000
31 Provides funds for activities to restore and protect the water quality and enhance the
32 economic viability and environmental sustainability of Narragansett Bay and the state’s
33 watersheds.

34 (b) State Land Acquisition – Open Space..... 3,000,000

1 Provides funds for the purchase of land, development rights, and conservation easements
2 in Rhode Island.

3 (c) Farmland Development Rights..... 4,500,000

4 Provides funds for the purchase of agricultural development rights to active farms in
5 Rhode Island.

6 (d) Local Land Acquisition Grants 3,000,000

7 Provides funds for grants to municipalities, local land trusts, and non-profit organizations
8 to acquire fee-simple title, development rights, or conservation easements to open space in Rhode
9 Island.

10 (e) Local Recreation Grants 4,000,000

11 Provides grants to municipalities for acquisition, development, or rehabilitation of local
12 recreation facilities.

13 (f) Historic/Passive Parks..... 2,000,000

14 Provides grants to municipalities for the renovation or development of historic and
15 passive recreation areas.

16 (g) Local Recreation – Distressed Communities \$2,500,000

17 Provides grants to distressed communities for acquisition, development, or rehabilitation
18 of local recreation facilities.

19 (h) State Recreation Facilities 1,000,000

20 Provides funds for asset protection, infrastructure, and facility improvements at Rhode
21 Island State Parks and Management Areas.

22 Question 5 relating to bonds in the amount of twenty-five million dollars (\$25,000,000)
23 for Affordable Housing.

24 Provides funding to the Housing Resources Commission to provide state funds to
25 promote affordable housing through redevelopment of existing structures, new construction or
26 foreclosure assistance.

27 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority
28 of this act shall be sold from time to time at not less than the principal amount thereof, in such
29 mode and on such terms and conditions as the general treasurer, with the approval of the
30 governor, shall deem to be for the best interests of the state.

31 Any premiums and accrued interest, net of the cost of bond insurance and underwriters
32 discount, that may be received on the sale of the capital development bonds or notes shall become
33 part of the Rhode Island Capital Fund of the state, unless directed by federal law or regulation to
34 be used for some other purpose.

1 In the event that the amount received from the sale of the capital development bonds or
2 notes exceeds the amount necessary for the purposes stated in section 6 hereof, the surplus may
3 be used to the extent possible to retire the bonds as the same may become due, to redeem them in
4 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the
5 approval of the governor, shall deem to be for the best interests of the state.

6 Any bonds or notes issued under the provisions of this act and coupons on any capital
7 development bonds, if properly executed by the manual or facsimile signatures of officers of the
8 state in office on the date of execution shall be valid and binding according to their tenor,
9 notwithstanding that before the delivery thereof and payment therefor, any or all such officers
10 shall for any reason have ceased to hold office.

11 SECTION 8. Bonds and notes to be tax exempt and general obligations of the state. -

12 All bonds and notes issued under the authority of this act shall be exempt from taxation in the
13 state and shall be general obligations of the state, and the full faith and credit of the state is hereby
14 pledged for the due payment of the principal and interest on each of such bonds and notes as the
15 same shall become due.

16 SECTION 9. Investment of monies in fund. -- All moneys in the capital development

17 fund not immediately required for payment pursuant to the provisions of this act may be invested
18 by the investment commission, as established by chapter 35-10, pursuant to the provisions of such
19 chapter; provided, however, that the securities in which the capital development fund is invested
20 shall remain a part of the capital development fund until exchanged for other securities; and
21 provided further, that the income from investments of the capital development fund shall become
22 a part of the general fund of the state and shall be applied to the payment of debt service charges
23 of the state, unless directed by federal law or regulation to be used for some other purpose, or to
24 the extent necessary, to rebate to the United States treasury any income from investments
25 (including gains from the disposition of investments) of proceeds of bonds or notes to the extent
26 deemed necessary to exempt (in whole or in part) the interest paid on such bonds or notes from
27 federal income taxation.

28 SECTION 10. Appropriation. -- To the extent the debt service on these bonds is not

29 otherwise provided, a sum sufficient to pay the interest and principal due each year on bonds and
30 notes hereunder is hereby annually appropriated out of any money in the treasury not otherwise
31 appropriated.

32 SECTION 11. Advances from general fund. -- The general treasurer is authorized from

33 time to time with the approval of the director and the governor, in anticipation of the issue of
34 notes or bonds under the authority of this act, to advance to the capital development bond fund for

1 the purposes specified in Section 6 hereof, any funds of the state not specifically held for any
2 particular purpose; provided, however, that all advances made to the capital development bond
3 fund shall be returned to the general fund from the capital development bond fund forthwith upon
4 the receipt by the capital development fund of proceeds resulting from the issue of notes or bonds
5 to the extent of such advances.

6 SECTION 12. Federal assistance and private funds. -- In carrying out this act, the
7 director, or his or her designee, is authorized on behalf of the state, with the approval of the
8 governor, to apply for and accept any federal assistance which may become available for the
9 purpose of this act, whether in the form of loan or grant or otherwise, to accept the provision of
10 any federal legislation therefor, to enter into, act and carry out contracts in connection therewith,
11 to act as agent for the federal government in connection therewith, or to designate a subordinate
12 so to act. Where federal assistance is made available, the project shall be carried out in
13 accordance with applicable federal law, the rules and regulations thereunder and the contract or
14 contracts providing for federal assistance, notwithstanding any contrary provisions of state law.
15 Subject to the foregoing, any federal funds received for the purposes of this act shall be deposited
16 in the capital development bond fund and expended as a part thereof. The director or his or her
17 designee may also utilize any private funds that may be made available for the purposes of this
18 act.

19 SECTION 13. Effective Date. -- Sections 1, 2 and 3 of this article shall take effect upon
20 passage. The remaining sections of this article shall take effect if and when the state board of
21 elections shall certify to the secretary of state that a majority of the qualified electors voting on
22 the propositions contained in section 1 hereof have indicated their approval of all or any projects
23 thereunder.

24 ARTICLE 6

25 RELATING TO BOND PREMIUMS

26 SECTION 1. Section 7 of Chapter 246 of the Public Laws, enacted in Article 5 of 06-H-
27 7120 Sub A as amended and approved on June 29, 2006, is hereby amended to read as follows:

28 SECTION 7. Sale of bonds and notes. -- Any bonds or notes issued under the authority of
29 this act shall be sold from time to time at not less than the principal amount thereof, in such mode
30 and on such terms and conditions as the general treasurer, with the approval of the governor, shall
31 deem to be for the best interests of the state.

32 Any premiums and accrued interest, net of the cost of bond insurance and underwriters
33 discount, that may be received on the sale of the capital development bonds or notes shall become
34 part of the ~~general fund~~ Rhode Island Capital Fund of the state ~~and shall be applied to the~~

1 ~~payment of debt service charges of the state, unless directed by federal law or regulation to be~~
2 used for some other purpose.

3 In the event that the amount received from the sale of the capital development bonds or
4 notes exceeds the amount necessary for the purposes stated in section 6 hereof, the surplus may
5 be used to the extent possible to retire the bonds as the same may become due, to redeem them in
6 accordance with the terms thereof or otherwise to purchase them as the general treasurer, with the
7 approval of the governor, shall deem to be for the best interests of the state.

8 Any bonds or notes issued under the provisions of this act and coupons on any capital
9 development bonds, if properly executed by the manual or facsimile signatures of officers of the
10 state in office on the date of execution shall be valid and binding according to their tenor,
11 notwithstanding that before the delivery thereof and payment therefor, any or all such officers
12 shall for any reason have ceased to hold office.

13 SECTION 2. This article shall take effect upon passage.

14 **ARTICLE 7**

15 **RELATING TO DEBT MANAGEMENT ACT JOINT RESOLUTIONS**

16 SECTION 1. This article consists of joint resolutions that are submitted pursuant to
17 Rhode Island General Laws § 35-18-1, et seq.

18 SECTION 2. Information Technology Improvements.

19 WHEREAS, the division of taxation is the primary revenue collecting agency for the
20 State of Rhode Island, administering fifty-seven (57) different tax/fee types and collecting nearly
21 three billion dollars per year. Currently an assortment of software systems is being utilized to
22 administer these taxes and fees. The most critical of these systems is built on forty (40) year old
23 technology that is increasingly difficult and expensive to use and maintain; and

24 WHEREAS, recognizing the need to better serve the citizens of Rhode Island and the
25 need to modernize its technology, the State of Rhode Island and the division of taxation would
26 benefit from the acquisition of a modern integrated tax system that would centralize all taxpayer
27 information in one computer system; and

28 WHEREAS, the implementation of the human resources information system, time and
29 attendance, projects/grants and other modules of the financial suite owned by the State of Rhode
30 Island would achieve the intended goal of a comprehensive, integrated accounting system; and

31 WHEREAS, the state auditor general in the annual single audit report has consistently
32 recommended the implementation of these modules for improved efficiency and enhanced
33 management information, and reduced incompatibility and redundancy of accounting applications
34 throughout state government; and

1 WHEREAS, the human resources information system would replace an antiquated, often
2 paper-based, forty (40) year old human resources system that does not provide managers or
3 employees with the online tools expected of a modern human resources system; and

4 WHEREAS, the time and attendance cost allocation module would allow for allocation
5 of time in real time and thus allow for faster draw down of federal funds, thereby relieving the
6 state general fund from having to cover federally financed costs; and

7 WHEREAS, the grants management module would improve the state's controls over the
8 administration of and reporting on numerous federal grant programs; and

9 WHEREAS, the State of Rhode Island is actively reforming its education system by,
10 among other initiatives, developing enterprise data systems that will offer five platforms,
11 including the instruction management system and the educator evaluation system. These data
12 systems will provide an unprecedented level of student and teacher data to track student, teacher,
13 and school performance and address the student achievement gaps; and

14 WHEREAS, Rhode Island's local education agencies ("LEAs"), districts, charter schools
15 and state schools need to upgrade their existing technology infrastructure in order to provide
16 twenty-first century technology-based learning, including e-learning opportunities, on-line
17 textbooks, and on-line assessments. In addition, several LEAs have insufficient wireless access
18 in their classrooms to access new data systems and on-line resources; and

19 WHEREAS, the project costs associated with these information technology
20 improvements are estimated to be \$56.0 million. The total financing obligation of the State of
21 Rhode Island would be approximately \$56.5 million, with \$56.0 million deposited in the project
22 fund and \$0.5 million allocated to pay the associated costs of financing. Total payments on the
23 State's obligation over ten (10) years on the \$56.5 million issuance are projected to be \$72.0
24 million, assuming an average interest rate of 4.0% The payments would be financed within the
25 department of administration from general revenue appropriations; now, therefore, be it

26 RESOLVED, that this general assembly hereby approves financing in an amount not to
27 exceed \$56.5 million for the provision of funds for information technology improvements,
28 including \$0.5 million to pay costs of financing; that of this sum, \$11.4 million be made available
29 from the project fund for the implementation of additional modules of the state's integrated
30 financial management system, including, but not limited to, the human resources information
31 system, the time and attendance module, and the projects and grants module; that \$24.8 million
32 be made available from the project fund for an integrated tax system; and that \$19.8 million be
33 made available from the project fund for improvements to the technology infrastructure of local
34 education agencies; and be it further

1 RESOLVED, that this joint resolution shall take effect immediately upon its passage by
2 the general assembly.

3 SECTION 3. Rhode Island Airport Corporation.

4 WHEREAS, the Rhode Island economic development corporation is a public
5 instrumentality of the State of Rhode Island (the "state"), created by the general assembly
6 pursuant to Rhode Island general laws §§ 42-64-1 et seq. (as enacted, reenacted and amended, the
7 "act"); and

8 WHEREAS, the act declares, in part, that new industrial, manufacturing, recreational,
9 and commercial facilities are required to attract and house new industries and thereby reduce the
10 hazards of unemployment; and that unaided efforts of private enterprises have not met, and
11 cannot meet, the needs of providing those facilities due to problems encountered in assembling
12 suitable building sites, lack of adequate public service, unavailability of private capital for
13 development, and the inability of private enterprise alone to plan, finance, and coordinate
14 industrial, recreational, and commercial development; and

15 WHEREAS, the act further declares it to be the public policy of the state to furnish
16 proper and adequate airport facilities within the state and to encourage the integration of these
17 facilities so far as practicable; and

18 WHEREAS, in furtherance of these goals, it is the policy of the state to retain existing
19 industries and to induce, encourage and attract new industries through the acquisition,
20 construction, reconstruction and rehabilitation of industrial, manufacturing, recreational, and
21 commercial facilities, as well as transportation, residential, environmental, utility, public service,
22 institutional and civic and community facilities, and to develop sites for such facilities; and

23 WHEREAS, the act has empowered the Rhode Island economic development corporation
24 to establish subsidiary corporations to exercise its powers and functions, or any of them, and,
25 pursuant to such power, the Rhode Island economic development corporation has established the
26 Rhode Island airport corporation to plan, develop, construct, finance, manage, and operate airport
27 facilities in the state; and

28 WHEREAS, the act provides that the Rhode Island airport corporation shall have the
29 power to purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and
30 otherwise deal in and with, real or personal property, or any interest therein, wherever situated;
31 and

32 WHEREAS, the act also provides that the Rhode Island airport corporation shall have the
33 power to sell, mortgage, lease, exchange, transfer or otherwise dispose of or encumber any
34 project, (or in the case of a sale, to accept a purchase money mortgage in connection therewith) or

1 to grant options for any such purposes with respect to any real or personal property or interest
2 therein, all of the foregoing for such consideration as the Rhode Island airport corporation shall
3 determine. Any lease by the Rhode Island airport corporation to another party may be for such
4 part of the Rhode Island airport corporation's property, real or personal, for such period, upon
5 such terms or conditions, with or without an option on the part of the lessee to purchase any or all
6 of the leased property for such consideration, at or after the retirement of all indebtedness
7 incurred by the Rhode Island airport corporation on account thereof, as the Rhode Island airport
8 corporation shall determine; and

9 WHEREAS, the act authorizes the Rhode Island economic development corporation to
10 borrow money and issue bonds for any of its corporate purposes; and

11 WHEREAS, pursuant to §§ 35-18-3 and 35-18-4 of Rhode Island general laws, the
12 Rhode Island economic development corporation requests the approval of the general assembly of
13 the Rhode Island economic development corporation's issuance of airport revenue bonds (the
14 "bonds") for the purpose of providing funds to the Rhode Island airport corporation for financing
15 the various capital projects including, but not limited to, a de-icer management system, runway
16 and taxiway improvements, noise mitigation and land acquisition, and facility developments (the
17 "Fiscal Year 2013 Airport Project"), funding capitalized interest, costs of issuing the bonds and
18 related costs, and the establishment of reserves for the project and the bonds, including a debt
19 service reserve fund; and

20 WHEREAS, the Rhode Island airport corporation anticipates the need to utilize short
21 term borrowings to fund timing differences between construction activities and receipt of federal
22 grants;

23 WHEREAS, the financing of the Fiscal Year 2013 Airport Project will be accomplished
24 through one or more loan agreements having the Rhode Island airport corporation as borrower,
25 such agreement or agreements to require that the Rhode Island airport corporation make loan
26 payments in an amount no less than the debt service on the bonds; now, therefore, be it

27 RESOLVED, the general assembly hereby approves the Rhode Island economic
28 development corporation's issuance of the bonds. The bonds will be special obligations of the
29 Rhode Island economic development corporation, payable exclusively from loan repayments
30 under a loan agreement with the Rhode Island airport corporation and from bond proceeds, funds,
31 accounts, and properties and the proceeds thereof pledged therefor, and thus the Rhode Island
32 economic development corporation's maximum liability will be limited to loan repayments
33 received under the loan agreement and the aggregate amount of such other funds, accounts,
34 properties, and proceeds; and be it further

1 RESOLVED, that the total amount of debt approved to be issued in the aggregate shall be
2 not more than \$174,000,000. Total debt service on the bonds is not expected to exceed
3 \$12,000,000 annually and \$351,000,000 in the aggregate based on level annual payments, an
4 average interest rate of 6.83%, and a 30-year maturity. Total debt service on short-term
5 borrowings to fund timing differences between construction activities and receipt of federal
6 grants is not expected to exceed \$6,700,000 annually and \$34,000,000 in the aggregate based on
7 an average interest rate of 4.00% and an 8-year maturity; and be it further

8 RESOLVED, that the general assembly hereby approves the Rhode Island airport
9 corporation's entering into the loan agreements described above. Payments under the loan
10 agreements shall be derived exclusively from project revenues and such other proceeds, funds,
11 accounts, projects and the proceeds thereof as the Rhode Island airport corporation may pledge
12 therefore; and be it further

13 RESOLVED, that none of the bonds or the loan agreements shall constitute indebtedness
14 of the state or a debt for which the full faith and credit of the state is pledged or a moral
15 obligation thereof; and be it further

16 RESOLVED, that this resolution shall apply to debt issued within one (1) year of the date
17 of passage of this resolution.

18 SECTION 4. Quonset Development Corporation.

19 WHEREAS, the Rhode Island economic development corporation ("QDC") is a public
20 instrumentality of the State of Rhode Island (the "state"), created by the general assembly
21 pursuant to Rhode Island general laws sections 42-64-1 et seq. (as enacted, reenacted and
22 amended, the "act"); and

23 WHEREAS, the act declares, in part, that new industrial, manufacturing, recreational,
24 and commercial facilities are required to attract and house new industries and thereby reduce the
25 hazards of unemployment; and that unaided efforts of private enterprises have not met and cannot
26 meet the needs of providing those facilities due to problems encountered in assembling suitable
27 building sites, lack of adequate public service, unavailability of private capital for development,
28 and the inability of private enterprise alone to plan, finance, and coordinate industrial,
29 recreational, and commercial development; and

30 WHEREAS, the act further declares it to be the public policy of the state to encourage the
31 expansion and development of the state's harbors and ports and to foster and improve the
32 handling of waterborne commerce from and to any port of this state and other states and foreign
33 countries; and

34 WHEREAS, in furtherance of these goals, it is the policy of the state to retain existing

1 industries and to induce, encourage and attract new industries through the acquisition,
2 construction, reconstruction and rehabilitation of industrial, manufacturing, recreational, and
3 commercial facilities, as well as transportation, harbors and ports, residential, environmental,
4 utility, public service, institutional and civic and community facilities, and to develop sites for
5 such facilities; and

6 WHEREAS, the act has empowered the Rhode Island economic development corporation
7 to establish subsidiary corporations to exercise its powers and functions, or any of them; and

8 WHEREAS, the general assembly, pursuant to Rhode Island general laws §§ 42-64.10-1
9 et seq. (as enacted, reenacted and amended, the "QDC Act") created the Quonset development
10 corporation as a subsidiary of the Rhode Island economic development corporation; and

11 WHEREAS, the QDC Act provides that the Quonset development corporation shall have
12 the power to purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and
13 otherwise deal in and with, real or personal property, or any interest therein, wherever situated,
14 including those certain transportation, harbor, pier and waterfront facilities located at the Quonset
15 business park; and

16 WHEREAS, the QDC Act also provides that the Quonset development corporation shall
17 have the power to sell, mortgage, lease, exchange, transfer or otherwise dispose of or encumber
18 any project, (or in the case of a sale, to accept a purchase money mortgage in connection
19 therewith) or to grant options for any such purposes with respect to any real or personal property
20 or interest therein, as the lawful agent and attorney-in-fact of the Rhode Island economic
21 development corporation with respect to all property of the Rhode Island economic development
22 corporation at the Quonset business park, all of the foregoing for such consideration as the
23 Quonset development corporation shall determine. Any lease by the Quonset development
24 corporation to another party may be for such part of the Quonset business park, real or personal,
25 for such period, upon such terms or conditions, with or without an option on the part of the lessee
26 to purchase any or all of the leased property for such consideration, at or after the retirement of all
27 indebtedness incurred by the Quonset development corporation on account thereof, as the
28 Quonset development corporation shall determine; and

29 WHEREAS, the act authorizes the Rhode Island economic development corporation to
30 borrow money and issue bonds for any of its corporate purposes; and

31 WHEREAS, pursuant to §§ 35-18-3 and 35-18-4 of Rhode Island general laws, the
32 Rhode Island economic development corporation has requested the approval of the general
33 assembly of the Rhode Island economic development corporation's issuance of harbor, pier and
34 port revenue bonds (the "bonds") for the purpose of providing funds to the Quonset development

1 corporation for financing the various capital projects including, but not limited to, harbor, pier,
2 port, channel, dredging and all other costs related to the improvement to the Davisville piers
3 improvements project at the Quonset business park (the "2012 Davisville piers project") funding,
4 capitalized interest, costs of issuing the Bonds and related costs, and the establishment of reserves
5 for the project and the bonds, including a debt service reserve fund; and

6 WHEREAS, the financing of the 2012 Davisville piers project and repayment of the
7 bonds will be accomplished through one or more loan agreements having the Quonset
8 development corporation as borrower, such agreement or agreements to require that the Quonset
9 development corporation make loan payments in an amount equal to the debt service on the
10 bonds; now, therefore, be it

11 RESOLVED, the general assembly hereby approves the Rhode Island economic
12 development corporation's issuance of the bonds. The bonds will be special obligations of the
13 Rhode Island economic development corporation payable exclusively from loan repayments
14 under a loan agreement with the Quonset development corporation and from bond proceeds,
15 funds, accounts, and properties and the proceeds thereof pledged therefor, and thus the Rhode
16 Island economic development corporation's maximum liability will be limited to loan repayments
17 received under the loan agreement and the aggregate amount of such other funds, accounts,
18 properties, and proceeds; and be it further

19 RESOLVED, that the total amount of debt approved to be issued in the aggregate shall be
20 not more than \$7.5 million. Total debt service on the bonds is not expected to exceed \$911,200
21 annually and \$9,112,000 in the aggregate, based on an average interest rate of 4.0 percent and a
22 10-year maturity; and be it further

23 RESOLVED, that the general assembly hereby approves the Quonset development
24 corporation's entering into the loan agreements described above. Payments under the loan
25 agreements shall be derived exclusively from project revenues and such other proceeds, funds,
26 accounts, projects and the proceeds thereof as the Quonset development corporation may pledge
27 therefor; and be it further

28 RESOLVED, that none of the bonds or the loan agreements shall constitute indebtedness
29 of the state or a debt for which the full faith and credit of the state is pledged or a moral
30 obligation thereof; and be it further

31 RESOLVED, that this resolution shall apply to bonds issued within one (1) year of the
32 date of passage of this resolution; and be it further

33 RESOLVED, that this joint resolution shall take effect immediately upon its passage by
34 this general assembly.

1 SECTION 5. Rhode Island Resource Recovery Corporation

2 WHEREAS, the Rhode Island resource recovery corporation (the “corporation”) is a
3 public corporation of the State of Rhode Island (the “state”), constituting a public instrumentality
4 and agency exercising public and essential governmental functions of the state, created by the
5 general assembly pursuant to Rhode Island general laws §§ 23-19-1 et seq., entitled the “Rhode
6 Island resource recovery corporation act” (as enacted, reenacted and amended, the “act”); and

7 WHEREAS, pursuant to the act, the corporation is designated to carry out the provisions
8 of the act; and

9 WHEREAS, also pursuant to the act, the purposes of the corporation include the
10 planning, design, construction, financing, management, ownership, operation, and maintenance of
11 transfer stations, waste processing facilities, resource recovery facilities, and all other solid waste
12 management facilities and the provision of solid waste management services to municipalities and
13 persons within the state; and

14 WHEREAS, for the purpose of planning, designing, constructing, financing, managing,
15 owning, operating, and maintaining transfer stations, waste processing facilities, resource
16 recovery facilities, and all other solid waste management facilities and providing solid waste
17 management services to municipalities and persons within the state, the corporation is authorized
18 to issue from time to time its negotiable bond and notes in one or more series in such principal
19 amounts as in the opinion of the corporation shall be necessary to provide sufficient funds for
20 achieving its purpose, including the payment of interest on the bonds and notes of the
21 corporation, the establishment of reserves to secure the bonds and notes, and the making of all
22 other expenditures of the corporation incident to and necessary or convenient to carrying out its
23 purposes and powers; and

24 WHEREAS, pursuant to Rhode Island general laws §§ 35-18-3 and 35-18-4, the
25 corporation has requested the approval of the general assembly of the corporation’s issuance of
26 not more than \$40 million of revenue bonds (the “bonds) for the purpose of providing funds for
27 capital projects and for costs associated with the bonds including capitalized interest, debt service
28 reserve and costs of issuance; and

29 WHEREAS, the corporation will use the bond proceeds to fund the design and
30 construction of a leachate pretreatment facility to comply with projected changes in discharge
31 standards for the disposal of wastewater, including leachate, into a public sewer system. The
32 treatment facility (the “facility” or the “project”) is expected to have the capacity of pretreating
33 650,000 gallons of wastewater daily and utilize sequencing batch reactor technology for
34 wastewater treatment; and

1 WHEREAS, the corporation currently discharges wastewater/leachate flows from several
2 sources from its solid waste operations, including leachate from primary and secondary collection
3 systems in phases II/III, IV and V of the central landfill, underdrains constructed under the liners
4 of various sections of the landfill as required by Rhode Island department of environmental
5 management (“RIDEM”) regulations, discharge from the phase I hot spot treatment system
6 operated as part of superfund remediation requirements, and condensate from the landfill gas
7 collection and treatment systems and sanitary flows from the various buildings and facilities on
8 site; and

9 WHEREAS, the landfill-related leachate is currently discharged through the Cranston
10 sewer system to the Cranston wastewater treatment facility (“WWTF”); and

11 WHEREAS, the corporation does not currently pretreat the collected flows prior to
12 discharge into the Cranston WWTF; and

13 WHEREAS, the corporation has received final approval from the RIDEM for the
14 construction of phase VI of the landfill, which will include a primary and secondary leachate
15 collection system and will operate for approximately 20 years; and

16 WHEREAS, municipal wastewater treatment plants that the corporation can potentially
17 discharge into are currently implementing upgrades to their facilities to meet lower effluent
18 discharge standards required by their permits with RIDEM; and

19 WHEREAS, the corporation has previously engaged an engineering consultant to
20 conduct a preliminary evaluation of future requirements to treat wastewater discharges from the
21 various operations at the Shun Pike facilities; and

22 WHEREAS, over the past several years the engineering consultant has been assisting the
23 corporation in evaluating approaches to treat wastewater flows, consisting primarily of landfill
24 leachate, to meet the discharge standards established by municipal wastewater treatment facilities
25 that are in proximity to the corporation’s operations; and

26 WHEREAS, the engineering consultant has issued a report indicating that based on these
27 standards, and the more stringent effluent standards anticipated in the future, the corporation will
28 be required to construct a new pretreatment plant facility on-site to comply with these standards
29 prior to discharging wastewater into any municipal sewer system; and

30 WHEREAS, the engineering consultant has proposed utilizing a reliable, cost-effective
31 and high-efficiency technology, sequential batch reactors, which are basically industrial tanks in
32 which all metabolic processing and solid / liquid separation occurs in one tank and in a
33 continuously repeated time sequence; and

34 WHEREAS, sequential batch reactor processes are known to save more than 60% of the

1 expenses required for conventional activated sludge processing and achieve high effluent quality
2 in a very short aeration time; and

3 WHEREAS, the estimated cost of the project is anticipated to be approximately \$35
4 million to \$40 million; and

5 WHEREAS, in the event that not all of the bond proceeds are used to carry out the
6 specified project, the corporation will use any remaining funds to pay debt service on the bonds;
7 now, therefore, be it

8 RESOLVED, that this general assembly hereby approves the corporation's issuance of
9 not more than the total of the competitively awarded contact plus financing costs, or \$40 million,
10 whichever is less, of bonds for the purpose of providing funds for the project and for costs
11 associated with bonds including capitalized interest, debt service reserve and costs of issuance;
12 and be it further

13 RESOLVED, that the bonds will be general obligations of the corporation payable from
14 the corporation's revenues and thus the corporation's maximum liability will be for the total debt
15 service on the bonds which is estimated to be \$3.0 million per year or \$59 million in the
16 aggregate based on an average interest rate of 4.0 percent and a 20 year maturity; and be it further

17 RESOLVED, that the bonds will not constitute indebtedness of the state or any of its
18 subdivisions or a debt for which the full faith and credit of the state or any of its subdivisions is
19 pledged except to the extent that the state provides the corporation with annual budget
20 appropriations pursuant to Rhode Island general laws § 23-19-13(i) and the corporation's
21 revenues are not otherwise sufficient to pay debt service on the bonds, the maximum possible
22 financial obligation of the state under the bonds will be to appropriate for any deficiency; and be
23 it further

24 RESOLVED, that this joint resolution shall take effect immediately upon its passage by
25 this general assembly, provided that the delivery of the bonds shall be not later than one (1) year
26 from the date of such passage.

27 SECTION 6. GARVEE Program.

28 WHEREAS, the Rhode Island Department of Transportation ("RIDOT") has undertaken
29 five (5) major transportation projects, and these projects were either substantially completed or
30 under construction in the year 2011; and

31 WHEREAS, the construction of these projects was deemed critical in order to preserve
32 and maintain the public safety and continued economic success and viability of the State of
33 Rhode Island, its ports and infrastructure; and

34 WHEREAS, RIDOT explored various options to finance the costs of the five (5) major

1 transportation projects and determined that the federal-aid financing program authorized in
2 federal law by Section 311 of the National Highway System Designation Act of 1995 and
3 commonly referred to as the Grant Anticipation Revenue Vehicle Program (“GARVEE
4 Program”) represented the best financing mechanism for the State of Rhode Island, inasmuch as
5 the GARVEE Program accelerated the funding and construction of the five (5) major
6 transportation projects; and

7 WHEREAS, the General Assembly, in Chapter 376, Article 36, Sections 8 and 9 of the
8 Rhode Island Public Laws of 2003, granted RIDOT, through the Rhode Island Economic
9 Development Corporation (“RIEDC”), the authorization to issue bonds (“GARVEE Bonds”) or
10 other debt instruments backed by future appropriations for federal-aid transportation projects
11 whereby such amounts are used to cover an assortment of bond-related costs, including principal
12 and interest payments, issuance costs, insurance, and other costs incidental to a financing; and

13 WHEREAS, the original Public Corporation Debt Management authorization in Chapter
14 376, Article 36, Sections 8 and 9 of the Rhode Island Public Laws of 2003 included a total of
15 \$709.6 million in GARVEE funding to be distributed across five projects, as follows: \$126.2
16 million for the Sakonnet River Bridge; \$348.3 million for the Route I-195 Relocation; \$85.4
17 million for the Washington Bridge; \$42.5 million for the Freight Rail Improvement Program
18 (FRIP), and \$107.2 million for Route 403; and

19 WHEREAS, additional grants and Federal earmark funding have been received for the
20 completion of the Washington Bridge project, while, at the same time, preliminary cost estimates
21 for the Sakonnet River Bridge replacement, which were used to allocate GARVEE proceeds,
22 have proven to be lower than the funding required; and

23 WHEREAS, the reallocation of GARVEE funds to the Sakonnet River Bridge project
24 will allow an equal amount of Federal highway funding to be applied to other highway projects
25 included in the Rhode Island Transportation Improvement Program (“TIP”); and

26 WHEREAS, the reallocated GARVEE financing associated with these projects is
27 estimated to be:

28 (1) For the Sakonnet River Bridge: (a) a total capital cost of one hundred twenty seven
29 million three hundred eighty two thousand five hundred sixty six dollars (\$127,382,566); (b) the
30 total debt issuance of GARVEE and/or other than GARVEE Bonds associated with payment of
31 the capital costs, financing costs, costs of issuance or insurance or credit enhancement would be
32 an amount not to exceed one hundred thirty five million eight hundred twenty five thousand
33 dollars (\$135,825,000); (c) with respect to the total debt issuance of one hundred thirty five
34 million eight hundred twenty five thousand dollars (\$135,825,000) referenced in subsection (b)

1 above, an amount not to exceed twenty five million two hundred forty eight thousand dollars
2 (\$25,248,000) of bonds would be repaid by the State of Rhode Island with other than FHWA
3 funds (the "State Match Bonds"); (d) total debt service payments on the State Match Bonds over
4 an expected twenty (20) year period on the twenty five million two hundred forty eight thousand
5 dollars (\$25,248,000) issuance are projected to be thirty seven million four hundred fifty eight
6 thousand dollars (\$37,458,000), assuming an average coupon rate of 5.1%; and (e) the debt
7 service payments on the State Match Bonds are supported from the Motor Fuel Tax Allocation as
8 hereinafter defined; and total debt service on all bonds of two hundred four million five hundred
9 thirty two thousand nine hundred twenty dollars (\$204,532,920); and

10 (2) For the Washington Bridge: (a) a total capital cost of \$75,845,000; (b) the total debt
11 issuance of GARVEE and/or other than GARVEE Bonds associated with payment of the capital
12 costs, financing costs, costs of issuance or insurance or credit enhancement would be an amount
13 not to exceed \$75,845,000; and (c) no State Match Bonds will be issued in connection with the
14 Washington Bridge as all costs related to the construction and financing of this project will be
15 covered by the FHWA funds due the State of Rhode Island; and total debt service on all bonds of
16 one hundred eighteen million four hundred twenty two thousand five hundred dollars
17 (\$118,422,500); now, therefore, be it

18 RESOLVED, that this General Assembly finds that the Projects are essential public
19 facilities and are of a type and nature consistent with the purposes and within the powers of the
20 Department of Transportation to undertake, and hereby approves that the Sakonnet River Bridge
21 and Washington Bridge remain critical components of the infrastructure of the State of Rhode
22 Island, and that it is in the best interests of the State to maximize the use of proceeds from the
23 GARVEE bonds already issued. Therefore, this General Assembly hereby approves the following
24 reallocation in GARVEE bond proceeds:

25 (1) For the New Sakonnet Bridge: the issuance of an amount not to exceed one hundred
26 twenty seven million three hundred eighty two thousand five hundred sixty six dollars
27 (\$127,382,566) in GARVEE Bonds, the repayment of which shall be derived from and supported
28 by FHWA funds due the State of Rhode Island, and an amount not to exceed twenty five million
29 two hundred forty eight thousand dollars (\$25,248,000) in State Match Bonds and to incur and
30 pay debt service payments for such State Match Bonds in an amount not to exceed thirty seven
31 million four hundred fifty eight thousand dollars (\$37,458,000) and total debt service on all bonds
32 of two hundred four million five hundred thirty two thousand nine hundred twenty dollars
33 (\$204,532,920) as specified in (1) above for bonds issued for the Sakonnet River Bridge, such
34 debt service payments to be made from the Motor Fuel Tax Allocation, as hereinafter defined, or

1 such other revenue source as the Rhode Island General Assembly shall designate from time to
2 time for the construction, design, maintenance, completion, finance costs, including, but not
3 limited to, costs of issuance, credit enhancement, legal counsel and underwriter fees and expenses
4 and other costs associated with the Sakonnet River Bridge.

5 (2) For the Washington Bridge: the issuance of an amount not to exceed \$75,845,000 in
6 GARVEE Bonds, the repayment of which shall be wholly derived from and supported by FHWA
7 funds due the State of Rhode Island; and total debt service on all bonds of one hundred eighteen
8 million four hundred twenty two thousand five hundred dollars (\$118,422,500); and be it further

9 RESOLVED, that no other changes in allocation or expenditure are authorized beyond
10 the amendments included in this Joint Resolution, and that no additional GARVEE bond issuance
11 is required beyond the limits specified in Chapter 376, Article 36, Sections 8 and 9 of the Rhode
12 Island Public Laws of 2003.

13 SECTION 7. This article shall take effect upon passage.

14 ARTICLE 8

15 RELATING TO INFORMATION TECHNOLOGY INVESTMENT FUND

16 SECTION 1. Section 42-11-2.5 of the General Laws in Chapter 42-11 entitled
17 "Department of Administration" is hereby amended to read as follows:

18 **42-11-2.5. Information technology investment fund.** – (a) All sums from the sale of
19 any land and the buildings and improvements thereon, and other real property title to which is
20 vested in the state except as provided in subsection 37-7-15(b) shall be transferred to an
21 Information Technology Investment Fund restricted receipt account that is hereby established.
22 This fund shall consist of such sums from the sale of any land and the buildings and
23 improvements thereon, and other real property title to which is vested in the state except as
24 provided in subsection 37-7-15(b). This fund may also consist of such sums as the state may from
25 time to time appropriate, as well as money received from the disposal of information technology
26 equipment, loan, interest and service charge payments from benefiting state agencies, as well as
27 interest earnings, money received from the federal government, gifts, bequest, donations, or to
28 otherwise from any public or private source. Any such funds shall be exempt from the indirect
29 cost recovery provisions of § 35-4-27.

30 (b) This fund shall be used for the purpose of acquiring information technology
31 improvements, including, but not limited to, hardware, software, consulting services, and ongoing
32 maintenance and upgrade contracts for state departments and agencies.

33 (c) The division of information technology of the Rhode Island department of
34 administration shall adopt rules and regulations consistent with the purposes of this chapter and

1 chapter 35 of title 42, in order to provide for the orderly and equitable disbursement of funds ~~from~~
2 ~~the revolving loan fund~~ [from this account](#).

3 SECTION 2. This article shall take effect upon passage.

4 ARTICLE 9

5 RELATING TO DEPARTMENT OF HEALTH FEES

6 SECTION 1. Sections 5-10-10, 5-10-11, 5-10-13, and 5-10-15 of the General Laws in
7 Chapter 5-10 entitled “Barbers, Hairdressers, Cosmeticians, Manicurists and Estheticians” are
8 hereby amended to read as follows:

9 **5-10-10. Application form - Fee - Expiration and renewal of licenses – Fees. --** (a)

10 Applications for licenses under § 5-10-9 shall be made upon any forms that are prescribed by the
11 division and are accompanied by an ~~examination~~ [application](#) fee established in regulation. The
12 license of every person licensed under §§ 5-10-8 and 5-10-9 shall expire on the thirtieth (30th)
13 day of October of every other year following the date of license. This is determined on an odd-
14 even basis. On or before the first day of September of every year, the administrator of
15 professional regulation shall mail an application for renewal of license to people scheduled to be
16 licensed that year on an odd or even basis as to the license number. Every person who wishes to
17 renew his or her license must file with the administrator of professional regulation a renewal
18 application duly executed together with the renewal fee ~~of fifty dollars (\$50.00)~~ [as set forth in §](#)
19 [23-1-54](#). Applications, accompanied by the fee for renewal, shall be filed with the division on or
20 before the fifteenth (15th) day of October in each renewal year. Upon receipt of the application
21 and fee, the administrator of professional regulation shall grant a renewal license effective
22 October 1st and expiring two (2) years later on September 30th.

23 (b) Every person who fails to renew his or her license on or before September 30th
24 following the date of issuance as provided in subsection (a) of this section may be reinstated by
25 the division upon payment of the current renewal fee ~~of fifty dollars (\$50.00) plus an additional~~
26 ~~fee of thirty dollars (\$30.00) for each year the license has lapsed to a maximum of two hundred~~
27 ~~dollars (\$200)~~ [as set forth in § 23-1-54](#).

28 (c) The license shall be on the person at all times while performing the services for which
29 they are licensed.

30 **5-10-11. Persons licensed in other states. --** (a) Any person licensed to practice

31 barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics in another state
32 where the requirements are the equivalent of those of this state is entitled to a license as a barber,
33 hairdresser, and cosmetician and/or manicurist or esthetician operator upon the acceptance of his
34 or her credentials by the division; provided, that the state in which that person is licensed extends

1 a similar privilege to licensed barbers, hairdressers, and cosmetic therapists and/or manicurists or
2 esthetics of this state. If a person applies for a hairdressing license who was licensed in another
3 state where the requirements are not equivalent to those of this state, the division shall give to that
4 person one hundred (100) hours instructional credit for three (3) months that the person was
5 licensed and in actual practice, up to a limit of five hundred (500) hours, in order for that person
6 to meet the requirements for a hairdressing license in this state as established under the provisions
7 of §§ 5-10-8 and 5-10-9.

8 (b) If a person applies for a manicurist or esthetician license and is currently licensed in
9 another state, that person may be granted a license if he or she passes the written and practical
10 examinations conducted by the division.

11 (c) The fee for the ~~examination application~~ is ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-](#)
12 [54](#); provided, that the provisions of this chapter shall not be construed as preventing persons who
13 have been licensed by examination under the laws of other states of the United States or
14 territories and the District of Columbia from practicing barbering, hairdressing, and cosmetic
15 therapy and/or manicuring or esthetics in this state for a period of three (3) months; provided, that
16 they apply for and are licensed in this state within three (3) months from the commencement of
17 their employment. Nor shall it be construed as prohibiting persons who have been licensed under
18 the laws of another country or territory from practicing barbering, hairdressing, and cosmetic
19 therapy and/or manicuring or esthetics in this state; provided, that practice is in conformity with
20 the rules and regulations of the division; and provided, that in no case shall that practice cover a
21 period of more than three (3) months from the commencement of that employment.

22 **5-10-13. Demonstrator's permit.** -- The division may in its discretion issue to any
23 person recognized by the division as an authority on, or an expert in the theory or practice of,
24 barbering, hairdressing, and cosmetic therapy and/or manicuring or esthetics and is the holder of a
25 current esthetician's, manicurist's or a barber's, hairdresser's, and cosmetician's license in this
26 state, another state or the District of Columbia, a demonstrator's permit for not more than six (6)
27 days' duration for educational and instructive demonstrations; provided, that the permit shall not
28 be used in the sense of a license to practice barbering, manicuring, esthetics or hairdressing and
29 cosmetic therapy. The fee for the permit is ~~seventy dollars (\$70.00)~~ [as set forth in § 23-1-54](#).

30 **5-10-15. Licensing of shops.** -- (a) No shop, place of business or establishment shall be
31 opened or conducted within the state by any person, association, partnership, corporation, or
32 otherwise for the practice of barbering, manicuring and/or hairdressing and cosmetic therapy or
33 esthetics until the time that application for a license to operate that shop, place of business or
34 establishment for the practice of manicuring and/or hairdressing and cosmetic therapy or esthetics

1 is made, to the division, in the manner and on the forms that it prescribes, and a license, under the
2 terms and conditions, not contrary to law, that the division requires shall be granted for it and a
3 license issued.

4 (1) No licenses shall be granted to any shop, place of business, or establishment for the
5 practice of hairdressing and cosmetic therapy unless the proprietor or a supervising manager in
6 the practice of barbering, hairdressing and cosmetic therapy, of the shop, place of business, or
7 establishment is licensed and has been licensed as a licensed barber or hairdresser and
8 cosmetician for a period of at least one year immediately prior to the filing of the application for
9 the license.

10 (2) No license shall be granted to any shop, place of business, or establishment for the
11 practice of manicuring or esthetics unless the proprietor or a supervising manager of the
12 proprietor is licensed and has been licensed as a licensed barber, hairdresser and cosmetician,
13 manicurist or esthetician for a period of at least one year immediately prior to the filing of the
14 application for the license.

15 (3) The supervising manager shall be registered with the division as the manager of a
16 licensed shop and shall only be registered to manage one shop at a time. The proprietor of the
17 licensed shop and the manager shall notify the division, in writing, within ten (10) days upon the
18 termination of employment as the manager of the licensed shop. The license of the shop shall
19 expire forty-five (45) days after the division is notified by the proprietor if no new manager is
20 registered with the division as the supervising manager of the shop.

21 (b) All licenses issued under this section shall terminate on the first day of July following
22 the date of issue. The fee for the license is ~~one hundred and thirty dollars (\$130) and for each~~
23 ~~renewal of the license the fee is one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#).

24 SECTION 2. Sections 5-25-10, 5-25-11, and 5-25-12 of the General Laws in Chapter 5-
25 entitled "Veterinary Practice" are hereby amended to read as follows:

26 **5-25-10. Qualifications for licensure.** -- Any applicant for licensure shall submit to the
27 department written evidence on forms furnished by the department verified by oath that the
28 applicant meets all of the following requirements:

29 (1) Is a graduate of a school or college of veterinary medicine recognized and accredited
30 by the American Veterinary Medical Association and by the department or certification by the
31 Educational Council for Foreign Veterinary Graduates;

32 (2) Pays an application fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) at the time of
33 submitting the application, which, in no case is returned to the applicant;

34 (3) Is of good moral character, evidenced in the manner prescribed by the department;

1 and

2 (4) Complies with any other qualifications that the department prescribes by regulation;

3 and

4 (5) Comply with the continuing education requirements adopted by the department.

5 **5-25-11. Licensing of veterinarians. --** (a) *By Examination.* - The applicant is required
6 to pass, with a grade determined by the division, an examination approved by the division; upon
7 payment of an examination fee ~~of three hundred and thirty dollars (\$330)~~ [as set forth in § 23-1-54](#)
8 every candidate who passes that examination, and in the opinion of the division meets the
9 qualifications of § 5-25-10, shall, upon payment of an initial license fee, which shall be equal to
10 the biennial license renewal fee in effect, be issued a license to practice veterinary medicine.
11 Veterinarians licensed under the provisions of this chapter on August 31, 1985 shall continue to
12 be licensed.

13 (b) *Without Examination by Endorsement.* A license to practice veterinary medicine may
14 be issued without examination to an applicant who has been duly licensed by examination as a
15 veterinarian under the laws of another state or territory or District of Columbia, if, in the opinion
16 of the division, the applicant meets the qualifications required of veterinarians in this state, as
17 further defined in rules and regulations.

18 **5-25-12. Expiration and renewal of licenses. --** (a) The certificate of every person
19 licensed as a veterinarian under the provisions of this chapter expires on the first day of May of
20 each even numbered year. On or before the first day of March of each two (2) year period, the
21 department shall mail an application for renewal of license to every person to whom a license has
22 been issued or renewed during the current licensure period. Every person so licensed who desires
23 to renew his or her license shall file with the department a renewal application duly executed
24 together with a renewal fee ~~of three hundred and thirty dollars (\$330)~~ [as set forth in § 23-1-54](#) on
25 or before the thirty-first day of March of each even numbered year.

26 (b) Upon receipt of an application, and payment of the renewal fee, the department shall
27 grant a renewal license effective the second day of May, and expiring on the first day of May of
28 the next even numbered year.

29 (c) Any person who allows his or her license to lapse by failing to renew it on or before
30 the thirty-first day of March of the next even numbered year, as provided in subsection (a), may
31 be reinstated by the department on payment of the current renewal fee plus an additional fee ~~of~~
32 ~~ninety (\$90.00)~~ [as set forth in § 23-1-54.](#)

33 (d) Any person using the title "veterinarian" during the time that his or her license has
34 lapsed is subject to the penalties provided for violations of this chapter.

1 (e) Every veterinarian licensed to practice veterinary medicine within the state shall, in
2 connection with renewal of licensure, provide satisfactory evidence to the department that in the
3 preceding two-year period the veterinarian has completed a prescribed course of continuing
4 professional education established by an appropriate professional veterinary medicine association
5 and approved by rule or regulation of the department. The department may extend for only one
6 six (6) month period, these education requirements if the department is satisfied that the applicant
7 has suffered hardship which prevented meeting the educational requirement.

8 SECTION 3. Sections 5-29-7, 5-29-11, 5-29-13, and 5-29-14 of the General Laws in
9 Chapter 5-29 entitled "Podiatrists" are hereby amended to read as follows:

10 **5-29-7. Examination of applicants - Fees – Reexamination.** -- The division of
11 professional regulation board of podiatry examiners is empowered to review applications as
12 defined in this chapter and to require a minimum application fee ~~of four hundred and ten dollars~~
13 ~~(\$410)~~ as set forth in § 23-1-54 at the time of application. Application fees are not refundable
14 unless sickness or other good cause appearing to the satisfaction of the division such applicant
15 was prevented from attending and completing the examination. One further or subsequent
16 examination under that application may be given to applicants in the discretion of the division,
17 without payment of an additional fee.

18 **5-29-11. Fee.** -- The biennial renewal fee shall ~~not be less than two hundred and sixty~~
19 ~~(\$260) nor be more than four hundred and ninety dollars (\$490)~~ be as set forth in § 23-1-54.

20 **5-29-13. Limited registrations.** -- (a) An applicant for limited registration under this
21 chapter who furnishes the division of professional regulation of the department of health with
22 satisfactory proof that the applicant is eighteen (18) years of age or older and of good moral
23 character, that the applicant has creditably completed not less than two (2) years of study in a
24 legally chartered podiatry school that is accredited by the Council on Podiatric Medical Education
25 of the American Podiatric Medical Association having power to grant degrees in podiatry, and
26 that the applicant has been appointed an intern, resident, fellow, or podiatry officer in a hospital
27 or other institution maintained by the state, or by a city or town, or in a hospital or clinic which is
28 incorporated under the laws of this state or in a clinic which is affiliated with a hospital licensed
29 by the department of health, or in an out-patient clinic operated by the state, may, upon the
30 payment ~~of seventy (\$70.00)~~ in an amount set forth in § 23-1-54, be registered by the division as
31 a hospital officer for any time that the division prescribes. The limited registration entitles the
32 applicant to practice podiatry in the hospital or other institution designated on his or her
33 certificate of limited registration, or outside that hospital or other institution for the treatment,
34 under the supervision of one of its medical officers who is a duly licensed physician and/or

1 podiatrist or persons accepted by it as patients, or in any hospital, institution, clinic, or program
2 affiliated for training purposes with the hospital, institution, or clinic designated on the certificate,
3 which affiliation is approved by the division of professional regulation and the Council of
4 Podiatric Medical Education of the American Podiatric Medical Association and in any case
5 under regulations established by such hospital, institution, or clinic. Provided, that each hospital,
6 institution, or clinic shall annually submit to the division of professional regulation a list of
7 affiliated hospitals, institutions, clinics, or programs providing training programs which comply
8 with the terms of this section. Limited registration under this section may be revoked at any time
9 by the division.

10 (b) The division of professional regulation of the department of health may promulgate
11 any rules and regulations that it deems necessary to effect the provisions of this chapter.

12 **5-29-14. Limited registration – Academic faculty.** -- Notwithstanding any other
13 provisions of this chapter, a podiatrist of noteworthy and recognized professional attainment who
14 is a clearly outstanding podiatrist and who has been offered by the dean of a medical school or
15 podiatry school in this state a full-time academic appointment, is eligible for a limited registration
16 while serving on the academic staff of the medical school or podiatry school. Upon
17 recommendation of the dean of an accredited school of medicine, podiatry in this state, the board
18 in its discretion, after being satisfied that the applicant is a graduate of a foreign podiatry school
19 and a person of professional rank whose knowledge and special training will benefit that medical
20 school, podiatry school may issue to that podiatrist a limited registration to engage in the practice
21 of podiatry to the extent that the practice is incidental to a necessary part of his or her academic
22 appointment and then only in the hospital or hospitals and out-patient clinics connected with the
23 medical school or podiatry school. Except to the extent authorized by this section, the registrant
24 shall not engage in the practice of podiatry or receive compensation for that practice, unless he or
25 she is issued a license to practice podiatry. The registration is valid for a period of not more than
26 one year expiring on the 30th day of June following its initial effective date but may be renewed
27 annually; provided, that such registration automatically expires when the holder's relationship
28 with the medical school or podiatry school is terminated. The application fee for the registration
29 authorized under this ~~section is five hundred and seventy (\$570) The~~ and for the application fee
30 for biennial renewal, as promulgated by the director, shall be ~~not less than two hundred and~~
31 ~~eighty (\$280) nor more than four hundred dollars (\$400)~~ as set forth in § 23-1-54.

32 SECTION 4. Sections 5-30-7, 5-30-8 and 5-30-12 of the General Laws in Chapter 5-30
33 entitled "Chiropractors" are hereby amended to read as follows:

34 **5-30-7. Certification of chiropractic physicians authorized to practice in other states.**

1 -- The division of professional regulation of the department of health may, at its discretion,
2 dispense with the examination of any chiropractic physician authorized to practice chiropractic
3 medicine in any other state, and who has been practicing his or her profession in that state for at
4 least five (5) years and desires to reside permanently and practice his or her profession in this
5 state, provided the laws of that state require qualifications of a grade equal to those required in
6 Rhode Island, and provided that equal rights are accorded by that state to chiropractic physicians
7 of Rhode Island. The chiropractic physician shall make an application to the division for
8 exemption from examination and the division may in its discretion exempt him or her. If the
9 division exempts him or her, he or she shall pay a fee ~~of ninety dollars (\$90.00)~~ [as set forth in §](#)
10 [23-1-54](#) for a certificate of exemption from that examination, and upon receipt of that fee, the
11 division shall recommend him or her to the director of the department of health to receive a
12 certificate of qualification to practice chiropractic medicine.

13 **5-30-8. Certification to practice physiotherapy.** -- (a) Every person desiring to practice
14 physiotherapy in addition to chiropractic medicine and who completed a course of four (4) years,
15 of eight (8) months each, in some school of chiropractic medicine approved by the division of
16 professional regulation of the department of health, completed a course of three (3) years, of nine
17 (9) months each, at some school of chiropractic medicine approved by the division and an
18 additional year, of at least six (6) months, in physiotherapy and all branches of that field, at that
19 school, or has served as an intern for six (6) months in any year at an institution approved by the
20 division, and satisfies the division that he or she is qualified, may take an examination before the
21 state board of chiropractic examiners to determine his or her qualification to practice
22 physiotherapy in addition to chiropractic medicine.

23 (b) Every applicant for that examination shall pay a fee ~~of sixty dollars (\$60.00)~~ for the
24 examination to the division of professional regulation of the department of health, provided that if
25 the examination is taken at the same time as the examination to determine the applicant's fitness
26 to practice chiropractic medicine, ~~but only one fee of ninety dollars (\$90.00)~~ [as set forth in § 23-](#)
27 [1-54](#) is charged. Every candidate who passes that examination shall be recommended by the
28 division of professional regulation of the department of health to the director of the department of
29 health to receive a certificate of qualification to practice physiotherapy.

30 **5-30-12. Annual registration -- Payment of fees.** -- Annually, during the month of
31 October in each year, every person granted a certificate to practice chiropractic medicine shall
32 register his or her name, address, and place of business with the division of professional
33 regulation of the department of health. The division shall keep a book for that purpose, and each
34 person registering shall pay a fee ~~of one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-](#)

1 [54](#) and shall receive a certificate of registration for the next succeeding fiscal year, unless the
2 certificate of practice has been suspended or revoked for cause, as provided in § 5-30-13. All fees
3 for examination, for certificate of exemption from examination, and for annual registration shall
4 be deposited as general revenues.

5 SECTION 5. Sections 5-31.1-6, 5-31.1-21, 5-31.1-22 and 5-31.1-23 of the General Laws
6 in Chapter 5-31.1 entitled “Dentists and Dental Hygienists” are hereby amended to read as
7 follows:

8 **5-31.1-6. License to practice -- Qualifications of applicants -- Fee -- Reexamination. -**

9 (a) Authority to practice dentistry or dental hygiene under this chapter is by a license, issued by
10 the director of the department of health, to any reputable dentist or dental hygienist who intends
11 to practice dentistry or dental hygiene in this state, and who meets the requirements for licensure
12 prescribed in this chapter and regulations established by the board or the director.

13 (b) Applicants for licensure as dentists shall:

14 (1) Present satisfactory evidence of graduation from a school of dentistry accredited by
15 the American Dental Association Commission on Dental Accreditation or its designated agency
16 and approved by the board;

17 (2) Meet any other requirements that the board or director by regulation establishes; and

18 (3) Pass in a satisfactory manner any examinations that the board requires.

19 (c) Applicants for licensure as dental hygienists shall:

20 (1) Present satisfactory evidence of graduation from a school for dental hygiene
21 accredited by the American Dental Association Commission on Dental Auxiliary Accreditation or
22 its designated agency and approved by the board;

23 (2) Meet any other requirements that the board or director by regulation establishes; and

24 (3) Pass in a satisfactory manner any examination that the board requires.

25 (d) Any dentist ~~applying for licensure shall pay an application fee of five hundred and~~
26 ~~seventy dollars (\$570)~~ and any dental hygienist applying for licensure shall pay an application fee
27 ~~of one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#). Application fees shall in no
28 case be returned. Applicants requiring reexamination for dentistry ~~shall submit a fee of five~~
29 ~~hundred and seventy dollars (\$570) for each reexamination. Applicants requiring reexamination~~
30 ~~and~~ for dental hygiene shall submit ~~a fee of one hundred and thirty dollars (\$130)~~ [fees as set forth](#)
31 [in § 23-1-54](#) for each reexamination.

32 (e) Notwithstanding any other provision of law, the board of dental examiners may issue
33 a special license to qualifying dentists and dental hygienists under the terms and conditions set
34 forth in this section and pursuant to requirements which may be set forth in the rules and

1 regulations of the board. The special license may only be issued to a person who is retired from
2 the practice of dentistry or dental hygiene and not currently engaged in such practice either full-
3 time or part-time and has, prior to retirement, maintained full licensure in good standing in
4 dentistry or dental hygiene in any state.

5 (2) The special licensee shall be permitted to practice dentistry or dental hygiene only in
6 the non-compensated employ of public agencies or institutions, not-for-profit agencies, not-for-
7 profit institutions, nonprofit corporations, or not-for-profit associations which provide dentistry or
8 dental hygiene services only to indigent patients in areas which are underserved by dentists or
9 dental hygienists or critical need population areas of the state.

10 (3) The person applying for the special license under this section shall submit to the
11 board a notarized statement from the employing agency, institution, corporation, association or
12 health care program on a form prescribed by the board, whereby he or she agrees unequivocally
13 not to receive compensation for any dentistry or dental hygiene services he or she may render
14 while in possession of the special license.

15 (4) Any application fees and all licensure and renewal fees shall be waived for the holder
16 of the special license under this section.

17 (5) A dentist or dental hygienist licensed pursuant to this section shall comply with the
18 continuing education requirements established by the board of dental examiners in this state.

19 **5-31.1-21. Biennial registration.** -- (a) Effective beginning in the calendar year 2006, on
20 or before the first day of May in each even-numbered year the board shall mail an application for
21 biennial registration to every person to whom a license to practice dentistry or dental hygiene in
22 this state has been granted by the constituted licensing authority in the state. Every licensed
23 person who intends to engage in the practice of his or her profession during the ensuing two (2)
24 years shall register his or her license by filing with the board that application executed together
25 with any registration form and fee that is established by regulation by the director on or before the
26 first day of June in each even-numbered year. Upon receipt of that application and fee, the board
27 shall issue a registration certificate effective July 1 and expiring two (2) years following June 30,
28 and that registration certificate shall render its holder a registered practitioner of dentistry or
29 dental hygiene for that registration period.

30 (b) The registration certificate of all dentists and dental hygienists whose renewals
31 accompanied by the prescribed fee are not filed on or before the first day of July automatically
32 expire. The board may in its discretion and upon the payment by the dentist or dental hygienist of
33 the current registration fee plus an additional fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-](#)
34 [54](#) reinstate any certificate expired under the provisions of this section. All unexpended monies in

1 the account of the board of dentistry are transferred to the new board of dentistry as created by
2 this section as of June 2, 1988.

3 (c) Dentists and dental hygienists not intending to practice in this state may request on a
4 biennial basis to be placed on inactive status. Those requests must be made, in writing, to the
5 dental administrator and must be accompanied by ~~a fee of one hundred and seventy dollars (\$170)~~
6 ~~for dentists and ninety dollars (\$90.00) for dental hygienists~~ [fees as set forth in § 23-1-54](#). Persons
7 on inactive status may be reinstated by paying the current annual registration fee and must meet
8 any requirements established by this chapter and as are further prescribed by the rules and
9 regulations.

10 **5-31.1-22. Limited registrations.** -- An applicant for limited registration under this
11 chapter who furnishes the board with satisfactory proof that the applicant is eighteen (18) years of
12 age or older and of good moral character, that the applicant has graduated from a dental school
13 accredited by the American Dental Association Commission on Dental Accreditation or its
14 designated agency and approved by the board, and that the applicant has been appointed an
15 intern, resident, fellow, or dental officer in a hospital or other institution maintained by the state,
16 or by a city or town, or in a hospital or clinic which is incorporated under the laws of this state or
17 in a clinic which is affiliated with a hospital licensed by the department of health, or in an out-
18 patient clinic operated by the state, may, upon the payment ~~of fifty dollars (\$50.00)~~ [as set forth in](#)
19 [§ 23-1-54](#) , be registered by the board as a hospital dental officer for any time that the board
20 prescribes; but that limited registration entitles the applicant to practice dentistry in the hospital or
21 other institution designated on his or her certificate of limited registration, or outside that hospital
22 or other institution for the treatment, under the supervision of one of its dental officers who is a
23 licensed dentist, in the state of persons accepted by it as patients, or in any hospital, institution,
24 clinic, or program affiliated for training purposes with the hospital, institution, or clinic
25 designated on this certificate, which affiliation is approved by the board, and in any case under
26 regulations established by that hospital, institution, or clinic. Each hospital, institution, or clinic
27 shall annually submit to the board a list of training programs which comply with the terms of this
28 section. Limited registration under this section may be revoked at any time by the board. The
29 board and/or the director may promulgate any rules and regulations that it deems necessary to
30 carry out the provisions of this section.

31 **5-31.1-23. Limited registration -- Academic faculty – Fees.** -- (a) Notwithstanding any
32 other provisions of this chapter, a dentist of noteworthy and recognized professional attainment,
33 who is a clearly outstanding dentist and who has been offered by the dean of a medical school,
34 dental school, or school of dental hygiene in this state a full-time academic appointment, is

1 eligible for a limited registration while serving on the academic staff of the medical school, dental
2 school, or school of dental hygiene. Upon recommendation of the dean of an accredited school of
3 medicine, dentistry, or school of dental hygiene in this state, the board in its discretion, after
4 being satisfied that the applicant is a graduate of a foreign dental school and a person of
5 professional rank whose knowledge and special training will benefit that medical school, dental
6 school, or school of dental hygiene may issue to that dentist a limited registration to engage in the
7 practice of dentistry to the extent that the practice is incidental to a necessary part of his or her
8 academic appointment and then only in the hospital or hospitals and out-patient clinics connected
9 with the medical school, dental school, or school of dental hygiene.

10 (b) Except to the extent authorized by this section, the registrant shall not engage in the
11 practice of dentistry or receive compensation for it, unless he or she is issued a license to practice
12 dentistry in accordance with the provisions of this chapter. The registration is valid for a period of
13 not more than one year expiring on the 30th day of June following its initial effective date but
14 may be renewed annually. The registration shall automatically expire when the holder's
15 relationship with the medical school, dental school, or school of dental hygiene is terminated.

16 (c) The application fee for the registration authorized [and for initial annual renewal](#) under
17 this section is ~~five hundred and seventy dollars (\$570)~~ [as set forth in § 23-1-54](#). ~~The application~~
18 ~~fee for initial annual renewal is one hundred and seventy (\$170)~~. Subsequently, fees are as
19 promulgated by the director.

20 SECTION 6. Sections 5-32-2, 5-32-3, 5-32-6, 5-32-7, 5-32-13 and 5-32-17 of the
21 General Laws in Chapter 5-32 entitled "Electrolysis" are hereby amended to read as follows:

22 **5-32-2. Penalty for unlicensed practice.** -- Every person who subsequently engages in
23 the practice of electrolysis in this state without being licensed by the board of examiners in
24 electrolysis is practicing illegally and, upon conviction, shall be fined ~~not more than twenty five~~
25 ~~dollars (\$25.00)~~ [as set forth in § 23-1-54](#) and every day of the continuation of illegal practice is a
26 separate offense.

27 **5-32-3. Certificates -- Applications -- Penalty for violations.** -- The division of
28 professional regulation of the department of health shall issue certificates to practice electrolysis,
29 as defined in this chapter, to any persons that comply with the provisions of this chapter. Any
30 person who desires to engage in that practice shall submit, in writing, in any form that is required
31 by the board, an application for a certificate to engage in that practice. The application shall be
32 accompanied by a fee ~~of one hundred dollars (\$100)~~ [as set forth in § 23-1-54](#). Any person, firm,
33 corporation or association violating any of the provisions of this chapter commits a misdemeanor
34 and, upon conviction, shall be punished by a fine ~~not to exceed two hundred dollars (\$200)~~ [as set](#)

1 [forth in § 23-1-54](#), or imprisoned for a period not to exceed three (3) months, or both the fine and
2 imprisonment.

3 **5-32-6. Examination of applicants -- Expiration and renewal of certificates. --** (a)

4 Examination of applicants for certificates shall be held at least twice a year in the city of
5 Providence and may be held elsewhere at the discretion of the division of professional regulation
6 of the department of health. The division has the power to adopt, change, alter and amend, rules
7 and regulations for the conducting of those examinations, and may fix the fee for reexamination.
8 The division shall issue to each person successfully passing the examination, where an
9 examination is required, and who satisfies the division of his or her qualifications, a certificate,
10 signed by the administrator of the division, entitling him or her to practice that business in this
11 state for the annual period stated in the certificate, or until the certificate is revoked or suspended,
12 as subsequently provided.

13 (b) All certificates shall expire on the 30th day of April of each year, unless sooner
14 suspended or revoked, and shall be renewed for the next ensuing year by the division upon
15 payment to the division of an annual renewal fee ~~of thirty one dollars and fifty cents (\$31.50)~~ [as](#)
16 [set forth in § 23-1-54](#) for each renewal.

17 **5-32-7. Certification of licensees from other states. --** Any person licensed to practice

18 electrolysis in any other state or states, who is, or in good faith intends to become, a resident of
19 this state, where the requirements are the equivalent of those of this state and who meets the
20 requirements of this chapter shall be entitled to take that examination and, if he or she passes that
21 examination, shall be, upon the payment of a fee ~~of sixty two dollars and fifty cents (\$62.50)~~ [as](#)
22 [set forth in § 23-1-54](#) , entitled to be licensed under the provisions of this chapter.

23 **5-32-13. Annual renewal of certificates. --** All certificates issued under the provisions

24 of this chapter shall be renewed annually by the holders of the certificate at an annual renewal fee
25 ~~of thirty one dollars and fifty cents (\$31.50)~~ [as set forth in § 23-1-54](#) by the division of
26 professional regulation of the department of health.

27 **5-32-17. Qualifications for teaching electrolysis --** (a) A person in order to qualify as an

28 instructor or teacher of electrolysis to apprentices must:

29 (1) Have been actively engaged as a licensed practitioner of electrolysis for at least five
30 (5) years.

31 (2) Pass a state board examination specifically designed to evaluate his or her
32 qualifications to teach electrolysis.

33 (3) Be a high school graduate or the equivalent.

34 (b) Upon satisfactorily passing this examination, the division of professional regulation of

1 the department of health shall issue a license to the person upon the payment of a fee ~~of eighty~~
2 ~~dollars (\$80.00)~~ as set forth in § 23-1-54.

3 (c) A qualified licensed electrologist shall not register more than one apprentice for each
4 nine (9) month training period.

5 SECTION 7. Sections 5-33.2-12, 5-33.2-13.1, 5-33.2-15, and 5-33.2-16 of the General
6 Laws in Chapter 5-33.2 entitled “Funeral Director/Embalmer Funeral Service Establishments” are
7 hereby amended to read as follows:

8 **5-33.2-12. funeral establishment and branch offices licenses.** -- (a) No person,
9 association, partnership, corporation, limited liability company or otherwise, shall conduct,
10 maintain, manage, or operate a funeral establishment or branch office unless a license for each
11 funeral establishment and branch office has been issued by the department and is conspicuously
12 displayed. In the case of funeral services conducted under the license of a funeral establishment
13 held in any private residence, public building or church, no separate establishment license shall be
14 required. A licensed funeral establishment must be distinct and separate from other non- funeral
15 service related activity for which it is licensed. No license to operate a funeral establishment shall
16 be issued by the department unless the applicant for the funeral establishment license has
17 registered with the department a licensed funeral director/embalmer who shall be in charge as the
18 funeral director of record. The branch office of a funeral establishment must have a separate
19 branch office establishment license but not a separate funeral director of record. One branch
20 office shall be allowed to operate under the funeral establishment license, and this one branch
21 office may be permitted to operate without a preparation room. Applications for the funeral
22 establishment license and branch office shall be made on forms furnished by the division
23 accompanied by the application ~~fee of seventy dollars (\$70.00) for the funeral establishment and~~
24 ~~seventy dollars (\$70.00) for each branch office~~ fees as set forth in § 23-1-54. Upon receipt of a
25 completed application and the recommendation of the board, the division shall issue a license. All
26 funeral establishment and branch office licenses shall expire on the thirty-first day of December
27 of each year, unless sooner suspended or revoked. A license shall be issued to a specific licensee
28 for a specific location and is not transferable. The funeral establishment licensee shall notify the
29 division, in writing, delivered in person or by certified mail, within ten (10) days from the date of
30 termination of employment, for any cause, of the funeral director/embalmer of record with the
31 division for the funeral establishment. The license of the funeral establishment shall expire forty-
32 five (45) days from the date the division was notified by the licensee, if no new funeral
33 director/embalmer is registered with the division. No funeral services shall be conducted at the
34 funeral establishment without a funeral director/embalmer being registered with the division as

1 the funeral director of record for that funeral establishment. Two (2) licensed funeral directors
2 may operate jointly at one location if one of their existing funeral establishments closes its place
3 of business and joins an existing licensed funeral establishment. Each firm will hold its own
4 separate establishment license. One cannot operate a branch office by invoking this section.
5 Human dead remains shall not be held more than forty-eight (48) hours without embalming or
6 without refrigeration for the purpose of maintaining public health. A funeral establishment must
7 at the minimum contain a preparation room equipped with tile, cement, or composition floor,
8 necessary drainage and ventilation, and containing necessary instruments and supplies for the
9 preparation and embalming of dead human remains for burial, transportation, or other disposition.

10 (b) Any person who inherits any ownership interest to a funeral establishment may
11 continue to conduct the business of that establishment as their ownership interest would allow
12 upon the following:

13 (1) Filing with the division a statement of change of fact concerning that inheritance.

14 (2) Conducting the business of the establishment in compliance with all the requirements
15 of this chapter.

16 **5-33.2-13.1. Crematories – License and inspection.** --No crematory owned or operated
17 by or located on property licensed as a funeral establishment or at another location or by a
18 cemetery shall conduct cremations without first having applied for and obtained a license from
19 the department. Applications for the crematory license shall be made on forms furnished by the
20 division accompanied by the application fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-54.](#)
21 Upon receipt of a completed application, the department shall issue a license. A license shall be
22 issued to a specific licensee for a specific location and is not transferable. The facility and
23 licensee shall meet all requirements as prescribed by the rules and regulations established by the
24 department, not inconsistent with this chapter.

25 **5-33.2-15. Annual renewal of licenses.** --All licenses issued under the provisions of this
26 chapter must be renewed annually by their holders, who shall pay to the division a yearly renewal
27 fee ~~of one hundred and thirty dollars (\$130)~~ for the renewal of a funeral director/embalmer's
28 license, ~~ninety dollars (\$90.00)~~ [and additional fees](#) for each funeral establishment branch office
29 license and ~~ninety dollars (\$90.00)~~ for the crematory license. [These fees are as set forth in § 23-1-](#)
30 [54.](#) On or before the fifteenth day of November in each year, the division shall mail to each
31 licensed funeral director/embalmer and to each licensed funeral establishment, funeral
32 establishment branch office and crematory an application for the renewal. Applications,
33 accompanied by the fee for renewal, shall be filed with the division on or before the thirty-first
34 day of December in each year. Applications filed after the thirty-first of December and on or

1 before the fifteenth of January must be accompanied by a fee ~~of seventy dollars (\$70.00)~~ [as set](#)
2 [forth in § 23-1-54](#) for funeral director/embalmers and funeral establishments in addition to the
3 previously established renewal fees. Any funeral director/embalmer who acts or holds himself or
4 herself out as a funeral director/embalmer after his or her certificate has been lapsed shall be
5 punished as provided in this chapter. Any funeral establishment, funeral establishment branch
6 office or crematory who acts or holds itself out as a funeral establishment after its license has
7 lapsed shall be punished as provided in this chapter.

8 **5-33.2-16. Funeral director/Embalmer -- Internship.** -- (a) Nothing in this chapter
9 shall be construed as prohibiting any person from serving as a funeral director/embalmer intern.
10 Before an internship begins the person desiring to become an intern shall register with the
11 division on any forms that it prescribes. No person under the age of eighteen (18) years shall be
12 permitted to register as an intern. The division may make any rules and regulations that it deems
13 advisable for the supervision of interns. All persons registering as an intern shall pay a fee ~~of~~
14 ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) at the time of the registration. That intern is not
15 permitted to advertise or hold himself or herself out to the public as a registered funeral
16 director/embalmer. The term of internship shall be not less than one year; provided, that if an
17 intern after having served his or her internship fails to pass the examination for a funeral
18 director/embalmer's license or fails to embalm fifty (50) human remains during their internship,
19 he or she may continue their internship. The total term of internship must be completed within
20 five (5) years from the date of original registration.

21 (b) The intern must have assisted in embalming at least fifty (50) bodies if the period for
22 registered internship is to be satisfied in one year. If the internship is for more than one year, the
23 applicant must embalm at least twenty-five (25) bodies for each year of their internship. Each
24 licensed funeral establishment embalming up to one hundred fifty (150) human remains per year
25 shall be allowed to register one intern at one time. Each establishment embalming more than one
26 hundred fifty (150) but less than three hundred (300) human remains per year shall be allowed to
27 register two (2) interns at one time. Each establishment embalming three hundred (300) or more
28 human remains per year shall be allowed to register three (3) interns at one time.

29 SECTION 8. Sections 5-34-12, 5-34-16, 5-34-19, 5-34-37, and 5-34-40.3 of the General
30 Laws in Chapter 5-34 entitled "Nurses" are hereby amended to read as follows:

31 **5-34-12. Application fee for professional nurses.** --The applicant for a license to
32 practice as a professional nurse shall pay a fee ~~of one hundred and thirty dollars (\$130)~~ [as set](#)
33 [forth in § 23-1-54.](#)

34 **5-34-16. Application fee for practical nurse licensure.** -- The applicant for licensure to

1 practice as a licensed practical nurse shall pay a ~~fee of ninety (\$90.00)~~ [as set forth in § 23-1-54.](#)

2 **5-34-19. Expiration and renewal of licenses** -- (a) The license of every person licensed
3 under this chapter shall expire on the first day of March of every other year following the date of
4 license. On or before the first day of January of every year, the director shall mail an application
5 for renewal of license to people scheduled to be licensed that year. Every person who wishes to
6 renew his or her license shall file with the department a duly executed renewal application
7 together with the renewal fee ~~of ninety dollars (\$90.00)~~ [as set forth in § 23-1-54.](#)

8 (b) Upon receipt of an application accompanied by payment of fees, the department shall
9 grant a renewal license effective March second and expiring two (2) years later on March first,
10 and that renewal license shall render the holder a legal practitioner of nursing for the period stated
11 on the certificate of renewal. Every person seeking renewal of a license pursuant to this section
12 shall provide satisfactory evidence to the department that in the preceding two (2) years the
13 practitioner has completed the ten (10) required continuing education hours as established by the
14 department through rules and regulations. The department may extend for only one six (6) month
15 period these educational requirements if the department is satisfied that the applicant has suffered
16 hardship, which prevented meeting the educational requirement.

17 (c) Any person practicing nursing during the time his or her license has lapsed shall be
18 considered an illegal practitioner and is subject to the penalties provided for violation of this
19 chapter.

20 (d) A licensee whose license has expired by failure to renew may apply for reinstatement
21 according to the rules established by the board. Upon satisfaction of the requirements for
22 reinstatement, the board shall issue a renewal of license.

23 **5-34-37. Application fee for certified registered nurse practitioners.** -- The initial
24 application fee for licensure as a certified registered nurse practitioner ~~shall be one hundred and~~
25 ~~thirty dollars (\$130).~~ ~~The~~ [the](#) renewal fee for a certified registered nurse practitioner ~~shall be one~~
26 ~~hundred and thirty dollars (\$130) biennially, ninety dollars (\$90.00) for registered nurse fee plus~~
27 ~~forty dollars (\$40.00) for the certified registered nurse practitioner.~~ ~~The~~ [and the](#) fee for
28 application for prescriptive privileges shall ~~be fifty dollars (\$50.00)~~ [as set forth in § 23-1-54.](#)

29 **5-34-40.3. Application fee for psychiatric and mental health clinical nurse**
30 **specialists.** -- The initial application fee for licensure as a psychiatric and mental health clinical
31 nurse specialist, ~~shall be one hundred and thirty dollars (\$130).~~ ~~The~~ [the](#) renewal fee for a
32 psychiatric and mental health clinical nurse specialist, ~~shall be one hundred and thirty dollars~~
33 ~~(\$130) biennially; ninety dollars (\$90.00) for the registered nurse fee plus forty dollars (\$40.00)~~
34 ~~for the psychiatric and mental health clinical nurse specialist.~~ ~~The fee~~ and [the](#) for application [fee](#)

1 for prescriptive privileges shall be ~~fifty dollars (\$50.00)~~ [as set forth in § 23-1-54](#).

2 SECTION 9. Section 5-34.2-4 of the General Laws in Chapter 5-34.2 entitled “Nurse
3 Anesthetists” is hereby amended to read as follows:

4 **5-34.2-4. Duties of board.** -- (a) *Applications.* Applicants for licensure shall submit
5 appropriate certification credentials, as described in § 5-34.2-3, plus an application fee (not
6 refundable) made payable to the general treasurer, state of Rhode Island, ~~for one hundred and~~
7 ~~thirty dollars (\$130)~~ [as set forth in § 23-1-54](#).

8 (b) *Renewal.* Licensure as a nurse anesthetist shall be renewed during the same period as
9 the professional registered nurses license to practice in Rhode Island. Renewal fee for a nurse
10 anesthetists license shall be ~~one hundred and thirty (\$130), ninety dollars (\$90.00) of this shall be~~
11 ~~for the professional registered nurses license and forty dollars (\$40.00) of this shall be for the~~
12 ~~nurse anesthetists license~~ [as set forth in § 23-1-54](#).

13 (c) *Revocations, suspension or refusal to renew licensure.* The board may revoke,
14 suspend or refuse to renew the licensure of any nurse anesthetist, if the board finds that the person
15 fails to meet the requirements for practice as a nurse anesthetist specified in either this chapter or
16 board regulation.

17 (d) *Announcement of practice.* No person may practice or advertise as a nurse anesthetist
18 or use other words, letters, signs, figures or devices to indicate that the person is a certified
19 registered nurse anesthetist, CRNA, until the person has first been licensed by the board.

20 SECTION 10. Sections 5-35.1-4, 5-35.1-7, 5-35.1-19 and 5-35.1-20 of the General Laws
21 in Chapter 5-35.1 entitled “Optometrists” are hereby amended to read as follows:

22 **5-35.1-4. Fee for license.** -- Every applicant shall pay to the department a fee ~~of ninety~~
23 ~~dollars (\$90.00)~~ [as set forth in § 23-1-54](#) which shall accompany his or her application for a
24 license.

25 **5-35.1-7. Renewal of license to practice optometry.** --Every licensed optometrist who
26 desires to continue the practice of optometry shall attest to the completion of a prescribed course
27 of continuing optometric education. He or she shall annually pay to the department a renewal fee
28 ~~of one hundred seventy dollars (\$170)~~. An additional fee ~~of seventy dollars (\$70.00)~~ shall be
29 charged to the licensee who fails to renew by the license expiration date. Retirement from
30 practice in this state for a period not exceeding five (5) years shall not deprive the holder of a
31 certificate of license or the right to renew a certificate upon the payment of all annual renewal
32 fees remaining unpaid, and ~~a further fifty dollars (\$50.00) as~~ [together with](#) an added fee. [All fees](#)
33 [required by this section shall be as set forth in § 23-1-54](#).

34 **5-35.1-19. Construction of glass lenses – Violations penalty.** -- (a) No person shall

1 distribute, sell, or deliver any eyeglasses or sunglasses unless those eyeglasses or sunglasses are
2 fitted with heat-treated glass lenses, plastic lenses, lamination lenses, or lenses made impact-
3 resistant by other methods. The provisions of this subsection do not apply if a physician or
4 optometrist, having found that those lenses will not fulfill the visual requirements of a particular
5 patient, directs, in writing, the use of other lenses and gives written notification to the patient.
6 Before they are mounted in frames, all impact-resistant eyeglasses and sunglass lenses, except
7 plastic lenses, laminated lenses, and raised ledge multi focal lenses must withstand an impact test
8 of a steel ball five-eighths (5/8) of an inch in diameter weighing approximately fifty-six
9 hundredths of an ounce (0.56 oz.) dropped from a height of fifty inches (50"). Raised ledge multi
10 focal lenses are capable of withstanding the impact test but do not need to be tested beyond initial
11 design testing. To demonstrate that all plastic lenses and laminated lenses are capable of
12 withstanding the impact test, the manufacturer of the lenses shall subject to the impact test a
13 statistically significant sampling of lenses from each production batch, and the tested lenses are
14 representative of the finished forms as worn by the wearer. Plastic prescription and plastic non-
15 prescription lenses, tested on the basis of statistical significance, may be tested in uncut finished
16 or semi-finished form at the point of original manufacture.

17 (b) Any person convicted of violating the provisions of this section shall be punished by a
18 fine of not less than ~~five hundred dollars (\$500)~~ [that set forth in § 23-1-54](#) for each violation.

19 **5-35.1-20 Penalty for violations.** -- Any person who violates the provisions of this
20 chapter shall be punished by a fine or not more than ~~two hundred dollars (\$200)~~ [that set forth in §](#)
21 [23-1-54](#), or shall be imprisoned for not more than three (3) months for each offense.

22 SECTION 11. Section 5.35.2-3 of the General Laws in Chapter 5-53.2 entitled
23 "Opticians" is hereby amended to read as follows:

24 **5-35.2-3. Optician's biennial license fee.** -- Every applicant shall pay to the department
25 a fee ~~of ninety dollars (\$90)~~ [as set forth in § 23-1-54](#) which shall accompany his or her
26 application for a license. No one shall be permitted to practice opticianry without a valid license.

27 SECTION 12. Sections 5-37-2, 5-37-10, 5-37-16 and 5-37-16.1 of the General Laws in
28 Chapter 5-37 entitled "Board of Medical Licensure and Discipline" are hereby amended to read
29 as follows:

30 **5-37-2. License to practice -- Qualifications of applicants -- Fee -- Reexamination.** --

31 (a) Authority to practice allopathic or osteopathic medicine under this chapter shall be by a
32 license issued by the director of the department of health to any reputable physician who intends
33 to practice allopathic or osteopathic medicine in this state, and who meets the requirements for
34 licensure established in this chapter and regulations established by the board or by the director.

1 Applicants for licensure shall present satisfactory evidence of graduation from a medical school
2 or school of osteopathic medicine approved by the board and in good standing, shall meet post
3 graduate training requirements and any other requirements that the board or director establishes
4 by regulation, and shall pass in a satisfactory manner any examination that the board may require.
5 Any physician applying for licensure shall pay ~~an~~ a non refundable application fee ~~of five~~
6 ~~hundred and seventy dollars (\$570) and that fee shall in no case be returned. Applicants requiring~~
7 ~~reexamination shall submit a fee of five hundred and seventy dollars (\$570)~~ and when applicable
8 a reexamination fee for each reexamination, in a total amount as set forth in § 23-1-54.

9 (2) A license to practice allopathic medicine shall be issued to persons who have
10 graduated from a school of medicine, possess a degree of doctor of medicine (or meet the
11 requirements of subsection (b) of this section), and meet the requirements for licensure.

12 (3) A license to practice osteopathic medicine shall be issued to persons who have
13 graduated from a school of osteopathic medicine and possess a degree of doctor of osteopathy
14 and otherwise meet the requirements for licensure. A license to practice osteopathic medicine
15 shall confer upon the holder the right to practice osteopathic medicine in all its branches as taught
16 and practiced in accredited colleges of osteopathic medicine. The holder of that license shall be
17 subject to the same duties and liabilities and entitled to the same rights and privileges, which may
18 be imposed by law or governmental regulation, upon physicians of any school of medicine.

19 (b) *Qualification of Certain Other Applicants for License.* Notwithstanding any other
20 provisions of this section an individual, who at the time of his or her enrollment in a medical
21 school outside the United States is a citizen of the United States, shall be eligible to apply for a
22 certificate pursuant to this section if he or she has satisfied the following requirements:

23 (i) Has studied medicine in a medical school located outside the United States, which is
24 recognized by the World Health Organization;

25 (ii) Has completed all of the formal requirements of the foreign medical school except
26 internship and/or social service;

27 (iii) Has attained a score satisfactory to a medical school approved by the liaison
28 committee on medical education on a qualifying examination acceptable to the state board for
29 medicine, and has satisfactorily completed one academic year of supervised clinical training
30 under the direction of any United States medical school;

31 (iv) Has completed the post-graduate hospital training required by the board of applicants
32 for licensure; and

33 (v) Has passed the examination required by the board of all applicants for licensure.

34 (2) Satisfaction of the requirements of subdivision (1) of this subsection is in lieu of the

1 completion of any foreign internship and/or social service requirements, and no such
2 requirements are a condition of licensure as a physician in this state.

3 (3) Satisfaction of the requirements of subdivision (1) of this subsection is in lieu of
4 certification by the educational council for foreign medical graduates, and this certification is not
5 a condition of licensure as a physician in this state.

6 (4) No hospital licensed by this state, or operated by the state or a political subdivision of
7 the state, or which receives state financial assistance, directly or indirectly, requires an individual,
8 who at the time of his or her enrollment in a medical school outside the United States is a citizen
9 of the United States, to satisfy any requirements other than those contained in paragraphs
10 (1)(i),(ii), and (iii) of this subsection prior to commencing an internship or residency.

11 (5) A document granted by a medical school located outside the United States which is
12 recognized by the World Health Organization issued after the completion of all the formal
13 requirements of that foreign medical school except internship and/or social service, upon
14 certification by the medical school in which this training was received of satisfactory completion
15 by the person to whom this document was issued of the requirements in paragraph (1)(iii) of this
16 subsection, shall be deemed the equivalent of a degree of doctor of medicine for purposes of
17 licensure and practice as a physician in this state.

18 (6) No funds appropriated by the general assembly to any school or college of medicine
19 shall be disbursed until the director of the department of health has certified that this school or
20 college has established, and will maintain until December 31, 1989, a clinical training program as
21 contemplated by paragraph (1)(iii) of this subsection, to accommodate residents of this state
22 deemed qualified by that school or college of medicine consistent with that school's or college's
23 educational resources.

24 **5-37-10. Annual registration – Physicians -- Hospitals. --** (a) Effective beginning in
25 calendar year 2004, on or before the first day of March in each year, the board shall mail an
26 application for biannual registration to every person to whom a license to practice medicine in
27 this state has been granted by the licensing authority in the state. Every licensed person who
28 intends to engage in the practice of his or her profession during the ensuing two (2) year period
29 shall register his or her license by submitting to the board, on or before June 1, the application,
30 executed together with the registration form, and fee as established by regulation by the director
31 of the department of health. Upon receipt of the application and fee the board shall issue a
32 registration certificate effective July 1 and expiring two (2) years following on June 30. The
33 registration certificate renders the holder a registered practitioner of medicine for that registration
34 period. Effective beginning in calendar year 2004, any references in this chapter to annual

1 registration or annual limited registration shall be interpreted to mean biannual registration and
2 biannual limited registration, respectively.

3 (b) The registration certificate of all physicians whose renewals accompanied by the
4 prescribed fee are not completed and filed on or before the first day of July shall automatically
5 lapse. The board may, in its discretion and upon the payment by the physician of the current
6 registration fee plus an additional fee ~~of one hundred and thirty dollars (\$130)~~ [as set forth in § 23-](#)
7 [1-54](#), reinstate any certificate lapsed under the provisions of this section.

8 (c) Hospitals shall, on or before the first day of December of each year, submit an
9 application and annual fee to the board as a condition of rendering hospital services in the state.
10 The form of application and fee shall be as the director, by regulation, establishes; provided, that
11 the ratio of payment between hospital per bed licensing fees and the combined licensing and
12 board of medical licensure and discipline fees paid by physicians remain the same as the ratio that
13 existed as of January 1, 1987. All fees collected pursuant to this section shall be deposited as
14 general revenues.

15 **5-37-16. Limited registrations.** -- (a) An applicant for limited registration under this
16 chapter who furnishes the board with satisfactory proof that the applicant is eighteen (18) years of
17 age or older and of good moral character, that the applicant has graduated from a legally
18 chartered medical school or school of osteopathic medicine having power to grant degrees in
19 allopathic or osteopathic medicine, and that the applicant has been appointed an intern, resident,
20 fellow or medical officer in a hospital or other institution maintained by the state, or by a city or
21 town, or in a hospital or clinic which is incorporated under the laws of this state, or in a clinic
22 which is affiliated with a hospital licensed by the department of health, or in an out-patient clinic
23 operated by the state, may, upon the payment ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#),
24 be registered by the board as a hospital medical officer for any time that the board may prescribe.
25 This limited registration shall entitle the applicant to practice medicine in the hospital or other
26 institution designated on his or her certificate of limited registration, or outside this hospital or
27 other institution for the treatment, under the supervision of one of its medical officers who is a
28 licensed physician, of persons accepted by it as patients, or in any hospital, institution, clinic, or
29 program affiliated for training purposes with the hospital, institution, or clinic designated on this
30 certificate, which affiliation is approved by the board, and in any case under regulations
31 established by the hospital, institution, or clinic; provided, that each hospital, institution, or clinic
32 annually submits to the board a list of affiliated hospitals, institutions, clinics, or programs
33 providing training programs which comply with the terms of this section. Limited registration
34 under this section may be revoked at any time by the board.

1 (b) The director may promulgate any rules and regulations that he or she deems necessary
2 to carry out the provisions of this chapter.

3 **5-37-16.1. Limited registration – Academic faculty. --** Notwithstanding any other
4 provisions of this chapter, a physician of noteworthy and recognized professional attainment who
5 is a clearly outstanding physician and who has been offered by the dean of a medical school in
6 this state a full-time academic appointment, shall be eligible for a limited registration while
7 serving on the academic staff of the medical school. Upon recommendation of the dean of an
8 accredited school of medicine in this state, the board in its discretion, after being satisfied that the
9 applicant is a graduate of a foreign medical school and a person of professional rank whose
10 knowledge and special training will benefit the medical school in this state, may issue to this
11 physician a limited registration to engage in the practice of medicine to the extent that this
12 practice is incidental to a necessary part of his or her academic appointment and then only in the
13 hospital or hospitals and out-patient clinics connected with the medical school. Except to the
14 extent authorized by this section, the registrant shall not engage in the practice of medicine or
15 receive compensation for his or her limited registration work, unless he or she is issued a license
16 to practice medicine in accordance with the provisions of § 5-37-2. The registration shall be valid
17 for a period of not more than one year expiring on the 30th day of June following its initial
18 effective date but may be renewed annually; provided, that the registration automatically expires
19 when the holder's relationship with the medical school is terminated. The application fee for the
20 initial registration authorized under this section ~~shall be four hundred and sixty dollars (\$460);~~
21 ~~and~~ the initial application fee for annual renewal shall be ~~one hundred and thirty dollars (\$130)~~ as
22 set forth in § 23-1-54. ~~thereafter~~ Thereafter the fees shall be as promulgated by regulation of the
23 director.

24 SECTION 13. Section 5-37.2-10 and 5-37.2-14 of General Laws entitled “The Healing
25 Art of Acupuncture” are hereby amended to read as follows:

26 **5-37.2-10. Application for licenses -- Fees. --** An applicant for examination for a license
27 to practice acupuncture or any branch of acupuncture, shall:

- 28 (1) Submit an application to the department on forms provided by the department;
- 29 (2) Submit satisfactory evidence that he or she is twenty-one (21) years or older and
30 meets the appropriate education requirements;
- 31 (3) Pay a fee ~~of one hundred and seventy dollars (\$170)~~ as set forth in § 23-1-54 and
- 32 (4) Pay any fees required by the department for an investigation of the applicant or for the
33 services of a translator, if required, to enable the applicant to take the examination.

34 **5-37.2-14. Recordation and display of licenses – Annual registration fee – Penalties**

1 **for failure to pay fee.** -- (a) Every person holding a license authorizing him or her to practice
2 acupuncture or to serve as an acupuncture assistant in this state shall record his or her license with
3 the city or town hall in the city or town where his or her office and residence are located. Every
4 licensee upon a change of residence or office shall have his or her certificate recorded in the same
5 manner in the municipality to which he or she has changed.

6 (b) Every license shall be displayed in the office, place of business, or place of
7 employment of the license holder.

8 (c) Every person holding a license shall pay to the department on or before February 1 of
9 each year, the annual registration fee required pursuant to ~~subsection (e) of this section~~
10 [department rules and regulation](#). If the holder of a license fails to pay the registration fee his or
11 her license shall be suspended. The license may be reinstated by payment of the required fee
12 within ninety (90) days after February 1.

13 (d) A license which is suspended for more than three (3) months under the provisions of
14 subsection (c) of this section may be canceled by the board after thirty (30) days notice to the
15 holder of the license.

16 SECTION 14. Section 5-39.1-9 of the General Laws in Chapter 5-39.1 entitled "License
17 Procedure for Social Workers" is hereby amended to read as follows:

18 **5-39.1-9. Fees and renewal.** --The initial fee for application for licensure ~~is one hundred~~
19 ~~and seventy dollars (\$170). Licenses shall be renewed~~ [and the renewal fee](#) every twenty-four (24)
20 months after initial licensure ~~upon payment of a fee of one hundred and seventy dollars (\$170)~~
21 [shall be as set forth in § 23-1-54. Renewal shall be approved upon payment of the fee](#) and in
22 compliance with any additional requirements that the board promulgates.

23 SECTION 15. Sections 5-40-8, 5-40-8.1, and 5-40-10 of the General Laws in Chapter 5-
24 40 entitled "Physical Therapists" are hereby amended to read as follows:

25 **5-40-8. Application fee for physical therapists.** -- When an application is submitted to
26 the division of professional regulation for a license to practice physical therapy in Rhode Island
27 pursuant to this chapter, either by endorsement or by examination, the applicant shall pay a fee ~~of~~
28 ~~one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#) to the state department of health.

29 **5-40-8.1. Application fee for physical therapists assistants.** -- When an application is
30 submitted to the department for a license to practice physical therapy in Rhode Island pursuant to
31 this chapter, either by endorsement or by examination, the applicant shall pay a fee ~~of one~~
32 ~~hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-54](#) to the general treasurer of the state of
33 Rhode Island.

34 **5-40-10. Continuing education requirements and expiration and renewal of licenses.**

1 -- (a) The certificate of every person licensed under the provisions of this chapter shall expire on
2 the first day of May of the next even year following the date of original licensure. On or before
3 the first day of March of each year, the department shall mail an application for renewal of
4 license to every person to whom a license has been issued or renewed during the current licensure
5 period. Every licensed person who desires to renew his or her license shall provide satisfactory
6 evidence to the department that in the preceding two (2) years the practitioner has completed the
7 twenty-four (24) required continuing education hours as established by the department through
8 rules and regulations and shall file with department a renewal application executed together with
9 a renewal fee ~~of ninety dollars (\$90.00) for physical therapists and seventy dollars (\$70.00) for~~
10 ~~physical therapist assistants~~ as set forth in § 23-1-54 on or before the thirty-first day of March of
11 each even year. The department may extend for only one six (6) month period these educational
12 requirements if the department is satisfied that the applicant has suffered hardship, which
13 prevented meeting the educational requirement.

14 (b) Upon receipt of the renewal application, and payment of the renewal fee, the accuracy
15 of the application shall be verified and the department shall grant a renewal license effective the
16 second day of May, and expiring on the first day of May of the next even year.

17 (c) Any person who allows his or her license to lapse by failing to renew it on or before
18 the thirty-first day of March of the next even year, as provided in this section, may be reinstated
19 by the department on payment of the current renewal fee plus an additional fee ~~of forty dollars~~
20 ~~(\$40.00)~~ as set forth in § 23-1-54.

21 (d) Any person using the title "physical therapist" or "physical therapist assistant" during
22 the time that his or her license has lapsed is subject to the penalties provided for violations in this
23 chapter.

24 SECTION 16. Sections 5-40.1-12 and 5-40.1-13 of the General Laws in Chapter 5-40.1
25 entitled "Occupational Therapy" are hereby amended to read as follows:

26 **5-40.1-12. Renewal of licenses - Inactive status.** -- (a) Upon the recommendation of the
27 board, the director shall issue to applicants who have satisfactorily met the licensure requirements
28 of this chapter, a license to practice occupational therapy in this state. The license, unless sooner
29 suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year
30 (biennially).

31 (1) On or before the first (1st) day of March of each even year, the administrator of the
32 division shall mail an application for renewal of license to every individual to whom a license has
33 been issued or renewed during the current licensure period.

34 (2) Every licensed individual who desires to renew his or her license shall file with the

1 division a renewal application executed together with the evidence of continuing education
2 requirements as delineated in subdivision (3) of this subsection and the renewal fee ~~of ninety~~
3 ~~dollars (\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer, state of
4 Rhode Island, on or before the thirty-first (31st) day of March of each even year.

5 (3) On application for renewal of license, occupational therapists and occupational
6 therapy assistants must show proof of participation in twenty (20) hours biennially in
7 presentations, clinical instruction, publications, research, in-service programs, American
8 Occupational Therapy Association-recognized conferences, university course, and/or self-study
9 courses.

10 (4) Upon receipt of a renewal application and payment of fee, the director shall, upon the
11 recommendation of the board, grant a renewal license effective the thirty-first (31st) day of
12 March for a period of two (2) years, unless sooner suspended or revoked.

13 (5) Any individual who allows his or her license to lapse by failing to renew it on or
14 before the thirty-first (31st) day of March of the next even year as provided in subdivisions (1),
15 (2) and (3) of this subsection, may be reinstated by the director upon receiving a receipt from the
16 division for payment of the current renewal fee plus an additional ~~forty dollars (\$40.00)~~ [fee as set](#)
17 [forth in § 23-1-54](#) made payable by check to the general treasurer, state of Rhode Island.

18 (6) An individual using the title "occupational therapist" or "occupational therapy
19 assistant" during the time his or her license has lapsed is subject to the penalties provided for
20 violation of those regulations and this chapter.

21 (b) An individual licensed as an occupational therapist or occupational therapy assistant
22 in this state who does not intend to engage in the practice of occupational therapy within this state
23 during any year, may upon request to the division, have his or her name transferred to an inactive
24 status and shall not be required to register biennially or pay any fee as long as he or she remains
25 inactive. Any individual whose name has been transferred to an inactive status pursuant to this
26 section, may be restored to active status to practice occupational therapy without a penalty fee,
27 upon the filing of an application for licensure renewal, the licensure renewal fee ~~of ninety dollars~~
28 ~~(\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer of the state of
29 Rhode Island, and any other information that may be requested by the division.

30 **5-40.1-13. Fees.** -- When an application is submitted to the division of professional
31 regulation for a license to practice occupational therapy in Rhode Island, the applicant shall pay a
32 non-refundable fee ~~of ninety dollars (\$90.00)~~ to the general treasurer. A licensee shall submit a
33 biennial renewal fee ~~of ninety dollars (\$90.00)~~ with a renewal application on or before the thirty-
34 first (31st) day of March of each even year pursuant to the requirements of § 5-40.1-12(a)(2), and

1 any person who allows his or her license to lapse by failing to renew it in the prescribed manner
2 shall pay an additional fee ~~of forty dollars (\$40.00)~~ as referred to in § 5-40.1-12(a)(5). [All fees](#)
3 [required by this section shall be as set forth in § 23-1-54.](#)

4 SECTION 17. Sections 5-44-12, 5-44-13, and 5-44-15 of the General Laws in Chapter 5-
5 44 entitled "Psychologists" are hereby amended to read as follows:

6 **5-44-12. Application fee.** -- The applicant applying for licensure as a psychologist shall
7 pay a fee ~~of two hundred and fifty dollars (\$250)~~ [as set forth in § 23-1-54](#) to the department.

8 **5-44-13. Temporary license.** -- (a) Pursuant to §§ 5-44-6 and 5-44-23(e) of this chapter
9 and rules and regulations promulgated hereunder, a temporary permit to practice psychology
10 under supervision may be granted to a candidate for licensure who has paid the required fee ~~of~~
11 ~~ninety dollars (\$90.00)~~ [as set forth in § 23-1-54](#) and has satisfied the following requirements:

12 (1) Filed an application for licensure with all required supporting materials;

13 (2) Has received a doctoral degree in accordance with §5-44-10, and successfully
14 completed a national examination approved by the board;

15 (3) Shall only practice under the appropriate supervision of a licensed psychologist as
16 delineated in the rules and regulations promulgated hereunder;

17 (4) Shall refrain from using the title "psychologist" or representing himself or herself as a
18 psychologist other than by using the title "psychology student", "psychology trainee" or
19 "psychology intern"; and

20 (5) The temporary permit shall be valid for a period of two (2) years from the date of
21 issuance.

22 (b) Temporary permit holders may request from the board a one year extension. Such an
23 extension may be granted at the discretion of the board upon review of the applicant's
24 circumstances. This extension shall only be granted once.

25 **5-44-15. Expiration and renewal of licenses – Continuing education – Lapsed**
26 **license.** -- (a) The license of every person licensed under the provisions of this chapter shall
27 expire on the first day of July of the next even-numbered year following the issuance of his or her
28 license.

29 (b) On or before the first day of May of each even-numbered year, the department shall
30 mail an application for renewal of license to every person to whom a license has been issued or
31 renewed during the cycle.

32 (c) Every licensed person who desires to renew his or her license shall file with the
33 department a renewal application, executed, together with a renewal fee ~~of three hundred and~~
34 ~~forty dollars (\$340)~~ [as set forth in § 23-1-54](#), on or before the first day of June in each even-

1 numbered year. Upon receipt of a renewal application and payment of the renewal fee, the
2 accuracy of the application shall be verified and the department may grant a renewal license
3 effective July 1st and expiring the June 30th in each even-numbered year.

4 (d) Every licensed psychologist who desires to continue licensure as a licensed
5 psychologist shall present satisfactory evidence to the board and approved by rule or regulation of
6 the board that the licensed psychologist has completed a prescribed course of continuing licensed
7 psychological education.

8 (e) Any person who allows his or her license to lapse, by failing to renew it on or before
9 June 1st in each even-numbered year, as provided in this section, may be reinstated by the
10 department on payment of the current renewal fee, plus an additional fee ~~of forty dollars (\$40.00)~~
11 [as set forth in § 23-1-54](#). Any person using the title "psychologist" or offering services defined as
12 the practice of psychology under this chapter during the time his or her license has lapsed is
13 subject to the penalties provided for violation of this chapter.

14 SECTION 18. Section 5-45-10 of the General Laws in Chapter 5-45 entitled "Nursing
15 Home Administrators" is hereby amended to read as follows:

16 **5-45-10. Renewal of licenses - Continuing education.** -- (a) Every holder of a nursing
17 home administrator's license shall renew it every two (2) years by applying to the department on
18 forms provided by that agency.

19 (b) Each renewal application shall be accompanied by the fee ~~of two hundred dollars~~
20 ~~(\$200)~~ [as set forth in § 23-1-54](#).

21 (c) Beginning January 1, 1996, proof of satisfactory completion of a minimum of forty
22 (40) clock hours of continuing education every two (2) years must be submitted with the renewal
23 application.

24 (d) Renewals shall be granted as a matter of course, unless the agency finds the applicant
25 has acted or failed to act in a manner or under circumstances that would constitute grounds for
26 suspension or revocation of a license.

27 SECTION 19. Sections 5-48-1 and 5-48-9 of the General Laws in Chapter 5-48 entitled
28 "Speech Pathology and Audiology" are hereby amended to read as follows:

29 **5-48-1. Purpose and legislative intent – Definitions.** -- (a) It is declared to be a policy
30 of this state that the practice of speech language pathology and audiology is a privilege granted to
31 qualified persons and that, in order to safeguard the public health, safety, and welfare, protect the
32 public from being misled by incompetent, unscrupulous, and unauthorized persons, and protect
33 the public from unprofessional conduct by qualified speech language pathologists and
34 audiologists, it is necessary to provide regulatory authority over persons offering speech language

1 pathology and audiology services to the public.

2 (b) The following words and terms when used in this chapter have the following meaning
3 unless otherwise indicated within the context:

4 (1) "Audiologist" means an individual licensed by the board to practice audiology.

5 (2) "Audiology" means the application of principles, methods, and procedures related to
6 hearing and the disorders of the hearing and balance systems, to related language and speech
7 disorders, and to aberrant behavior related to hearing loss. A hearing disorder in an individual is
8 defined as altered sensitivity, acuity, function, processing, and/or damage to the integrity of the
9 physiological auditory/vestibular systems.

10 (3) "Audiology support personnel" means individuals who meets minimum
11 qualifications, established by the board, which are less than those established by this chapter as
12 necessary for licensing as an audiologist, who do not act independently, and who work under the
13 direction and supervision of an audiologist licensed under this chapter who has been actively
14 working in the field for twenty-four (24) months after completion of the postgraduate
15 professional experience and who accepts the responsibility for the acts and performances of the
16 audiology assistant while working under this chapter.

17 (4) "Board" means the state board of examiners for speech language pathology and
18 audiology.

19 (5) "Clinical fellow" means the person who is practicing speech language pathology
20 under the supervision of a licensed speech language pathologist while completing the
21 postgraduate professional experience as required by this chapter.

22 (6) "Department" means the Rhode Island department of health.

23 (7) "Director" means the director of the Rhode Island department of health.

24 (8) "Person" means an individual, partnership, organization, or corporation, except that
25 only individuals can be licensed under this chapter.

26 (9) "Practice of audiology" means rendering or offering to render any service in
27 audiology, including prevention, screening, and identification, evaluation, habilitation,
28 rehabilitation; participating in environmental and occupational hearing conservation programs,
29 and habilitation and rehabilitation programs including hearing aid and assistive listening device
30 evaluation, prescription, preparation, dispensing, and/or selling and orientation; auditory training
31 and speech reading; conducting and interpreting tests of vestibular function and nystagmus;
32 conducting and interpreting electrophysiological measures of the auditory pathway; cerumen
33 management; evaluating sound environment and equipment; calibrating instruments used in
34 testing and supplementing auditory function; and planning, directing, conducting or supervising

1 programs that render or offer to render any service in audiology.

2 (ii) The practice of audiology may include speech and/or language screening to a pass or
3 fail determination, for the purpose of initial identification of individuals with other disorders of
4 communication.

5 (iii) A practice is deemed to be the "practice of audiology" if services are offered under
6 any title incorporating such word as "audiology", "audiologist", "audiometry", "audiometrist",
7 "audiological", "audiometrics", "hearing therapy", "hearing therapist", "hearing clinic", "hearing
8 clinician", "hearing conservation", "hearing conservationist", "hearing center", "hearing aid
9 audiologist", or any similar title or description of services.

10 (10) "Practice of speech language pathology" means rendering or offering to render any
11 service in speech language pathology including prevention, identification, evaluation,
12 consultation, habilitation, rehabilitation; determining the need for augmentative communication
13 systems, dispensing and selling these systems, and providing training in the use of these systems;
14 and planning, directing, conducting, or supervising programs that render or offer to render any
15 service in speech language pathology.

16 (ii) The practice of speech language pathology may include nondiagnostic pure tone air
17 conduction screening, screening tympanometry, and acoustic reflex screening, limited to a pass or
18 fail determination, for the purpose of performing a speech and language evaluation or for the
19 initial identification of individuals with other disorders of communication.

20 (iii) The practice of speech language pathology also may include aural rehabilitation,
21 which is defined as services and procedures for facilitating adequate receptive and expressive
22 communication in individuals with hearing impairment.

23 (iv) A practice is deemed to be the "practice of speech language pathology" if services are
24 offered under any title incorporating such words as "speech pathology", "speech pathologist",
25 "speech therapy", "speech therapist", "speech correction", "speech correctionist", "speech clinic",
26 "speech clinician", "language pathology", "language pathologist", "voice therapy", "voice
27 therapist", "voice pathology", "voice pathologist", "logopedics", "logopedist", "communicology",
28 "communicologist", "aphasiology", "aphasiologist", "phoniatriest", or any similar title or
29 description of services.

30 (11) "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 (12) "Speech language pathologist" means an individual who is licensed by the board to
34 practice speech language pathology.

1 (13) "Speech language pathology" means the application of principles, methods, and
2 procedures for prevention, identification, evaluation, consultation, habilitation, rehabilitation,
3 instruction, and research related to the development and disorders of human communication.
4 Disorders are defined to include any and all conditions, whether of organic or non-organic origin,
5 that impede the normal process of human communication in individuals or groups of individuals
6 who have or are suspected of having these conditions, including, but not limited to, disorders and
7 related disorders of:

8 (i) Speech: articulation, fluency, voice, (including respiration, phonation and resonance);

9 (ii) Language (involving the parameters of phonology, morphology, syntax, semantics
10 and pragmatics; and including disorders of receptive and expressive communication in oral,
11 written, graphic, and manual modalities);

12 (iii) Oral, pharyngeal, laryngeal, cervical esophageal, and related functions (e.g.,
13 dysphasia, including disorders of swallowing and oral function for feeding; oro-facial
14 myofunctional disorders);

15 (iv) Cognitive aspects of communication (including communication disability and other
16 functional disabilities associated with cognitive impairment); and

17 (v) Social aspects of communication (including challenging behavior, ineffective social
18 skills, lack of communication opportunities).

19 (14) "Speech language support personnel" means individuals who meet minimum
20 qualifications established by the board, which are less than those established by this chapter as
21 necessary for licensing as a speech language pathologist, who do not act independently, and who
22 work under the direction and supervision of a speech language pathologist licensed under this
23 chapter who has been actively working in the field for twenty-four (24) months after completion
24 of the postgraduate professional experience and who accepts the responsibility for the acts and
25 performances of the speech language pathology assistant while working under this chapter.
26 Speech language support personnel shall be registered with the board within thirty (30) days of
27 beginning work, or the supervising speech language pathologist will be assessed a late filing fee
28 ~~of seventy dollars (\$70.00)~~ [as set forth in § 23-1-54](#).

29 **5-48-9. Fees -- Late filing -- Inactive status.** -- Filing fees for support personnel
30 registration. - (a) The board may charge an application fee ~~of fifty dollars (\$50.00)~~; a biennial
31 license renewal fee ~~of ninety dollars (\$90.00)~~ payable before July 1 of even years (biennially); or
32 a provisional license renewal fee ~~of fifty dollars (\$50.00)~~ [as set forth in § 23-1-54](#) payable
33 annually from the date of issue.

34 (b) Any person who allows his or her license to lapse by failing to renew it on or before

1 the thirtieth (30th) day of June of even years (biennially), may be reinstated by the board on
2 payment of the current renewal fee plus an additional late filing fee ~~of forty dollars (\$40.00)~~ [as set](#)
3 [forth in § 23-1-54.](#)

4 (c) An individual licensed as a speech language pathologist and/or audiologist in this
5 state, not in the active practice of speech-language pathology or audiology within this state during
6 any year, may upon request to the board, have his or her name transferred to an inactive status
7 and shall not be required to register biennially or pay any fee as long as he or she remains
8 inactive. Inactive status may be maintained for no longer than two (2) consecutive licensing
9 periods, after which period licensure shall be terminated and reapplication to the board shall be
10 required to resume practice.

11 (d) Any individual whose name has been transferred to an inactive status may be restored
12 to active status within two (2) licensing periods without a penalty fee, upon the filing of:

13 (1) An application for licensure renewal, with a licensure renewal fee ~~of ninety dollars~~
14 ~~(\$90.00)~~ [as set forth in § 23-1-54](#) made payable by check to the general treasurer of the state of
15 Rhode Island; and

16 (2) Any other information that the board may request.

17 (e) Audiology and speech language pathology support personnel shall be registered with
18 the board within thirty (30) days of beginning work, or the supervising audiologist or speech
19 language pathologist shall be assessed a late filing fee ~~of fifty dollars (\$50.00)~~ [as set forth in § 23-](#)
20 [1-54 .](#)

21 SECTION 20. Sections 5-49-6, 5-49-8, and 5-49-11 of the General Laws in Chapter 5-49
22 entitled "Hearing Aid Dealers and Fitters" are hereby amended to read as follows:

23 **5-49-6. Issuance of licenses and certificates of endorsement.** -- (a) The department
24 shall register each applicant without discrimination who passes an examination as provided in §
25 5-49-7. Upon the applicant's payment ~~of twenty-five dollars (\$25.00)~~ [as set forth in § 23-1-54](#) per
26 annum for each year of the term of license, the department shall issue to the applicant a license
27 signed by the department. The total fee for the entire term of licensure shall be paid prior to the
28 issuance of the license.

29 (b) Whenever the board determines that another state or jurisdiction has requirements
30 equivalent to or higher than those in effect pursuant to this chapter, and that this state or
31 jurisdiction has a program equivalent to or stricter than the program for determining whether
32 applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department
33 may issue certificates of endorsement to applicants who hold current, unsuspended, and
34 unrevoked certificates or licenses to fit and sell hearing aids in that other state or jurisdiction.

1 (c) No applicant for certificate of endorsement shall be required to submit to or undergo a
2 qualifying examination, etc., other than the payment of fees, ~~pursuant to § 5-49-11~~ [as set forth in](#)
3 [§ 23-1-54](#).

4 (d) The holder of a certificate of endorsement shall be registered in the same manner as a
5 licensee. The fee for an initial certificate of endorsement shall be the same as the fee for an initial
6 license. Fees, grounds for renewal, and procedures for the suspension and revocation of
7 certificates of endorsement shall be the same as for renewal, suspension, and revocation of a
8 license.

9 **5-49-8. Temporary permits.** -- (a) An applicant who fulfills the requirements regarding
10 age, character, education, and health as provided in § 5-49-7, may obtain a temporary permit
11 upon application to the department. Previous experience or a waiting period shall not be required
12 to obtain a temporary permit.

13 (b) Upon receiving an application as provided under this section, and accompanied by a
14 fee ~~of twenty five dollars (\$25.00)~~ [as set forth in § 23-1-54](#), the department shall issue a
15 temporary permit which entitles the applicant to engage in the fitting and sale of hearing aids for
16 a period of one year.

17 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the
18 supervision and training of that applicant and maintain adequate personal contact.

19 (d) If a person who holds a temporary permit under this section has not successfully
20 passed the licensing examination within one year from the date of issuance of the permit, the
21 temporary permit may be renewed or reissued once upon payment of a ~~twenty-five dollar~~
22 ~~(\$25.00)~~ fee [as set forth in § 23-1-54](#).

23 **5-49-11. Duration of license – Renewal of license – Fees – Effect of failure to renew. -**

24 - (a) The department shall promulgate rules and regulations mandating the term of license for
25 each category of license issued pursuant to this chapter. No license shall remain in force for a
26 period in excess of two (2) years.

27 (1) Each person who engages in the fitting and sale of hearing aids shall pay to the
28 department a fee, ~~assessed at thirty one dollars and twenty five cents (\$31.25)~~ [as set forth in § 23-](#)
29 [1-54](#) per annum for each year of the term of license, for a renewal of his or her license.

30 (2) The renewal certificate shall be conspicuously posted in his or her office or place of
31 business at all times.

32 (3) Where more than one office is operated by the licensee, duplicate certificates shall be
33 issued by the department for posting in each location.

34 (b) A thirty (30) day grace period shall be allowed during which time licenses may be

1 renewed on payment of a fee to the department ~~of twenty five dollars (\$25.00)~~ [as set forth in §](#)
2 [23-1-54](#) per annum for each year of the term of renewal.

3 (c) After expiration of the grace period, the department may renew those certificates upon
4 payment to the department of ~~twenty five dollars (\$25.00)~~ [a fee as set forth in § 23-1-54](#) per
5 annum for each year of the term of renewal.

6 (d) The total fee for the entire term of license or renewal shall be paid prior to the
7 issuance of the license.

8 (e) No person who applies for renewal, whose license has expired, shall be required to
9 submit to any examination as a condition to renewal; provided, that the renewal application is
10 made within two (2) years from the date of that expiration.

11 SECTION 21. Sections 5-54-9 and 5-54-11 of the General Laws in Chapter 5-54 entitled
12 “Physician Assistants” are hereby amended to read as follows:

13 **5-54-9. Criteria for licensure as a physician assistant.** -- The board shall recommend to
14 the director for licensure as a physician assistant an applicant who:

15 (1) Is of good character and reputation;

16 (2) Graduated from a physician assistant training program certified by the AMA's
17 Committee on Allied Health, Education, and Accreditation, its successor, the Commission on
18 Accreditation of Allied Health Education Programs (CAAHEP) or its successor.

19 (3) Passed a certifying examination approved by the National Commission on
20 Certification of Physician Assistants or any other national certifying exam approved by the board.

21 (4) Submitted a completed application together with the required fee ~~of ninety dollars~~
22 ~~(\$90.00)~~ [as set forth in § 23-1-54.](#)

23 **5-54-11. Issuance and annual renewal of certificates of licensure.** -- (a) The board
24 shall recommend to the director for registration those individuals who meet the criteria for
25 licensure as stated in this chapter. Upon that recommendation, the director shall issue a certificate
26 of licensure as a physician assistant.

27 (b) The certificate of licensure shall expire biannually on the thirtieth (30th) day of June.
28 On or before the first day of March in each year, the administrator shall mail an application for a
29 renewal certificate to every person licensed under the provisions of this chapter, and every person
30 who desires his or her certificate to be renewed shall file with the division the renewal application
31 together with a renewal fee ~~of one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#) on
32 or before the first day of June in every other year. Upon receipt of the renewal application and
33 payment of fee, the accuracy of the application shall be verified and the administrator shall grant
34 a renewal certificate effective July 1st and expiring June 30th two years hence, unless the

1 certificate is sooner suspended for cause as provided in § 5-54-12.

2 SECTION 22. Sections 5-59.1-5 and 5-59.1-12 of the General Laws in Chapter 5-59.1
3 entitled “Rhode Island Orthotics and Prosthetics Practice” are hereby amended to read as follows:

4 **5-59.1-5. Application for orthotic or prosthetic license. --** Any person who desires to
5 be licensed as set forth in § 5-59.1-4 shall in writing submit an application on forms provided by
6 the department for a license accompanied by a fee ~~of three hundred and thirty dollars (\$330)~~ as
7 set forth in § 23-1-54 with all other credentials that the department requires and as required by
8 this chapter. All the proceeds of any fees collected pursuant to the provisions of this chapter shall
9 be deposited as general revenues.

10 **5-59.1-12. Relicensing - Renewal. --** Every holder of a license issued under this chapter
11 shall biannually attest to the department as to current certification issued by the American Board
12 of Certification in Orthotics and Prosthetics or the Board for Orthotists/Prosthetist Certification.
13 All licenses issued under this chapter shall expire biannually on the last day of September of
14 every odd numbered year. A biennial renewal fee ~~of one hundred and seventy dollars (\$170)~~ as
15 set forth in § 23-1-54 shall be required. Every orthotist and prosthetist shall conform to the
16 standards of the American Board for Certification in Orthotics and Prosthetics or Board for
17 Orthotists/Prosthetists Certification.

18 SECTION 23. Section 5-60-11 of the General Laws in Chapter 5-60 entitled “Athletic
19 Trainers” is hereby amended to read as follows:

20 **5-60-11. Fees. --** ~~The fees for applicants~~ Applicants for athletic trainer licenses ~~are:~~
21 ~~(1) An athletic trainer shall pay a~~ license fee, ~~of sixty two dollars and fifty cents (\$62.50);~~
22 ~~and~~
23 ~~(2) An athletic trainer and, if applicable, a~~ biennial license renewal fee ~~of sixty two~~
24 ~~dollars and fifty cents (\$62.50)~~ as set forth in § 23-1-54. Any person allowing their license to
25 lapse shall pay a ~~twenty five dollar (\$25.00)~~ late fee as set forth in § 23-1-54.

26 SECTION 24. Sections 5-63.2-16 and 5-63.2-17 of the General Laws in Chapter 5-63.2
27 entitled “Mental Health Counselors and Marriage and Family Therapists” are hereby amended to
28 read as follows:

29 **5-63.2-16. Application fee. --** The applicant applying for licensure as a clinical mental
30 health counselor or marriage and family therapist shall pay ~~an~~ a non refundable application fee ~~of~~
31 ~~four hundred and sixty dollars (\$460)~~ and ~~the fee shall be in no case returned. Applicants~~
32 ~~requiring reexamination shall submit a fee of four hundred and sixty dollars (\$460)~~ and, when
33 applicable, a reexamination fee for each reexamination. Both fees required by this section are set
34 forth in § 23-1-54.

1 **5-63.2-17. Expiration and renewal of license.** -- (a) Every clinical mental health
2 counselor and marriage and family therapist who desires to continue licensure as a licensed
3 clinical mental health counselor and licensed marriage and family therapist shall present
4 satisfactory evidence to the board and approved by rule or regulation of the board that the
5 licensed clinical mental health counselor and licensed marriage and family therapist has
6 completed a prescribed course of continuing education. The license of every person licensed
7 under the provisions of this chapter shall expire on the first day of July of the next even year
8 following the date of his or her license; provided, that no license shall expire prior to July 1,
9 1998. On or before the first day of May in each even year, commencing in the year 1998, the
10 administrator shall mail an application for renewal of license to every person to whom a license is
11 issued or renewed during the current year, and every licensed person who desires to renew his or
12 her license files with the division the renewal application executed. This application shall include
13 verification of prescribed continuing education requirements, together with ~~three hundred and~~
14 ~~thirty dollars (\$330)~~ [a renewal fee as set forth in § 23-1-54](#) on or before the first day of June in
15 each even year. Upon receipt of the application and payment of the fee, the accuracy of the
16 application shall be verified and the administrator of professional regulation shall grant a renewal
17 license effective July 1st and expiring twenty-four (24) months later.

18 (b) Any person who allows his or her license to lapse, by failing to renew it on or before
19 June 1st in each year, as provided in this section, shall be reinstated by the administrator of
20 professional regulation on payment of the current renewal fee plus an additional fee ~~of seventy~~
21 ~~dollars (\$70.00)~~ [as set forth in § 23-1-54](#); and verification of prescribed continuing education
22 requirements. Any person using the title "clinical mental health counselor" and/or "marriage and
23 family therapist" during the time his or her license has lapsed shall be subject to the penalties
24 provided for violation of this chapter; provided, that if a person has allowed his or her licensure to
25 lapse for four (4) years or more, he or she shall be reinstated at the discretion of the board.

26 SECTION 25. Sections 5-64-6 and 5-64-8 of the General Laws in Chapter 5-64 entitled
27 "The Licensed Dietician" are hereby amended to read as follows:

28 **5-64-6. Applicant qualifications - Permit applications - Fees - Exemptions.** -- (a)

- 29 When filing an application for a license the applicant must present evidence of:
- 30 (1) Completion of a baccalaureate or post-baccalaureate degree with a program in
31 nutrition or dietetics; and
 - 32 (2) Completion of a board approved, planned, continuous experience in dietetic practice
33 of not less than nine hundred (900) hours under the supervision of a registered dietitian or
34 dietitian/nutritionist licensed in the state; and

1 (3) Passing an examination.

2 (b) Each application shall be accompanied by a fee ~~of ninety dollars (\$90.00)~~ [as set forth](#)
3 [in § 23-1-54.](#)

4 **5-64-8. Fees.** -- Licenses shall be valid for two (2) years and must be renewed biennially;
5 the renewal fee is ~~one hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54.](#) Application
6 for renewal of a certificate, which has expired, requires the payment of a re-registration fee ~~of one~~
7 ~~hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54.](#)

8 SECTION 26. Section 5-68.1-10 of the General Laws in Chapter 5-68.1 entitled
9 “Radiologic Technologists” is hereby amended to read as follows:

10 **5-68.1-10. Fees.** -- (a) The director, in consultation with the board, shall establish an
11 initial application fee ~~that shall not exceed one hundred seventy dollars (\$170)~~ [as set forth in §](#)
12 [23-1-54](#) and a license renewal fee that shall be prescribed in rules and regulations promulgated
13 pursuant to § 5-68.1-15.

14 (b) The proceeds of any fees collected pursuant to the provisions of this chapter shall be
15 deposited in the general fund as general revenues.

16 SECTION 27. Sections 5-69-9 and 5-69-14 of the General Laws in Chapter 5-69 entitled
17 “License Procedure for Chemical Dependency Professionals” are hereby amended to read as
18 follows:

19 **5-69-9. Fees and renewal.** -- The non-refundable application fee for licensure shall be
20 ~~fifty dollars (\$50.00)~~ [as set forth in § 23-1-54.](#) Licenses shall be renewed every two (2) years on
21 October first of even numbered years upon payment of a fee ~~of fifty (\$50.00) dollars~~ [as set forth](#)
22 [in § 23-1-54,](#) compliance with ICRC/AODA member board requirements, and compliance with
23 any additional requirements that the licensing board may promulgate. The requirements may
24 include the establishment of standards for continuing education.

25 **5-69-14. ~~Restricted receipt account~~ Fees collected.** -- Any fees collected under the
26 provisions of this chapter shall be deposited ~~in a restricted receipt account for the general~~
27 ~~purposes of the administration of the division of substance abuse services, department of mental~~
28 ~~health, retardation, and hospitals~~ [by the department as general revenues.](#)

29 SECTION 28. Section 5-71-8 of the General Laws in Chapter 5-71 entitled “Interpreters
30 for the Deaf” is hereby amended to read as follows:

31 **5-71-8. Qualifications of applicants for licenses.** -- (a) To be eligible for licensure by
32 the board as an interpreter for the deaf or transliterator for the deaf, or educational interpreter for
33 the deaf, the applicant must submit written evidence on forms furnished by the department,
34 verified by oath, that the applicant meets all of the following requirements:

- 1 (1) Is of good moral character;
- 2 (2) Meets the certification or screened requirements as defined in regulations
- 3 promulgated by the department; and
- 4 (3) Pays the department a license fee, ~~that does not exceed fifty dollars (\$50.00)~~ [as set](#)
- 5 [forth in § 23-1-54.](#)

6 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the

7 applicant must meet all of the requirements as described in subsection (a) and must further

8 present proof of successful completion of the educational interpreter performance assessment

9 (EIPA), written and performance tests, or a similar test as approved by the board, at a

10 performance level established by the board.

11 SECTION 29. Section 21-2-7 of the General Laws in Chapter 21-2 entitled "Milk

12 Sanitation Code" is hereby amended to read as follows:

13 **21-2-7. Permits.** -- (a) It shall be unlawful for any milk producer whose dairy farm is

14 located wholly or partly in this state to sell or to offer to sell milk or milk products or to have

15 milk stored for sale who does not possess at all times a Rhode Island producer's permit from the

16 director.

17 (b) It shall be unlawful for any milk hauler to transport any milk or milk products to any

18 milk plant in the state of Rhode Island or to transport any milk in this state destined for sale in

19 this state unless he or she shall at all times possess a Rhode Island milk hauler's permit from the

20 director.

21 (c) It shall be unlawful for any person to operate a milk plant in the state of Rhode Island

22 who does not possess a Rhode Island milk plant permit from the director with respect to each

23 plant located in Rhode Island.

24 (d) It shall be unlawful for any milk distributor to sell or offer to sell milk or milk

25 products, including raw milk cheese, within the state of Rhode Island unless he or she shall at all

26 times possess a milk distributor's permit from the director.

27 (e) It shall be unlawful for any milk hauler to transport any milk or milk products from

28 any point outside the state into the state of Rhode Island for sale or processing in this state or for

29 any milk plant located in Rhode Island to process any milk or milk products which come from

30 any point outside the state of Rhode Island or for any milk distributor to sell any milk or milk

31 products within this state which come from any point outside this state, unless:

32 (1) Every producer who produces any part of the milk or milk products shall have been

33 inspected and shall from time to time be inspected with the same minimum frequency, to the

34 same degree, and according to the same requirements as provided in this chapter or any

1 regulations promulgated under this chapter in the case of Rhode Island producers;

2 (2) Every vehicle in which the milk is transported to the plant where processed shall from
3 time to time be inspected with the same minimum frequency, to the same degree, and according
4 to the same requirements as provided in this chapter or any regulations promulgated pursuant to
5 this chapter in the case of Rhode Island milk hauler permittees; and

6 (3) The operator of each milk plant located outside the state of Rhode Island where any
7 part of the milk is processed at all times possesses an out-of-state milk plant permit from the
8 director.

9 (f) It shall be unlawful for any person located in the state of Rhode Island to sell or offer
10 for sale to any milk hauler or milk plant, or for any milk plant to pasteurize any raw milk for
11 pasteurization, any part of which shall be used for grade A pasteurized milk or for any grade A
12 milk product, unless the person at all times is in possession of a Rhode Island grade A producer's
13 permit.

14 (g) The fees for the following permits referred to in this section shall be ~~as follows~~ as set
15 forth in § 23-1-54:

- 16 (1) In-state milk processors: ~~one hundred sixty dollars (\$160)~~;
- 17 (2) Out-of-state milk processors: ~~one hundred sixty dollars (\$160)~~; and
- 18 (3) Milk distributors: ~~one hundred sixty dollars (\$160)~~;
- 19 ~~(4)~~(h) Milk producers and milk haulers shall be exempt from permit fees.

20 SECTION 30. Section 21-9-3 of the General Laws in Chapter 21-9 entitled "Frozen
21 Desserts" is hereby amended to read as follows:

22 **21-9-3. License fee.** -- The annual ~~license fee~~ fees for the following licenses shall be ~~as~~
23 ~~follows~~ as set forth in § 23-1-54:

- 24 (1) Instate wholesale frozen dessert processors: ~~five hundred and fifty dollars (\$550)~~;
- 25 (2) Out of state wholesale frozen dessert processors: ~~one hundred sixty dollars (\$160)~~;
- 26 and
- 27 (3) Retail frozen dessert processors: ~~one hundred sixty dollars (\$160)~~.

28 SECTION 31. Section 21-11-4 of the General Laws in Chapter 21-11 entitled "Meats" is
29 hereby amended to read as follows:

30 **21-11-4. Issuance and term of licenses - Suspension or revocation.** -- The director of
31 health shall, upon receipt of application for a license to operate an establishment for any or all of
32 the purposes mentioned in § 21-11-3, cause that establishment to be inspected and, if it is found
33 to conform to the provisions of this chapter and the regulations adopted in accordance with this
34 chapter, shall issue a license upon receipt of a fee ~~of one hundred sixty dollars (\$160)~~ as set forth

1 [in § 23-1-54](#); provided, that the license fee shall be ~~forty dollars (\$40.00)~~ [at a reduced rate, as also](#)
2 [set forth in § 23-1-54](#), for any one establishment where: (1) the meat is sold only at retail, (2) no
3 slaughtering is performed, and (3) no more than one of the activities described in § 21-11-3 for
4 which a license is required is performed. In order to set the license renewal dates so that all
5 activities for each establishment can be combined on one license instead of on several licenses,
6 the department of health shall set the license renewal date. The license period shall be for twelve
7 (12) months, commencing on the license renewal date, and the license fee shall be at the full
8 annual rate regardless of the date of application or the date of issuance of license. If the license
9 renewal date is changed, the department may make an adjustment to the fees of licensed
10 establishments, not to exceed the annual license fee, in order to implement the change in license
11 renewal date. Applications for renewal of licenses, accompanied by the prescribed fee, shall be
12 submitted at least two (2) weeks before the renewal date. Licenses issued or renewed under this
13 section may be suspended or revoked for failure to comply with the provisions of this chapter or
14 the regulations adopted in accordance with this chapter.

15 SECTION 32. Section 21-14-2 of the General Laws in Chapter 21-14 entitled "Shellfish
16 Packing Houses" is hereby amended to read as follows:

17 **21-14-2. License for shellfish business.** -- No person shall conduct within this state any
18 shellfish business until that person shall have obtained a license from the department. The
19 director shall, upon receipt of application for a license to conduct a shellfish business, cause the
20 applicant's shellfish business facilities to be investigated and, if they are found to comply with the
21 provisions of this chapter and the regulations adopted in accordance with this chapter, shall issue
22 a license upon receipt of a fee ~~of three hundred twenty dollars (\$320)~~ for a shipper/reshipper or ~~a~~
23 ~~fee of three hundred ninety dollars (\$390)~~ for a shucker packer/repacker [as set forth in § 23-1-54](#).
24 Any license issued shall apply only to those phases of the shellfish business that appear on the
25 license and are defined by the director in regulations he or she shall adopt in regard to licensing.
26 In order to set the license renewal dates so that all activities for each establishment can be
27 combined on one license instead of on several licenses, the department of health shall set the
28 license renewal date. The license period shall be for twelve (12) months, unless sooner suspended
29 or revoked for cause, commencing on the license renewal date, and the license fee shall be at the
30 full annual rate regardless of the date of application or the date of issuance of license. If the
31 license renewal date is changed, the department may make an adjustment to the fees of licensed
32 establishments, not to exceed the annual license fee, in order to implement the change in license
33 renewal date. Licenses issued pursuant to this section may be suspended or revoked for violation
34 of the provisions of this chapter or the regulations adopted in accordance with this chapter. The

1 director may, after a hearing, refuse to issue any shellfish business license to any person who has
2 been convicted of any violation of this chapter.

3 SECTION 33. Section 21-23-2 of the General Laws in Chapter 21-23 entitled
4 "Nonalcoholic Bottled Beverages, Drinks and Juices" is hereby amended to read as follows:

5 **21-23-2. Issuance and renewal of permits - Fee - Posting - Exempt cider.** -- Blank
6 forms of the application for permits shall be furnished by the department without cost. The fee for
7 the permit shall be ~~five hundred and fifty dollars (\$550) provided, that the~~ [as set forth in § 23-1-](#)
8 [54.](#) The fee for a permit to manufacture or bottle apple cider shall [also](#) be ~~sixty dollars (\$60.00)~~ [as](#)
9 [set forth in § 23-1-54.](#) In order to set the license renewal dates so that all activities for each
10 establishment can be combined on one license instead of on several licenses, the department of
11 health shall set the license renewal date. The license period shall be for twelve (12) months,
12 commencing on the license renewal date, and the license fee shall be at the full annual rate
13 regardless of the date of application or the date of issuance of license. If the license renewal date
14 is changed, the department may make an adjustment to the fees of licensed establishments, not to
15 exceed the annual license fee, in order to implement the change in license renewal date. Any
16 person applying for a permit to bottle or manufacture apple cider shall certify that he or she does
17 not manufacture or bottle any carbonated or nonalcoholic beverage, soda water, fruit juice, syrup,
18 bottled drinking water, either plain or carbonated, or any other so-called soft drink, other than
19 apple cider. The fee received by the department for "bottlers' permits" shall be turned over to the
20 general treasurer. All permits granted under this chapter shall be posted in a conspicuous place on
21 the premises of the bottler so that they may readily be seen by any person inspecting the
22 premises; provided that the fees so far as they relate to cider, shall not apply to any person who
23 manufactures and bottles during any one calendar year not exceeding five hundred (500) gallons
24 of cider.

25 SECTION 34. Sections 21-27-6.1, 21-27-10 and 21-27-11.2 of the General Laws in
26 Chapter 21-27 entitled "Sanitation in Food Establishments" are hereby amended to read as
27 follows:

28 **21-27-6.1. Farm home food manufacture.** --Notwithstanding the other provisions of
29 this chapter, the department of health shall permit farm home food manufacture and the sale of
30 the products of farm home food manufacture at farmers' markets, farmstands, and other markets
31 and stores operated by farmers for the purpose of the retail sale of the products of Rhode Island
32 farms, provided that the requirements of this section are met.

33 (1) The farm home food products shall be produced in a kitchen that is on the premises of
34 a farm and meets the standards for kitchens as provided for in minimum housing standards,

1 adopted pursuant to chapter 24.2 of title 45 and the Housing Maintenance and Occupancy Code,
2 adopted pursuant to chapter 24.3 of title 45, and in addition the kitchen shall:

3 (i) Be equipped at minimum with either a two (2) compartment sink or a dishwasher that
4 reaches one hundred fifty (150) degrees Fahrenheit after the final rinse and drying cycle and a one
5 compartment sink;

6 (ii) Have sufficient area or facilities, such as portable dish tubs and drain boards, for the
7 proper handling of soiled utensils prior to washing and of cleaned utensils after washing so as not
8 to interfere with safe food handling; equipment, utensils, and tableware shall be air dried;

9 (iii) Have drain boards and food preparation surfaces that shall be of a nonabsorbent,
10 corrosion resistant material such as stainless steel, formica or other chip resistant, nonpitted
11 surface;

12 (iv) Have self-closing doors for bathrooms that open directly into the kitchen;

13 (v) If farm is on private water supply it must be tested once per year.

14 (2) The farm home food products are prepared and produced ready for sale under the
15 following conditions:

16 (i) Pets are kept out of food preparation and food storage areas at all times;

17 (ii) Cooking facilities shall not be used for domestic food purposes while farm home food
18 products are being prepared;

19 (iii) Garbage is placed and stored in impervious covered receptacles before it is removed
20 from the kitchen, which removal shall be at least once each day that the kitchen is used for farm
21 home food manufacture;

22 (iv) Any laundry facilities which may be in the kitchen shall not be used during farm
23 home food manufacture;

24 (v) Recipe(s) for each farm home food product with all the ingredients and quantities
25 listed, and processing times and procedures, are maintained in the kitchen for review and
26 inspection;

27 (vi) List ingredients on product;

28 (vii) Label with farm name, address and telephone number.

29 (3) Farm home food manufacture shall be limited to the production of nonpotentially
30 hazardous food and foods that do not require refrigeration, including:

31 (i) Jams, jellies, preserves and acid foods, such as vinegars, that are prepared using fruits,
32 vegetables and/or herbs that have been grown locally;

33 (ii) Double crust pies that are made with fruit grown locally;

34 (iii) Yeast breads;

1 (iv) Maple syrup from the sap of trees on the farm or of trees within a twenty (20) mile
2 radius of the farm;

3 (v) Candies and fudges;

4 (vi) Dried herbs and spices.

5 (4) Each farm home kitchen shall be registered with the department of health and shall
6 require a notarized affidavit of compliance, in any form that the department may require, from the
7 owner of the farm that the requirements of this section have been met and the operation of the
8 kitchen shall be in conformity with the requirements of this section. A certificate of registration
9 shall be issued by the department upon the payment of a ~~sixty five dollar (\$65.00)~~ fee [as set forth](#)
10 [in § 23-1-54](#) and the submission of an affidavit of compliance. The certificate of registration shall
11 be valid for one year after the date of issuance; provided, however, that the certificate may be
12 revoked by the director at any time for noncompliance with the requirements of the section. The
13 certificate of registration, with a copy of the affidavit of compliance, shall be kept in the kitchen
14 where the farm home food manufacture takes place. The director of health shall have the
15 authority to develop and issue a standard form for the affidavit of compliance to be used by
16 persons applying for a certificate of registration; the form shall impose no requirements or
17 certifications beyond those set forth in this section and § 21-27-1(6). No certificates of
18 registration shall be issued by the department prior to September 1, 2002.

19 (5) Income from farm home food manufacture shall not be included in the calculation of
20 farm income for the purposes of obtaining an exemption from the sales and use tax pursuant to §
21 44-18-30(32), nor shall any equipment, utensils, or supplies acquired for the purpose of creating
22 or operating farm home food manufacture be exempt from the sales and use tax as provided for in
23 §44-18-30(32).

24 **21-27-10. Registration of food businesses.** -- (a) No person shall operate a food business
25 as defined in § 21-27-1(8) unless he or she annually registers the business with the state director
26 of health; provided, that food businesses conducted by nonprofit organizations, hospitals, public
27 institutions, farmers markets, roadside farmstands, or any municipality shall be exempt from
28 payment of any required fee.

29 (b) In order to set the registration renewal dates so that all activities for each
30 establishment can be combined on one registration instead of on several registrations, the
31 registration renewal date shall be set by the department of health. The registration period shall be
32 for twelve (12) months commencing on the registration renewal date, and the registration fee
33 shall be at the full annual rate regardless of the date of application or the date of issuance of
34 registration. If the registration renewal date is changed, the department may make an adjustment

1 to the fees of registered establishments, not to exceed the annual registration fee, in order to
2 implement the changes in registration renewal date. Registrations issued under this chapter may
3 be suspended or revoked for cause. Any registration or license shall be posted in a place
4 accessible and prominently visible to an agent of the director.

5 (c) Registration with the director of health shall be based upon satisfactory compliance
6 with all laws and regulations of the director applicable to the food business for which registration
7 is required.

8 (d) The director of health is authorized to adopt regulations necessary for the
9 implementation of this chapter.

10 (e) Classification ~~and fees~~ for registration shall be as follows:

11 (1) In state and out of state Food food processors that sell food in Rhode Island

12 (Wholesale) ~~\$280.00~~

13 (2) Food processors (Retail) ~~120.00~~

14 (3) Food service establishments:

15 (i) 50 seats or less ~~160.00~~

16 (ii) More than 50 seats ~~240.00~~

17 (iii) Mobile food service units ~~100.00~~

18 (iv) Industrial caterer or food vending machine commissary ~~280.00~~

19 (v) Cultural heritage educational facility ~~80.00~~

20 (4) Vending machine sites or location:

21 (i) Three (3) or less machines ~~50.00~~

22 (ii) Four (4) to ten (10) machines ~~100.00~~

23 (iii) Eleven (11) or more machines ~~120.00~~

24 (5) Retail markets:

25 (i) 1 to 2 cash registers ~~120.00~~

26 (ii) 3 to 5 cash registers ~~240.00~~

27 (iii) 6 or more cash registers ~~510.00~~

28 (6) Retail food peddler (meat, seafood, dairy, and frozen dessert products) ~~100.00~~

29 (7) Food warehouses ~~190.00~~

30 (f) In no instance where an individual food business has more than one activity eligible
31 under this chapter for state registration within a single location shall the business be required to
32 pay more than a single fee for the one highest classified activity listed in subsection (e) of this
33 section; provided, that where several separate but identically classified activities are located
34 within the same building and under the management and jurisdiction of one person, one fee shall

1 be required. In each of the instances in this subsection, each activity shall be separately registered.

2 [\(g\) Fees for registration of the above classifications shall be as set forth in § 23-1-54.](#)

3 **21-27-11.2. Application for certification.** -- Any person who shall desire to be certified
4 in food safety shall submit in writing, on any forms as provided by the division, an application for
5 certification which shall be accompanied by an application fee ~~of fifty dollars (\$50.00)~~ [as set](#)
6 [forth in § 23-1-54](#) together with any other credentials that the rules and regulations and the
7 division may require.

8 SECTION 35. Section 23-1-39 of the General Laws in Chapter 23-1 entitled “Department
9 of Health” is hereby amended to read as follows:

10 **23-1-39. Tattooing and/or body piercing.** -- (a) The director shall promulgate rules and
11 regulations which provide minimum requirements to be met by any person performing tattooing
12 and/or body piercing upon any individual and for any establishment where tattooing and/or body
13 piercing is performed. These requirements shall include, but not be limited to, general sanitation
14 of premises wherein tattooing and/or body piercing is to be performed and sterilization of
15 instruments. These rules and regulations shall place emphasis on the prevention of disease,
16 specifically including, but not limited to, transmission of hepatitis B and/or human
17 immunodeficiency virus (HIV).

18 (b) In addition, these rules and regulations shall establish procedures for registration with
19 the department of health of all persons performing tattooing and/or body piercing, for registration
20 of any establishment where tattooing and/or body piercing is performed, for regular inspections of
21 premises where tattooing and/or body piercing is performed, for revocation of the registration of
22 any person or establishment deemed in violation of the rules and regulations promulgated under
23 this section. An annual registration fee in the amount ~~of ninety dollars (\$90.00)~~ [as set forth in §](#)
24 [23-1-54](#) shall be paid by any person or establishment registered to perform tattooing and/or body
25 piercing under this section. All fees shall be deposited by the department as general revenues.

26 (c) Body piercing of a minor is prohibited; provided, however, that body piercing will be
27 allowed if the minor is accompanied by his or her parent or guardian, and the parent or guardian
28 gives consent to the body piercing.

29 SECTION 36. Section 23-3-25 of the General Laws in Chapter 23-3 entitled “Vital
30 Records” is hereby amended to read as follows:

31 **23-3-25. Fees for copies and searches.** -- (a) The state registrar shall charge fees for
32 searches and copies as follows:

33 (1) For a search of two (2) consecutive calendar years under one name and for issuance of
34 a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of birth,

1 or a certification that the record cannot be found, and each duplicate copy of a certificate or
2 certification issued at the same time , the fee is ~~twenty dollars (\$20.00). For each duplicate copy~~
3 ~~of a certificate or certification issued at the same time, the fee is fifteen dollars (\$15.00)~~ as set
4 forth in § 23-1-54.

5 (2) For each additional calendar year search, if applied for at the same time or within
6 three (3) months of the original request and if proof of payment for the basic search is submitted,
7 the fee is ~~two dollars (\$2.00)~~ as set forth in § 23-1-54.

8 (3) For providing expedited service, the additional handling fee is ~~seven dollars (\$7.00)~~
9 as set forth in § 23-1-54.

10 (4) For processing of adoptions, legitimations, or paternity determinations as specified in
11 §§ 23-3-14 and 23-3-15, there shall be a fee ~~of fifteen dollars (\$15.00)~~ as set forth in § 23-1-54.

12 (5) For making authorized corrections, alterations, and additions, the fee is ~~ten dollars~~
13 ~~(\$10.00)~~ as set forth in § 23-1-54; provided, no fee shall be collected for making authorized
14 corrections or alterations and additions on records filed before one year of the date on which the
15 event recorded has occurred.

16 (6) For examination of documentary proof and the filing of a delayed record, there is a
17 fee ~~of twenty dollars (\$20.00)~~ as set forth in § 23-1-54; and ~~in addition to that fee, the~~ there is an
18 additional fee ~~is twenty dollars (\$20.00)~~ as set forth in § 23-1-54 for the issuance of a certified
19 copy of a delayed record.

20 (b) Fees collected under this section by the state registrar shall be deposited in the general
21 fund of this state, according to the procedures established by the state treasurer.

22 (c) The local registrar shall charge fees for searches and copies of records as follows:

23 (1) For a search of two (2) consecutive calendar years under one name and for issuance of
24 a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a
25 certification of birth or a certification that the record cannot be found, the fee is twenty dollars
26 (\$20.00). For each duplicate copy of a certificate or certification issued at the same time, the fee
27 is fifteen dollars (\$15.00).

28 (2) For each additional calendar year search, if applied for at the same time or within
29 three (3) months of the original request and if proof of payment for the basic search is submitted,
30 the fee is two dollars (\$2.00).

31 (d) Fees collected under this section by the local registrar shall be deposited in the city or
32 town treasury according to the procedures established by the city or town treasurer except that six
33 dollars (\$6.00) of the certified copy fees shall be submitted to the state registrar for deposit in the
34 general fund of this state.

1 SECTION 37. Section 23-4-13 of the General Laws in Chapter 23-4 entitled "Office of
2 the State Medical Examiner" is hereby amended to read as follows:

3 **23-4-13. Establishment of fees.** -- The director of the department of health shall
4 establish ~~a fee of forty dollars (\$40.00)~~ fees for autopsy reports, ~~a fee of thirty dollars (\$30.00) for~~
5 cremation certificates, and statistics, ~~and not less than six hundred and fifty dollars (\$650) per~~
6 ~~hour nor more than thirty two hundred and fifty dollars (\$3,250) per day.~~ The director shall also
7 impose fees, at an hourly or daily rate, to give testimony in civil suits under this chapter. All fees
8 are as set forth in § 23-1-54. The director is authorized to establish in regulation reasonable fees
9 for additional documents not otherwise specified in this section. All of these fees shall be
10 collected and deposited as general revenues; provided, however, that no city or town, or any
11 agency or department of a city and town within the state, or the department of human services,
12 shall be required to pay any fees established by the director pursuant to this section.

13 SECTION 38. Section 23-4.1-10 of the General Laws in Chapter 23-4.1 entitled
14 "Emergency Medical Transportation Services" is hereby amended to read as follows:

15 **23-4.1-10. Regulations and fees.** -- (a) The director shall be guided by the purposes and
16 intent of this chapter in the making of regulations as authorized by this chapter.

17 (b) The director may issue regulations necessary to bring into effect any of the provisions
18 of this chapter.

19 (c) The director ~~may~~ shall charge a license ~~fee~~ fees ~~of not more than four hundred and~~
20 ~~ninety dollars (\$490)~~ for an annual license for an ambulance service, ~~a license fee of not more~~
21 ~~than two hundred and fifty dollars (\$250)~~ for an annual vehicle license, and ~~a license fee of not~~
22 ~~more than ninety dollars (\$90.00)~~ for an emergency medical technician license. All such fees are
23 as set forth in § 23-1-54.

24 (2) The director ~~may~~ shall charge an examination fee ~~of not more than ninety dollars~~
25 ~~(\$90.00)~~ for examinations for an emergency medical technician license and ~~may charge~~ an
26 inspection fee ~~of not more than one hundred and seventy dollars (\$170)~~ for inspections for a
27 vehicle license as set forth in § 23-1-54.

28 (3) The director is also authorized to establish reasonable fees for other administrative
29 actions that the director shall deem necessary to implement this chapter. The fees provided for in
30 this section shall be deposited as general revenues and shall not apply to any city or town
31 employee providing services referenced in this chapter on behalf of the city or town, and shall not
32 apply to any individual providing services referenced in this chapter on behalf of any bona fide
33 volunteer or not for profit organization. Further, the services licensure fees and vehicle inspection
34 fees shall not apply to services and vehicles operated by any city, town, or fire district or to

1 services and vehicles operated by bona fide volunteer or not for profit organizations.

2 SECTION 39. Section 23-16.2-4 of the General Laws in Chapter 23-16.2 entitled
3 “Laboratories” is hereby amended to read as follows:

4 **23-16.2-4. License required for clinical laboratories -- Term of license -- Application**

5 **- Fee. --** (a) It shall be unlawful for any persons, corporation, or other form of business entity to
6 perform clinical or analytical laboratory services on specimens collected in this state or to own or
7 maintain a laboratory or station in this state without having a license issued by the department of
8 health pursuant to this chapter. A license, unless sooner suspended or revoked under the
9 provisions of this chapter, shall expire on the thirtieth (30th) day of December of every other year
10 following the date of license. This will be determined on an odd-even basis with respect to the
11 license number. Each license shall be issued only to conduct the tests approved and for the
12 premises and persons named in the application, and shall not be transferable or assignable. The
13 fee for a clinical laboratory license shall be ~~six hundred and fifty dollars (\$650)~~ as set forth in §
14 23-1-54 for each specialty for which the laboratory is approved. The fee for a station license shall
15 be ~~six hundred and fifty dollars (\$650)~~ as set forth in § 23-1-54. The fees shall be made payable
16 to the general treasurer, state of Rhode Island, and submitted with the application to the
17 department of health.

18 (b) It shall be unlawful for any persons, corporations, or other form of entity to own,
19 operate, maintain, conduct, or sponsor a temporary or ad hoc screening program without having
20 obtained a permit from the director of health. The fee for any permit shall be ~~seventy dollars~~
21 ~~(\$70.00)~~ as set forth in § 23-1-54. It is within the director's discretion to waive the fee. All fees
22 shall be made payable to the general treasurer, state of Rhode Island. Nothing contained in this
23 section shall require any licensed persons, corporations, or other entity to pay the permit fee, if
24 the screening program is provided free of charge to the public by the licensed persons,
25 corporation, or entity.

26 SECTION 40. Section 23-17-38 of the General Laws in Chapter 23-17 entitled
27 “Licensing of Health Care Facilities” is hereby amended to read as follows:

28 **23-17-38. Establishment of fees. --** The director shall establish fees for licensure
29 application, licensure renewal, inspection, and administrative actions under this chapter. Annual
30 inspection fees for hospitals and rehabilitation hospital centers shall be ~~sixteen thousand nine~~
31 ~~hundred dollars (\$16,900)~~ assessed on a per facility basis, plus as well as an additional fee ~~of one~~
32 ~~hundred and twenty dollars (\$120)~~ per bed. Annual licensure fees for ~~health maintenance~~
33 ~~organizations and~~ for-profit end stage renal dialysis facilities shall be ~~three thousand nine hundred~~
34 ~~dollars (\$3,900)~~ assessed on a per facility basis. Annual licensure fees for home nursing care

1 providers and home care providers shall be ~~six hundred and fifty dollars (\$650)~~ assessed on a per
2 facility basis; however, no additional license fee shall be charged when a home nursing care
3 provider or home care provider changes location during any calendar year for which an annual
4 license fee has already been paid for that home nursing care provider or home care provider. All
5 fees required in this section shall be as set forth in § 23-1-54. Annual licensure fees for organized
6 ambulatory care facilities shall also be ~~six hundred and fifty dollars (\$650)~~ as set forth in § 23-1-
7 54, provided that not-for-profit entities operating more than one ambulatory care facility shall be
8 subject to a single annual licensure fee for all such licenses; provided, further, that nonprofit
9 charitable community health centers, school based health centers and nonprofit hospice programs
10 with a current home nursing care provider license shall be exempt from the fee. All annual
11 licensure fees not otherwise designated shall be established in regulation and shall be collected
12 and deposited as general revenues of the state.

13 SECTION 41. Section 23-17.4-31 of the General Laws in Chapter 23-17.4 entitled
14 “Assisted Living Residence Licensing Act” is hereby amended to read as follows:

15 **23-17.4-31. Establishment of fees.** -- The director may establish reasonable fees for the
16 licensure application, licensure renewal, and administrative actions under this chapter. Annual
17 licensure fees ~~shall be three hundred and thirty dollars (\$330)~~ per licensee plus an additional fee
18 ~~of seventy dollars (\$70.00)~~ per licensed bed, where applicable, shall be assessed. All fees
19 required in this section shall be as set forth in § 23-1-54.

20 SECTION 42. Sections 23-17.9-3, 23-17.9-5, 23-17.9-6 and 23-17.9-7 of the General
21 Laws in Chapter 23-17.9 entitled “Registration of Nursing Assistants” are hereby amended to
22 read as follows:

23 **23-17.9-3. Training and competency evaluation program for levels of nursing**
24 **assistants.** -- Standards for training and/or competency evaluation programs for nursing assistants
25 and exemptions for applicants from the requirements of training programs shall be consistent with
26 federal statutory and regulatory requirements and shall be defined according to the rules and
27 regulations promulgated by the department of health. The national standards pertaining to nursing
28 assistants, nurse aides-home health aides, and the national home caring council or its succeeding
29 agency, (model curriculum and teaching guide for the instruction of homemaker-home health
30 aide) and any other appropriate standards shall serve as guidelines in the development of
31 regulatory standards for other levels of nursing assistants as determined by the director. The
32 department may require a fee ~~of not more four hundred and ten dollars (\$410)~~ as set forth in § 23-
33 1-54 as an application fee for biennial training and competency evaluation program certification.

34 **23-17.9-5. Qualifying examination.** -- Nursing assistants as defined in § 23-17.9-2 who

1 are employed or have had experience as a nursing assistant prior to the enactment of this chapter,
2 and the effective date of the regulations promulgated in relation to this chapter, shall pass the
3 appropriate level of examination administered by the department approved by the director in lieu
4 of the training program. Exempt from the qualifying examination are home health
5 aides/homemakers who have successfully passed the qualifying examination and/or successfully
6 completed an approved home health aide/homemaker program under the provisions of chapter
7 17.7 of this title and the regulations promulgated in relation to that chapter. Also exempt from the
8 qualifying examination are classes of individuals, regardless of employment setting, who are
9 exempted from examination by federal statute or regulations and these exemptions shall be
10 defined according to rules and regulations promulgated by the department of health. Successful
11 completion of the qualifying examination and the provisions of this section shall be deemed
12 satisfactory for employment as a nursing assistant. Unless exempted by rules and regulations
13 promulgated by the department of health, each application must be submitted with a processing
14 fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) to be paid by the employing facility or
15 agency if the applicant has been continuously employed by the facility for six (6) months prior to
16 the application or by another responsible party as defined in rules and regulations promulgated by
17 the department of health consistent with federal statutory and/or regulatory requirements; but, if
18 the applicant is unemployed, to be submitted by the applicant. If the applicant shall be
19 continuously employed by the same facility for six (6) months after the application, then the fee
20 shall be directly refunded to the applicant by the facility or agency. If federal statutory or
21 regulatory requirements mandate that the certifying agency conduct an examination of manual
22 skills proficiency as a component of the examination process to meet minimal federal
23 compliance, a manual skills proficiency examination may be required by rules and regulations
24 promulgated by the department of health for all applicants not otherwise exempted from the
25 examination requirements. If a manual skills proficiency examination is required to be conducted
26 by the certifying agency as a component of the certifying examination, each application shall be
27 accompanied by a fee ~~not to exceed one hundred and thirty dollars (\$130)~~ [as set forth in § 23-1-](#)
28 [54](#) to be paid by the employing facility or agency if the applicant has been continuously employed
29 by the facility for six (6) months prior to the application or by another responsible party as
30 defined in rules and regulations promulgated by the department of health consistent with federal
31 statutory and/or regulatory requirements; but, if the applicant is unemployed, to be submitted by
32 the applicant. If the applicant shall be continuously employed by the same facility for six (6)
33 months after the application, then the fee shall be directly refunded on a pro rata basis between
34 months six (6) and twelve (12) to the applicant by the facility or agency.

1 **23-17.9-6. Registration.** -- Every nursing assistant being employed as a nursing assistant
2 or offering services as a nursing assistant must obtain a certificate of registration issued by the
3 department. Every nursing assistant, prior to being issued a certificate of registration by the
4 department, shall successfully complete the training program and/or qualifying examination as
5 required by §§ 23-17.9-3 and 23-17.9-5 unless otherwise exempt from the requirements. All
6 applicants not otherwise exempted are required to complete the process of training and
7 examination within a period of one year from the date of initiation of training. Failure to
8 successfully complete this process within one year requires that the applicant repeat the training
9 program and be retested. All nursing assistants shall be registered with and qualified by the
10 department of health. The fee for registration is ~~forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#).
11 The department shall keep a register in which are entered the names of all persons to whom
12 certificates of registration are issued under this chapter and the register shall be open to public
13 inspection. In addition, if required by federal mandate the department will also keep a separate
14 nurse aide registry.

15 **23-17.9-7. Renewal of certificate of registration.** -- Every holder of a nursing assistant
16 certificate of registration shall register biennially by making application to the department on
17 forms provided by the agency. The renewals shall be granted as a matter of course, upon payment
18 of a fee ~~of forty dollars (\$40.00)~~ [as set forth in § 23-1-54](#) unless the agency finds that the
19 applicant has acted or failed to act in a manner under the circumstances that would constitute
20 grounds for suspension or revocation of a certificate of registration.

21 SECTION 43. Section 23-19.3-5 of the General Laws in Chapter 23-19.3 entitled
22 "Sanitarians" is hereby amended to read as follows:

23 **23-19.3-5. Application for registration - Examination - Issuance of certificate** -- (a) A
24 person who desires to be registered as a sanitarian shall file with the division of professional
25 regulation an application upon a form to be prescribed and furnished by the division of
26 professional regulation. He or she shall include in the application, under oath, his or her
27 qualifications as a sanitarian. The application shall be accompanied by a registration fee ~~of one~~
28 ~~hundred and seventy dollars (\$170)~~ [as set forth in § 23-1-54](#).

29 (b) If the division of professional regulation deems the education qualifications of the
30 applicant are satisfactory and if he or she passes an examination, both written and oral,
31 satisfactory to the division of professional regulation, the division shall issue him or her a
32 certificate of registration. The certificate of registration shall expire at the end of the calendar
33 year, and may be renewed on or before January fifteenth (15th) of the following year. The fee for
34 renewal of a certificate of registration shall be ~~fifty dollars (\$50)~~ [as set forth in § 23-1-54](#).

1 SECTION 44. Section 23-20.8-3 of the General Laws in Chapter 23-20.8 entitled
2 "Licensing of Massage Therapy Establishments" is hereby amended to read as follows:

3 **23-20.8-3. Practice of massage -- Use of titles limited -- Qualifications for licenses --**

4 **Fees.** -- (a) Only a person licensed under this chapter shall practice massage.

5 (b) Only a person licensed under this chapter as a massage therapist may use the title
6 "massage therapist." Only a person licensed under this chapter may use the title "masseur" or
7 "masseuse."

8 (c) No person, firm, partnership, or corporation shall describe its services under the title
9 "massage" or "massage therapy" unless these services, as defined in §23-20.8-1, are performed by
10 a person licensed to practice massage under this chapter, and, if described as "massage therapy,"
11 by a massage therapist.

12 (d) Application for licenses as a masseur or masseuse, or as a massage therapist, shall be
13 issued by the department of health. Except for persons licensed as massage therapists, the
14 department shall establish minimum educational and training requirements for the persons to be
15 licensed under this chapter and shall have the authority to take disciplinary action against a
16 licensee for knowingly placing the health of a client at serious risk without maintaining the proper
17 precautions.

18 (e) The fee for original application for licensure as a massage therapist ~~shall be fifty~~
19 ~~dollars (\$50.00). The fee~~ and for annual license renewal shall be ~~fifty dollars (\$50.00)~~ as set forth
20 in § 23-1-54. Fees for all other licenses under this chapter shall be fixed in an amount necessary
21 to cover the cost of administering this chapter.

22 (f) Any person applying for a license under this chapter shall undergo a criminal
23 background check. Such persons shall apply to the bureau of criminal identification of the state
24 police or local police department for a nationwide criminal records check. Fingerprinting shall be
25 required. Upon the discovery of any disqualifying information as defined in §23-20.8-5, the
26 bureau of criminal identification of the state police or the local police department shall inform the
27 applicant, in writing, of the nature of the disqualifying information. The applicant shall be
28 responsible for payment of the costs of the criminal records check.

29 SECTION 45. Section 23-21-2 of the General Laws in Chapter 23-21 entitled "Licensing
30 of Recreational Facilities" is hereby amended to read as follows:

31 **23-21-2. License required -- Issuance and expiration of license.** -- No person shall

32 maintain within this state any recreation facility or use until that person shall have obtained a
33 license for a facility or use from the department. The director, upon receipt of an application for a
34 recreation facility or use shall cause the facility or use to be inspected and, if the facility or use is

1 found to comply with the provisions of this chapter and the regulations adopted in accordance
2 with the provisions of this chapter, shall issue a license upon receipt of a fee ~~of one hundred sixty~~
3 ~~(\$160)~~ as set forth in § 23-1-54. In order to set the license renewal dates so that all activities for
4 each establishment can be combined on one license instead of on several licenses, the license
5 renewal date shall be set by the department of health. The license period shall be for twelve (12)
6 months, commencing on the license renewal date, unless sooner suspended or revoked for
7 violation of the provisions of this chapter or the regulations adopted in accordance with this
8 chapter, and the license fee shall be at the full annual rate regardless of the date of application or
9 the date of issuance of license. If the license renewal date is changed, the department may make
10 an adjustment to the fees of licensed establishments, not to exceed the annual license fee, in order
11 to implement the change in license renewal date.

12 SECTION 46. Sections 23-22-6, 23-22-10, and 23-22-12 of the General Laws in Chapter
13 23-22 entitled "Licensing of Swimming Pools" are hereby amended to read as follows:

14 **23-22-6. License required -- Term of license -- Application -- Fee .--** (a) No person
15 shall maintain within this state a swimming pool until that person shall have obtained the
16 appropriate license from the department. Licenses shall be of two (2) types, year-round or
17 seasonal. The director, upon receipt of an application for a license to operate a swimming pool,
18 shall cause that swimming pool to be inspected and if the swimming pool is found to comply with
19 the provisions of this chapter and the regulations adopted in accordance with this chapter, shall
20 issue a license upon receipt of a fee for a year-round license, ~~of two hundred fifty dollars (\$250)~~
21 for the first pool at one location and ~~seventy five dollars (\$75.00)~~ an additional fee for each
22 additional pool at the same location; . The director shall issue a license upon receipt of a fee for a
23 seasonal license ~~of one hundred fifty dollars (\$150)~~ for the first pool at one location and ~~seventy-~~
24 ~~five dollars (\$75.00)~~ an additional fee for each additional pool at the same location. Seasonal
25 licenses shall begin no sooner than June 1, and expire on September 30 of the year issued and
26 year-round licenses shall expire on December 31 of the year issued, unless sooner revoked for
27 violation of the provisions of this chapter or of the regulations adopted in accordance with this
28 chapter. Provided, however, every organization which provides recreational facilities for persons
29 under the age of eighteen (18) years and which is exempt from income taxes pursuant to the
30 provisions of 26 U.S.C. § 501(c)(3), and which maintains a swimming pool shall pay a fee ~~of~~
31 ~~twenty five dollars (\$25.00)~~ for a year-round license. All fees required by this section shall be as
32 set forth in § 23-1-54. The provisions of this chapter shall not apply to any swimming pool
33 maintained by the state.

34 (b) No lifeguard shall be required for any pool licensed in this chapter; provided, a

1 lifeguard shall be on duty if the pool is used by a swim club or a group of unsupervised children
2 who may have access to the pool. Operators of pools shall, when no lifeguard is on duty:

3 (1) Require an attendant and/or a mechanical system to limit access to guests and
4 members only;

5 (2) Require a person trained in first aid to be physically located in close proximity to the
6 pool in question;

7 (3) Require the following signs to be posted in a conspicuous place:

8 (i) NO LIFEGUARD ON DUTY - SWIM AT YOUR OWN RISK (minimum 4" letters
9 in RED)

10 (ii) NO ONE UNDER 18 PERMITTED UNLESS ACCOMPANIED BY AN ADULT

11 (iii) ADULTS SHOULD NOT SWIM ALONE

12 (iv) A SCHEDULE OF POOL HOURS

13 (v) NO GLASS IN POOL AREA

14 (vi) NO RUNNING OR ROUGH HOUSING

15 (vii) NO DIVING

16 (viii) NO ANIMALS OR PETS

17 (4) Require, in the case of outdoor pools, in addition to the above requirements, a fence
18 with a lockable gate or door, a minimum of not less than six feet (6') in height, which completely
19 surrounds the pool area.

20 **23-22-10. Duplicate license -- Displaying license after suspension or revocation. --**

21 Whenever a license while still effective may become defaced or destroyed, the department of
22 health shall, upon application, issue a duplicate license upon payment of a fee ~~of two dollars~~
23 ~~(\$2.00)~~ [as set forth in § 23-1-54](#) to the department. It shall be unlawful for any person to display
24 or to keep displayed any license after the person has received notice of the suspension or
25 revocation of the license.

26 **23-22-12. Penalty for violations. --** Any person, other than a city or town, whether as

27 principal, agent, employer, or employee, who violates any of the provisions of this chapter, or any
28 of the rules and regulations made by the department of health pursuant to this chapter, shall be
29 punished by a fine ~~of not more than fifty dollars (\$50.00)~~ for each offense [as set forth in § 23-1-](#)
30 [54](#), and each day that any violation occurs shall constitute a separate and distinct offense.

31 SECTION 47. Section 23-39-11 of the General Laws in Chapter 23-39 entitled
32 "Respiratory Care Act" is hereby amended to read as follows:

33 **23-39-11. Fees. --** (a) The director, in consultation with the board, shall establish a
34 schedule of reasonable fees for licenses, and for renewal of licenses for respiratory care

1 practitioners.

2 (b) The initial application fee shall be ~~one hundred and seventy dollars (\$170)~~ [as set forth](#)
3 [in § 23-1-54.](#)

4 (c) A biennial license renewal fee shall be established in an amount ~~of one hundred and~~
5 ~~thirty (\$130)~~ [as set forth in § 23-1-54.](#)

6 SECTION 48. Chapter 23-1 of the General Laws entitled “Department of Health” is
7 hereby amended by adding thereto the following section:

8 **23-1-16.1 Letters of License Verification-Fees.** -- (a) [There shall be a fee, to be paid by](#)
9 [the individual or entity making the request as set forth in § 23-1-54, for any letter issued by the](#)
10 [department verifying a license which was issued by the department; and](#)

11 [\(b\) the proceeds of any fees collected pursuant to the provisions of this chapter shall be](#)
12 [paid into the state treasury and shall be for the use of the department of health to offset the costs](#)
13 [of issuing the license verification letters.](#)

14 SECTION 49. Chapter 23-1 of the General Laws entitled “Department of Health” is
15 hereby amended by adding thereto the following section:

16 **23-1-54. Fees Payable to the Department of Health.** -- [Fees payable to the department](#)
17 [shall be as follows:](#)

<u>PROFESSION</u>	<u>RIGL Section</u>	<u>Description of Fee</u>	<u>FEE</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (a)</u>	<u>Renewal application</u>	<u>\$25.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (a)</u>	<u>Renewal application:</u>	
<u>Manicuring</u>		<u>Instructors and manicurists</u>	<u>\$20.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (b)</u>	<u>Minimum late renewal fee</u>	<u>\$20.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-10 (b)</u>	<u>Maximum late renewal fee</u>	<u>\$80.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-11 [c]</u>	<u>Application fee</u>	<u>\$15.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-11 [c]</u>	<u>Application fee: manicuring</u>	
		<u>Instructors and manicurists</u>	<u>\$10.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-13</u>	<u>Demonstrator's permit</u>	<u>\$90.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-15</u>	<u>Shop license: initial</u>	<u>\$170.00</u>
<u>Barbers/hairdressers</u>	<u>5-10-15</u>	<u>Shop license: renewal</u>	<u>\$170.00</u>
<u>Veterinarians</u>	<u>5-25-10</u>	<u>Application fee</u>	<u>\$580.00</u>
<u>Veterinarians</u>	<u>5-25-11</u>	<u>Examination fee</u>	<u>\$580.00</u>
<u>Veterinarians</u>	<u>5-25-12 (a)</u>	<u>Renewal fee</u>	<u>\$580.00</u>
<u>Veterinarians</u>	<u>5-25-12 [c]</u>	<u>Late renewal fee</u>	<u>\$120.00</u>
<u>Podiatrists</u>	<u>5-29-7</u>	<u>Application fee</u>	<u>\$240.00</u>

1	<u>Podiatrists</u>	<u>5-29-11</u>	<u>Renewal fee: minimum</u>	<u>\$240.00</u>
2	<u>Podiatrists</u>	<u>5-29-11</u>	<u>Renewal fee: maximum</u>	<u>\$540.00</u>
3	<u>Podiatrists</u>	<u>5-29-13</u>	<u>Limited registration</u>	<u>\$90.00</u>
4	<u>Podiatrists</u>	<u>5-29-14</u>	<u>Limited registration:</u>	
5			<u>Academic faculty</u>	<u>\$240.00</u>
6	<u>Podiatrists</u>	<u>5-29-14</u>	<u>Application fee:</u>	
7			<u>Renewal minimum</u>	<u>\$240.00</u>
8	<u>Podiatrists</u>	<u>5-29-14</u>	<u>Application fee:</u>	
9			<u>Renewal maximum</u>	<u>\$440.00</u>
10	<u>Chiropractors</u>	<u>5-30-7</u>	<u>Examination exemption fee:</u>	<u>\$210.00</u>
11	<u>Chiropractors</u>	<u>5-30-8 (b)</u>	<u>Exam Physiotherapy</u>	<u>\$210.00</u>
12	<u>Chiropractors</u>	<u>5-30-8 (b)</u>	<u>Exam combined chiro</u>	<u>\$210.00</u>
13	<u>Chiropractors</u>	<u>5-30-12</u>	<u>and physio Renewal fee</u>	<u>\$210.00</u>
14	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Dentist: application fee</u>	<u>\$965.00</u>
15	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Dental hygienist: application fee</u>	<u>\$65.00</u>
16	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Reexamination: dentist</u>	<u>\$965.00</u>
17	<u>Dentists/dental hygienists</u>	<u>5-31.1-6 (d)</u>	<u>Reexamination: hygienist</u>	<u>\$65.00</u>
18	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (b)</u>	<u>Reinstatement fee</u>	<u>\$965.00</u>
19	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (c)</u>	<u>Inactive status: dentist</u>	<u>\$220.00</u>
20	<u>Dentists/dental hygienists</u>	<u>5-31.1-21 (c)</u>	<u>Inactive status: hygienist</u>	<u>\$120.00</u>
21	<u>Dentists/dental hygienists</u>	<u>5-31.1-22</u>	<u>Limited registration</u>	<u>\$65.00</u>
22	<u>Dentists/dental hygienists</u>	<u>5-31.1-23 [c]</u>	<u>Limited reg:</u>	
23			<u>Academic faculty</u>	<u>\$965.00</u>
24	<u>Dentists/dental hygienists</u>	<u>5-31.1-23 [c]</u>	<u>Limited reg:</u>	
25			<u>Academic faculty renewal</u>	<u>\$220.00</u>
26	<u>Electrolysis</u>	<u>5-32-2</u>	<u>Unlicensed practice penalty</u>	<u>\$35.00</u>
27	<u>Electrolysis</u>	<u>5-32-3</u>	<u>Application fee</u>	<u>\$10.00</u>
28	<u>Electrolysis</u>	<u>5-32-3</u>	<u>Penalty for violations</u>	<u>\$260.00</u>
29	<u>Electrolysis</u>	<u>5-32-6 (b)</u>	<u>Renewal fee</u>	<u>\$10.00</u>
30	<u>Electrolysis</u>	<u>5-32-7</u>	<u>Reciprocal license fee</u>	<u>\$10.00</u>
31	<u>Electrolysis</u>	<u>5-32-17</u>	<u>Teaching license</u>	<u>\$10.00</u>
32	<u>Funeral directors/embalmers/</u>	<u>5-33.2-12</u>	<u>Funeral establishment license</u>	<u>\$90.00</u>
33	<u>Funeral services establishments</u>			
34	<u>Funeral directors/embalmers/</u>	<u>5-33.2-12</u>	<u>Funeral branch ofc license</u>	<u>\$90.00</u>

1	<u>Funeral services establishments</u>			
2	<u>Funeral directors/embalmers/</u>	<u>5-33.2-13.1</u>	<u>Crematories: application fee</u>	<u>\$120.00</u>
3	<u>Funeral services establishments</u>			
4	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Renewal: funeral/director</u>	
5	<u>Funeral Svcs establishments</u>		<u>embalmer</u>	<u>\$30.00</u>
6	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Additional branch office</u>	
7	<u>funeral services Establishments</u>		<u>licenses</u>	<u>\$120.00</u>
8	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Crematory renewal fee</u>	
9	<u>Funeral svcs establishments</u>			<u>\$120.00</u>
10	<u>Funeral directors/embalmers/</u>	<u>5-33.2-15</u>	<u>Late renewal fee</u>	
11	<u>Funeral svcs establishments</u>			<u>\$90.00</u>
12	<u>Funeral directors/embalmers/</u>	<u>5-33.2-16 (a)</u>	<u>Intern registration fee</u>	
13	<u>Funeral Services establishments</u>			<u>\$55.00</u>
14	<u>Nurses</u>	<u>5-34-12</u>	<u>RN Application fee</u>	<u>\$135.00</u>
15	<u>Nurses</u>	<u>5-34-16</u>	<u>LPN Application fee</u>	<u>\$45.00</u>
16	<u>Nurses</u>	<u>5-34-19</u>	<u>Renewal fee: RN</u>	<u>\$135.00</u>
17	<u>Nurses</u>	<u>5-34-19</u>	<u>Renewal fee: LPN</u>	<u>\$45.00</u>
18	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP application fee</u>	<u>\$80.00</u>
19	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP renewal fee</u>	<u>\$80.00</u>
20	<u>Nurses</u>	<u>5-34-37</u>	<u>RNP prescriptive privileges</u>	<u>\$65.00</u>
21	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec application</u>	<u>\$80.00</u>
22	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec renewal</u>	<u>\$80.00</u>
23	<u>Nurses</u>	<u>5-34-40.3</u>	<u>Clin nurse spec Rx privilege</u>	<u>\$65.00</u>
24	<u>Nurse anesthetists</u>	<u>5-34.2-4 (a)</u>	<u>CRNA application fee</u>	<u>\$80.00</u>
25	<u>Nurse anesthetists</u>	<u>5-34.2-4 (b)</u>	<u>CRNA renewal fee</u>	<u>\$80.00</u>
26	<u>Optometrists</u>	<u>5-35.1-4</u>	<u>Application fee</u>	<u>\$280.00</u>
27	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Renewal fee</u>	<u>\$280.00</u>
28	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Late fee</u>	<u>\$90.00</u>
29	<u>Optometrists</u>	<u>5-35.1-7</u>	<u>Reactivation of license fee</u>	<u>\$65.00</u>
30	<u>Optometrists</u>	<u>5-35.1-19 (b)</u>	<u>Violations of section</u>	<u>\$650.00</u>
31	<u>Optometrists</u>	<u>5-35.1-20</u>	<u>Violations of chapter</u>	<u>\$260.00</u>
32	<u>Opticians</u>	<u>5-35.2-3</u>	<u>Application fee</u>	<u>\$30.00</u>
33	<u>Physicians</u>	<u>5-37-2</u>	<u>Application fee</u>	<u>\$1,090.00</u>
34	<u>Physicians</u>	<u>5-37-2</u>	<u>Re-examination fee</u>	<u>\$1,090.00</u>

1	<u>Physicians</u>	<u>5-37-10 (b)</u>	<u>Late renewal fee</u>	<u>\$170.00</u>
2	<u>Physicians</u>	<u>5-37-16</u>	<u>Limited registration fee</u>	<u>\$65.00</u>
3	<u>Physicians</u>	<u>5-37-16.1</u>	<u>Ltd reg: academic faculty</u>	<u>\$600.00</u>
4	<u>Physicians</u>	<u>5-37-16.1</u>	<u>Ltd reg: academic</u>	
5			<u>Faculty renewal</u>	<u>\$170.00</u>
6	<u>Acupuncture</u>	<u>5-37.2-10</u>	<u>Application fee</u>	<u>\$310.00</u>
7	<u>Social workers</u>	<u>5-39.1-9</u>	<u>Application fee</u>	<u>\$70.00</u>
8	<u>Social workers</u>	<u>5-39.1-9</u>	<u>Renewal fee</u>	<u>\$70.00</u>
9	<u>Physical therapists</u>	<u>5-40-8</u>	<u>Application fee</u>	<u>\$155.00</u>
10	<u>Physical therapists</u>	<u>5-40-8.1</u>	<u>Application: physical therapy</u>	
11			<u>assistants</u>	<u>\$ 50.00</u>
12	<u>Physical therapists</u>	<u>5-40-10 (a)</u>	<u>Renewal fee:</u>	
13			<u>Physical therapists</u>	<u>\$155.00</u>
14	<u>Physical therapists</u>	<u>5-40-10 (a)</u>	<u>Renewal fee: Physical therapy</u>	
15			<u>assistants</u>	<u>\$ 50.00</u>
16	<u>Physical therapists</u>	<u>5-40-10 [c]</u>	<u>Late renewals</u>	<u>\$ 50.00</u>
17	<u>Occupational therapists</u>	<u>5-40.1-12 (2)</u>	<u>Renewal fee</u>	<u>\$140.00</u>
18	<u>Occupational therapists</u>	<u>5-40.1-12 (5)</u>	<u>Late renewal fee</u>	<u>\$50.00</u>
19	<u>Occupational therapists</u>	<u>5-40.1-12 (b)</u>	<u>Reactivation fee</u>	<u>\$140.00</u>
20	<u>Occupational therapists</u>	<u>5-40.1-13</u>	<u>Application fee</u>	<u>\$140.00</u>
21	<u>Psychologists</u>	<u>5-44-12</u>	<u>Application fee</u>	<u>\$230.00</u>
22	<u>Psychologists</u>	<u>5-44-13</u>	<u>Temporary permit</u>	<u>\$120.00</u>
23	<u>Psychologists</u>	<u>5-44-15[c]</u>	<u>Renewal fee</u>	<u>\$230.00</u>
24	<u>Psychologists</u>	<u>5-44-15 (e)</u>	<u>Late renewal fee</u>	<u>\$50.00</u>
25	<u>Nursing home administrators</u>	<u>5-45-10</u>	<u>Renewal fee</u>	<u>\$160.00</u>
26	<u>Speech pathologist/audiologists</u>	<u>5-48-1 (14)</u>	<u>Speech lang support personnel:</u>	
27			<u>late filing</u>	<u>\$ 90.00</u>
28	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Application fee: Audiologist</u>	<u>\$ 65.00</u>
29	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Application fee:</u>	
30			<u>speech Pathologist</u>	<u>\$145.00</u>
31	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Renewal fee: Audiologist</u>	<u>\$65.00</u>
32	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Renewal fee: Speech</u>	
33			<u>Pathologist</u>	<u>\$145.00</u>
34	<u>Speech pathologist/audiologists</u>	<u>5-48-9 (a)</u>	<u>Provisional license: renewal fee</u>	<u>\$65.00</u>

1	Speech pathologist/audiologists	5-48-9 (b)	Late renewal fee	\$50.00
2	Speech pathologist/audiologists	5-48-9 (d)(1)	Reinstatement fee	\$65.00
3	Speech pathologist/audiologists	5-48-9 (e)	Audiology/speech lang support	
4			personnel: late filing	\$65.00
5	Hearing aid dealers/fitters	5-49-6 (a)	License endorsement	
6			Examination fee	\$ 25.00
7	Hearing aid dealers/fitters	5-49-8 (b)	Temporary permit fee	\$ 35.00
8	Hearing aid dealers/fitters	5-49-8 (d)	Temporary permit renewal fee	\$35.00
9	Hearing aid dealers/fitters	5-49-11 (1)	License fee	\$ 25.00
10	Hearing aid dealers/fitters	5-49-11 (b)	License renewal fee	\$25.00
11	Hearing aid dealers/fitters	5-49-11 [c]	License renewal late fee	\$25.00
12	Physician assistants	5-54-9 (4)	Application fee	\$110.00
13	Physician assistants	5-54-11 (b)	Renewal fee	\$110.00
14	Orthotics/prosthetic practice	5-59.1-5	Application fee	\$120.00
15	Orthotics/prosthetic practice	5-59.1-12	Renewal fee	\$120.00
16	Athletic trainers	5-60-11	Application fee	\$60.00
17	Athletic trainers	5-60-11	Renewal fee	\$60.00
18	Athletic trainers	5-60-11	Late renewal fee	\$25.00
19	Mental health counselors/	5-63.2-16	Application fee: marriage/	
20	Marriage and family therapists		Family therapist	\$130.00
21	Mental health counselors/	5-63.2-16	Application fee: mental	
22	Marriage and family therapists		Health counselors	\$70.00
23	Mental health counselors/	5-63.2-16	Reexamination fee:	
24	Marriage and family therapists		Marriage/family therapist	\$130.00
25	Mental health counselors/	5-63.2-16	Reexamination fee:	
26	Marriage and family therapists		Mental health counselors	\$ 70.00
27	Mental health counselors/	5-63.2-17(a)	Renewal fee: marriage/	
28	marriage and Family therapists		Family therapist	\$130.00
29	Mental health counselors/5-63.2-17(a)		Renewal fee:	
30	Marriage and family therapist		Mental health counselor	\$70.00
31	Mental health counselors/	5-63.2-17(b)	Late renewal fee	
32	Marriage and family therapist			\$90.00
33	Dieticians/nutritionists	5-64-6 (b)	Application fee	\$75.00
34	Dieticians/nutritionists	5-64-8	Renewal fee	\$ 75.00

1	<u>Dieticians/nutritionists</u>	<u>5-64-8</u>	<u>Reinstatement fee</u>	<u>\$ 75.00</u>
2	<u>Radiologic technologists</u>	<u>5-68.1-10</u>	<u>Application fee maximum</u>	<u>\$190.00</u>
3	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Application fee</u>	<u>\$75.00</u>
4	<u>Dependency professionals</u>			
5	<u>Licensed chemical</u>	<u>5-69-9</u>	<u>Renewal fee</u>	<u>\$75.00</u>
6	<u>Dependency professionals</u>			
7	<u>Deaf interpreters</u>	<u>5-71-8 (3)</u>	<u>License fee maximum</u>	<u>\$ 15.00</u>
8	<u>Milk producers</u>	<u>21-2-7(g)(1)</u>	<u>In-state milk processor</u>	<u>\$160.00</u>
9	<u>Milk producers</u>	<u>21-2-7(g)(2)</u>	<u>Out-of-state milk processor</u>	<u>\$160.00</u>
10	<u>Milk producers</u>	<u>21-2-7(g)(3)</u>	<u>Milk distributors</u>	<u>\$160.00</u>
11	<u>Frozen desserts</u>	<u>21-9-3 (1)</u>	<u>In-state wholesale</u>	<u>\$550.00</u>
12	<u>Frozen desserts</u>	<u>21-9-3 (2)</u>	<u>Out-of-state wholesale</u>	<u>\$160.00</u>
13	<u>Frozen desserts</u>	<u>21-9-3 (3)</u>	<u>Retail frozen dess processors</u>	<u>\$160.00</u>
14	<u>Meats</u>	<u>21-11-4</u>	<u>Wholesale</u>	<u>\$160.00</u>
15	<u>Meats</u>	<u>21-11-4</u>	<u>Retail</u>	<u>\$ 40.00</u>
16	<u>Shellfish packing houses</u>	<u>21-14-2</u>	<u>License fee:</u>	
17			<u>Shipper/reshipper</u>	<u>\$320.00</u>
18	<u>Shellfish packing houses</u>	<u>21-14-2</u>	<u>License fee:</u>	
19			<u>Shucker packer/re packer</u>	<u>\$390.00</u>
20	<u>Non-alcoholic bottled</u>	<u>21-23-2</u>	<u>Bottler permit</u>	
21	<u>Beverages, Drinks & juices</u>			<u>\$550.00</u>
22	<u>Non-alcoholic bottled</u>	<u>21-23-2</u>	<u>Bottle apple cider fee</u>	
23	<u>beverages, drinks and juices</u>			<u>\$ 60.00</u>
24	<u>Farm home food manufacturers</u>	<u>21-27-6.1 (4)</u>	<u>Registration fee</u>	<u>\$ 65.00</u>
25	<u>Food businesses</u>	<u>21-27-10 (e)(1)</u>	<u>Food processors wholesale</u>	<u>\$500.00</u>
26	<u>Food businesses</u>	<u>21-27-10 (e)(2)</u>	<u>Food processors retail</u>	<u>\$120.00</u>
27	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Food service</u>	<u>establishments</u>
28			<u><50 seats</u>	<u>\$160.00</u>
29	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Food service</u>	<u>establishments</u>
30			<u>>50 seats</u>	<u>\$240.00</u>
31	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Mobile food service units</u>	<u>\$100.00</u>
32	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Industrial caterer or food vending</u>	
33			<u>Machine commissary</u>	<u>\$280.00</u>
34	<u>Food businesses</u>	<u>21-27-10 (e)(3)</u>	<u>Cultural heritage educational</u>	

1			<u>Facility</u>	<u>\$ 80.00</u>
2	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine Location</u>	
3			<u>< 3 units</u>	<u>\$ 50.00</u>
4	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine</u>	
5			<u>Location 4-10 units</u>	<u>\$100.00</u>
6	<u>Food businesses</u>	<u>21-27-10 (e)(4)</u>	<u>Vending Machine Location</u>	
7			<u>≥ 11 units</u>	<u>\$120.00</u>
8	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>	<u>Retail Mkt</u>	
9			<u>1-2 cash registers</u>	<u>\$120.00</u>
10	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>		<u>Retail Market</u>
11			<u>3-5 cash registers</u>	<u>\$240.00</u>
12	<u>Food businesses</u>	<u>21-27-10 (e)(5)</u>	<u>Retail Market ≥ 6</u>	
13			<u>Cash registers</u>	<u>\$510.00</u>
14	<u>Food businesses</u>	<u>21-27-10 (e)(6)</u>	<u>Retail food peddler</u>	<u>\$100.00</u>
15	<u>Food businesses</u>	<u>21-27-10 (e)(7)</u>	<u>Food warehouses</u>	<u>\$190.00</u>
16	<u>Food businesses</u>	<u>21-27-11.2</u>	<u>Certified food safety mgr</u>	<u>\$ 50.00</u>
17	<u>License verification fee</u>	<u>23-1-16.1</u>	<u>All license types</u>	<u>\$ 30.00</u>
18	<u>Tattoo and body piercing</u>	<u>23-1-39</u>	<u>Annual registration fee:</u>	
19			<u>Person</u>	<u>Not HPR</u>
20	<u>Tattoo and body piercing</u>	<u>23-1-39</u>	<u>Annual registration fee:</u>	
21			<u>Establishment</u>	<u>Not HPR</u>
22	<u>Vital records</u>	<u>23-3-25 (a)(1)</u>	<u>Certificate of birth, fetal death,</u>	
23			<u>Death, marriage, birth, or</u>	
24			<u>Certification that such record</u>	
25			<u>Cannot be found</u>	<u>\$ 20.00</u>
26	<u>Vital records</u>	<u>23-3-25 (a)(1)</u>	<u>Each duplicate of certificate</u>	
27			<u>of birth, fetal death, death, marriage,</u>	
28			<u>Birth, or certification that such record</u>	
29			<u>cannot be found</u>	<u>\$ 15.00</u>
30	<u>Vital records</u>	<u>23-3-25 (a)(2)</u>	<u>Each additional calendar year</u>	
31			<u>Search, if within 3 months of</u>	
32			<u>original search and if receipt of original</u>	
33			<u>search presented</u>	<u>\$ 2.00</u>
34	<u>Vital records</u>	<u>23-3-25 (a)(3)</u>	<u>Expedited service</u>	<u>\$ 7.00</u>

1	<u>Vital records</u>	<u>23-3-25 (a)(4)</u>	<u>Adoptions, legitimations, or</u>	
2			<u>Paternity determinations</u>	<u>\$ 15.00</u>
3	<u>Vital records</u>	<u>23-3-25 (a)(5)</u>	<u>Authorized corrections,</u>	
4			<u>Alterations, and additions</u>	<u>\$ 10.00</u>
5	<u>Vital records</u>	<u>23-3-25 (a)(6)</u>	<u>Filing of delayed record and</u>	
6			<u>Examination of documentary</u>	
7			<u>Proof</u>	<u>\$ 20.00</u>
8	<u>Vital records</u>	<u>23-3-25 (a)(6)</u>	<u>Issuance of certified copy</u>	
9			<u>of a delayed record</u>	<u>\$ 20.00</u>
10	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Autopsy reports</u>	<u>\$ 40.00</u>
11	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Cremation certificates</u>	
12			<u>and statistics</u>	<u>\$ 30.00</u>
13	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Testimony in civil suits:</u>	
14			<u>Minimum/day</u>	<u>\$650.00</u>
15	<u>Medical Examiner</u>	<u>23-4-13</u>	<u>Testimony in civil suits:</u>	
16			<u>Maximum/day</u>	<u>\$3,250.00</u>
17	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Annual fee: ambulance</u>	
18			<u>Service maximum</u>	<u>\$540.00</u>
19	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Annual fee: vehicle license</u>	
20			<u>maximum</u>	<u>\$275.00</u>
21	<u>Emergency medical technicians</u>	<u>23-4.1-10[c]</u>	<u>Annual fee: EMT license</u>	
22			<u>maximum</u>	<u>\$ 40.00</u>
23	<u>Emergency medical technicians</u>	<u>23-4.1-10 (2)</u>	<u>Exam fee maximum:</u>	
24			<u>EMT</u>	<u>\$ 40.00</u>
25	<u>Emergency medical technicians</u>	<u>23-4.1-10 (2)</u>	<u>Vehicle inspection</u>	
26			<u>Maximum</u>	<u>\$190.00</u>
27	<u>Clinical laboratories</u>	<u>23-16.2-4 (a)</u>	<u>Clinical laboratory license</u>	
28			<u>per specialty</u>	<u>\$650.00</u>
29	<u>Clinical laboratories</u>	<u>23-16.2-4 (a)</u>	<u>Laboratory station license</u>	<u>\$650.00</u>
30	<u>Clinical laboratories</u>	<u>23-16.2-4 (b)</u>	<u>Permit fee</u>	<u>\$ 70.00</u>
31	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Hospital: base fee annual</u>	<u>\$16,900.00</u>
32	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Hospital: annual per bed fee</u>	<u>\$120.00</u>
33	<u>Health care facilities</u>	<u>23-17-38</u>	<u>ESRD: annual fee</u>	<u>\$3,900.00</u>
34	<u>Health care facilities</u>	<u>23-17-38</u>	<u>Home nursing care/home</u>	

1			<u>Care providers</u>	<u>\$650.00</u>
2	<u>Health care facilities</u>	<u>23-17-38</u>	<u>OACF: annual fee</u>	<u>\$650.00</u>
3	<u>Assisted living residences</u>	<u>23-17.4-31</u>	<u>Annual facility fee: base</u>	<u>\$330.00</u>
4	<u>Assisted living residences</u>	<u>23-17.4-31</u>	<u>Annual facility per bed</u>	<u>\$ 70.00</u>
5	<u>Nursing assistant registration</u>	<u>23-17.9-3</u>	<u>Application: competency</u>	
6			<u>evaluation training</u>	
7			<u>program maximum</u>	<u>\$325.00</u>
8	<u>Nursing assistant registration</u>	<u>23-17.9-5</u>	<u>Application fee</u>	<u>\$ 35.00</u>
9	<u>Nursing assistant registration</u>	<u>23-17.9-5</u>	<u>Exam fee: skills proficiency</u>	<u>\$170.00</u>
10	<u>Nursing assistant registration</u>	<u>23-17.9-6</u>	<u>Registration fee</u>	<u>\$ 35.00</u>
11	<u>Nursing assistant registration</u>	<u>23-17.9-7</u>	<u>Renewal fee</u>	<u>\$ 35.00</u>
12	<u>Sanitarians</u>	<u>23-19.3-5 (a)</u>	<u>Registration fee</u>	<u>\$ 25.00</u>
13	<u>Sanitarians</u>	<u>23-19.3-5 (b)</u>	<u>Registration renewal</u>	<u>\$ 25.00</u>
14	<u>Massage therapy</u>	<u>23-20.8-3 (e)</u>	<u>Massage therapist appl fee</u>	<u>\$ 65.00</u>
15	<u>Massage therapy</u>	<u>23-20.8-3 (e)</u>	<u>Massage therapist renewal</u>	
16			<u>fee</u>	<u>\$ 65.00</u>
17	<u>Recreational facilities</u>	<u>23-21-2</u>	<u>Application fee</u>	<u>\$160.00</u>
18	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Application license:</u>	
19			<u>first pool</u>	<u>\$250.00</u>
20	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Additional pool</u>	
21			<u>fee at same location</u>	<u>\$ 75.00</u>
22	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Seasonal application license:</u>	
23			<u>first pool</u>	<u>\$150.00</u>
24	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Seasonal additional pool</u>	
25			<u>fee at same location</u>	<u>\$ 75.00</u>
26	<u>Swimming pools</u>	<u>23-22-6</u>	<u>Year-round license</u>	
27			<u>for non-profit</u>	<u>\$25.00</u>
28	<u>Swimming pools</u>	<u>23-22-10</u>	<u>Duplicate license</u>	<u>\$ 2.00</u>
29	<u>Swimming pools</u>	<u>23-22-12</u>	<u>Penalty for violations</u>	<u>\$ 50.00</u>
30	<u>Respiratory care practitioners</u>	<u>23-39-11</u>	<u>Application fee</u>	<u>\$ 60.00</u>
31	<u>Respiratory care practitioners</u>	<u>23-39-11</u>	<u>Renewal fee</u>	<u>\$ 60.00</u>

SECTION 50. This article shall take effect upon passage.

ARTICLE 10

RELATING TO MAKING REVISED APPROPRIATIONS IN SUPPORT OF FY 2012

1 SECTION 1. Subject to the conditions, limitations and restrictions hereinafter contained
2 in this article, the following general revenue amounts are hereby appropriated out of any money
3 in the treasury not otherwise appropriated to be expended during the fiscal year ending June 30,
4 2012. The amounts identified for federal funds and restricted receipts shall be made available
5 pursuant to Section 35-4-22 and Chapter 42-41 of the Rhode Island General Laws. For the
6 purposes and functions hereinafter mentioned, the state controller is hereby authorized and
7 directed to draw his or her orders upon the general treasurer for the payment of such sums or such
8 portions thereof as may be required from time to time upon receipt by him or her of properly
9 authenticated vouchers.

	FY 2012	FY 2012	FY 2012
	Enacted	Change	Final
Administration			
<i>Central Management</i>			
General Revenues	1,326,065	840,232	2,166,297
Total - Central Management	1,326,065	840,232	2,166,297
<i>Legal Services</i>			
General Revenue	1,825,486	106,608	1,932,094
Total - Legal Services	1,825,486	106,608	1,932,094
<i>Accounts and Control</i>			
General Revenues	3,751,998	29,173	3,781,171
Total – Accounts and Control	3,751,998	29,173	3,781,171
<i>Budgeting</i>			
General Revenues	2,015,159	348,384	2,363,543
Total - Budgeting	2,015,159	348,384	2,363,543
<i>Purchasing</i>			
General Revenues	2,445,901	(140,094)	2,305,807
Federal Funds	68,956	(71)	68,885
Other Funds	265,489	(5,819)	259,670
Total – Purchasing	2,780,346	(145,984)	2,634,362
<i>Auditing</i>			
General Revenues	1,376,922	(136,914)	1,240,008
Total – Auditing	1,376,922	(136,914)	1,240,008
<i>Human Resources</i>			
General Revenues	8,952,981	(250,967)	8,702,014

1	Federal Funds	770,374	(81,260)	689,114
2	Restricted Receipts	426,866	(53,303)	373,563
3	Other Funds	1,360,618	(66,089)	1,294,529
4	Total - Human Resources	11,510,839	(451,619)	11,059,220
5	<i>Personnel Appeal Board</i>			
6	General Revenues	73,560	1,116	74,676
7	Total – Personnel Appeal Board	73,560	1,116	74,676
8	<i>Facilities Management</i>			
9	General Revenues	31,519,155	316,677	31,835,832
10	Federal Funds			
11	Federal Funds	1,041,891	(19,253)	1,022,638
12	Federal Funds – Stimulus	0	408	408
13	Federal Funds Total	1,041,891	(18,845)	1,023,046
14	Restricted Receipts	594,907	(11,588)	583,319
15	Other Funds	3,301,000	(62,745)	3,238,255
16	Total – Facilities Management	36,456,953	223,499	36,680,452
17	<i>Capital Projects and Property Management</i>			
18	General Revenues			
19	General Revenues	2,104,681	199,939	2,304,620
20	Fire Code Board of Appeals and Review	325,213	6,864	332,077
21	General Revenue Total	2,429,894	206,803	2,636,697
22	Federal Funds - Stimulus	58,363	175,502	233,865
23	Restricted Receipts	1,433,822	(179,768)	1,254,054
24	Total – Capital Projects & Property Mgmt	3,922,079	202,537	4,124,616
25	<i>Information Technology</i>			
26	General Revenues	19,949,105	968,088	20,917,193
27	Federal Funds	6,775,106	(1,059,396)	5,715,710
28	Restricted Receipts	1,863,153	(86,555)	1,776,598
29	Other Funds	1,792,590	314,143	2,106,733
30	Total – Information Technology	30,379,954	136,280	30,516,234
31	<i>Library and Information Services</i>			
32	General Revenues	932,971	(1,802)	931,169
33	Federal Funds	1,288,445	149,887	1,438,332
34	Restricted Receipts	1,895	0	1,895

1	Total - Library and Information Services	2,223,311	148,085	2,371,396
2	<i>Planning</i>			
3	General Revenues	4,075,067	(11,656)	4,063,411
4	Federal Funds			
5	Federal Funds	11,414,909	(495,369)	10,919,540
6	Federal Funds - Stimulus	1,053,053	427,899	1,480,952
7	Federal Funds Total	12,467,962	(67,470)	12,400,492
8	Other Funds			
9	Federal Highway – PL Systems Planning	5,126,163	(206,575)	4,919,588
10	Air Quality Monitoring	10,000	(10,000)	0
11	Other Funds Total	5,136,163	(216,575)	4,919,588
12	Total - Planning	21,679,192	(295,701)	21,383,491
13	<i>General</i>			
14	General Revenues			
15	Economic Development Corporation	4,811,811	770,000	5,581,811
16	EDC – Airport Corporation Impact Aid	1,025,000	0	1,025,000
17	Sixty percent (60%) of the first \$1,000,000 appropriated for airport impact aid shall be			
18	distributed to each airport serving more than 1,000,000 passengers based upon its percentage of			
19	the total passengers served by all airports serving more than 1,000,000 passengers. Forty percent			
20	(40%) of the first \$1,000,000 shall be distributed based on the share of landings during the			
21	calendar year 2011 at North Central Airport, and Westerly Airport, respectively. The Economic			
22	Development Corporation shall make an impact payment to the towns of cities in which the			
23	airport is located based on this calculation.			
24	Each community upon which any parts of the above airports are located shall receive at			
25	least \$25,000.			
26	EDC – EPScore (Research Alliance)	1,500,000	0	1,500,000
27	Miscellaneous Grants	376,560	(14,175)	362,385
28	Slater Centers of Excellence	2,000,000	0	2,000,000
29	Torts – Courts	400,000	0	400,000
30	State Employees/Teachers Retiree Hlth Subsidy	2,321,057	0	2,321,057
31	Resource Sharing and State Library Aid	8,773,398	0	8,773,398
32	Library Construction Aid	2,821,772	0	2,821,772
33	General Revenue Total	24,029,598	755,825	24,785,423
34	Federal Funds	0	8,691,110	8,691,110

1	Restricted Receipts	421,500	0	421,500
2	Other Funds			
3	Rhode Island Capital Plan Funds			
4	Statehouse Renovations	1,500,000	654,704	2,154,704
5	Cranston Street Armory	200,000	420,863	620,863
6	Cannon Building	1,225,000	0	1,225,000
7	Zambarano Building Rehabilitation	848,000	222,484	1,070,484
8	Pastore Medical Center Rehab DOA	1,000,000	0	1,000,000
9	Old State House	500,000	0	500,000
10	State Office Building	1,150,000	0	1,150,000
11	Old Colony House	200,000	305,277	505,277
12	William Powers Building	500,000	357,348	857,348
13	Fire Code Compliance State Buildings	650,000	0	650,000
14	Pastore Center Fire Code Compliance	800,000	340,137	1,140,137
15	Pastore Center Water Tanks	500,000	0	500,000
16	Pastore Center Utilities Upgrade	1,000,000	330,509	1,330,509
17	Replacement of Fueling Tanks	300,000	195,799	495,799
18	Environmental Compliance	300,000	0	300,000
19	Pastore Center Building Demolition	2,500,000	(1,000,000)	1,500,000
20	McCoy Stadium	500,000	607,809	1,107,809
21	Washington County Government Center	1,200,000	646,233	1,846,233
22	DoIT Operations Center	288,000	1,383,506	1,671,506
23	Pastore Center Power Plant	670,000	175,825	845,825
24	Veterans Memorial Auditorium	1,400,000	2,224,825	3,624,825
25	Chapin Health Laboratory	500,000	0	500,000
26	Pastore Center Parking	225,000	0	225,000
27	Board of Elections New Location	100,000	0	100,000
28	Building 79 Stabilization	300,000	0	300,000
29	Interdepartmental Weapons Range	150,000	0	150,000
30	USAR Rubble Pile	0	200,000	200,000
31	Zambarano Woodchip Boiler	0	750,000	750,000
32	Big River Groundwater Development	0	186,372	186,372
33	Big River Management Area	200,000	62,252	262,252
34	Other Funds Total	18,706,000	8,063,943	26,769,943

1	Total – General	43,157,098	17,510,878	60,667,97	Debt
2	<i>Service Payments</i>				
3	General Revenues	144,742,359	(3,593,292)	141,149,067	
4	Federal Funds	743,348	2,015,980	2,759,328	
5	Restricted Receipts	7,634,798	(3,179,641)	4,455,157	
6	Other Funds				
7	RIPTA Debt Service	1,198,372	(93,028)	1,105,344	
8	Transportation Debt Service	46,206,772	(4,360,035)	41,846,737	
9	Investment Receipts – Bond Funds	100,000	0	100,000	
10	COPS - DLT Building – TDI	278,848	0	278,848	
11	Other Funds Total	47,783,992	(4,453,063)	43,330,929	
12	Total - Debt Service Payments	200,904,497	(9,210,016)	191,694,481	
13	<i>Energy Resources</i>				
14	Federal Funds				
15	Federal Funds	34,004,073	137,422	34,141,495	
16	Federal Funds – Stimulus	11,865,689	17,551,289	29,416,978	
17	Federal Funds Total	45,869,762	17,688,711	63,558,473	
18	Restricted Receipts	7,682,130	3,081,023	10,763,153	
19	Total – Energy Resources	53,551,892	20,769,734	74,321,626	
20	<i>Undistributed Statewide Savings</i>				
21	General Revenues	(3,000,000)	3,000,000	0	
22	General Revenue Total	(3,000,000)	3,000,000	0	
23	Total – Undistributed Statewide Savings	(3,000,000)	3,000,000	0	
24	Grand Total – General Revenue Funds	246,446,221	2,438,181	284,884,402	
25	Grand Total – Administration	413,935,351	33,076,292	447,011,643	
26	Business Regulation				
27	<i>Central Management</i>				
28	General Revenues	1,162,041	(67,085)	1,094,956	
29	Total - Central Management	1,162,041	(67,085)	1,094,956	
30	<i>Banking Regulation</i>				
31	General Revenues	1,472,238	(1,101)	1,471,137	
32	Restricted Receipts	125,000	0	125,000	
33	Total - Banking Regulation	1,597,238	(1,101)	1,596,137	
34	<i>Securities Regulation</i>				

1	General Revenues	1,051,512	(200,500)	851,012
2	Restricted Receipts	15,000	0	15,000
3	Total - Securities Regulation	1,066,512	(200,500)	866,012
4	<i>Insurance Regulation</i>			
5	General Revenues	4,031,865	(120,283)	3,911,582
6	Federal Funds	148,312	(64,653)	83,659
7	Restricted Receipts	1,140,825	131,435	1,272,260
8	Total - Insurance Regulation	5,321,002	(53,501)	5,267,501
9	<i>Office of the Health Commissioner</i>			
10	General Revenues	547,168	(41,731)	505,437
11	Federal Funds	6,654,961	74,988	6,729,949
12	Restricted Receipts	10,500	0	10,500
13	Total – Office of the Health Commissioner	7,212,629	33,257	7,245,886
14	<i>Board of Accountancy</i>			
15	General Revenues	170,668	(29,996)	140,672
16	Total - Board of Accountancy	170,668	(29,996)	140,672
17	Commercial Licensing, Racing & Athletics			
18	General Revenues	753,526	(219,777)	533,749
19	Restricted Receipts	476,122	8,269	484,391
20	Total - Commercial Licensing, Racing & Athletics	1,229,648	(211,508)	1,018,140
21	<i>Board for Design Professionals</i>			
22	General Revenues	247,360	76,977	324,337
23	Total – Board for Design Professionals	247,360	76,977	324,337
24	Grand Total – General Revenue Funds	9,436,378	(603,496)	8,832,882
25	Grand Total - Business Regulation	18,007,098	(453,457)	17,553,641
26	Labor and Training			
27	<i>Central Management</i>			
28	General Revenues	113,640	8,687	122,327
29	Restricted Receipts	534,274	56,837	591,111
30	Other Funds			
31	Rhode Island Capital Plan Funds			
32	Center General Asset Protection	208,500	214,000	422,500
33	Center General Roof	770,000	0	770,000
34	Other Funds Total	978,500	214,000	1,192,500

1	Total - Central Management	1,626,414	279,524	1,905,938
2	<i>Workforce Development Services</i>			
3	Federal Funds			
4	Federal Funds	29,292,898	(844,013)	28,448,885
5	Federal Funds – Stimulus	0	12,450	12,450
6	Federal Funds Total	29,292,898	(831,563)	28,461,335
7	Restricted Receipts	6,694,730	(345,177)	6,349,553
8	Other Funds			
9	Shared Youth Vision	45,900	(45,900)	0
10	Other Funds Total	45,900	(45,900)	0
11	Total - Workforce Development Services	36,033,528	(1,222,640)	34,810,888
12	<i>Workforce Regulation and Safety</i>			
13	General Revenues	2,901,435	(20,355)	2,881,080
14	Total - Workforce Regulation and Safety	2,901,435	(20,355)	2,881,080
15	<i>Income Support</i>			
16	General Revenues	4,163,873	81,629	4,245,502
17	Federal Funds			
18	Federal Funds	19,194,869	4,881,227	24,076,096
19	Federal Funds – Stimulus - UI	51,275,635	109,038,044	160,413,679
20	Federal Funds Total	70,470,504	114,019,271	184,489,775
21	Restricted Receipts	1,320,268	26,010,425	27,330,693
22	Other Funds			
23	Temporary Disability Insurance Fund	172,306,860	(701,778)	171,605,082
24	Employment Security Fund	273,892,146	140,219,154	414,111,300
25	Other Funds Total	446,199,006	139,517,376	585,716,382
26	Total - Income Support	522,153,651	253,945,401	801,782,352
27	<i>Injured Workers Services</i>			
28	Restricted Receipts	8,555,089	609,433	9,164,522
29	Total - Injured Workers Services	8,555,089	609,433	9,164,522
30	<i>Labor Relations Board</i>			
31	General Revenues	396,538	(12,907)	383,631
32	Total – Labor Relations Board	396,538	(12,907)	383,631
33	Grand Total – General Revenue Funds	7,575,486	57,054	7,632,540
34	Grand Total - Labor and Training	571,666,655	253,578,456	850,928,411

1	Department of Revenue			
2	<i>Director of Revenue</i>			
3	General Revenues	784,261	(6,995)	777,266
4	Total - Director of Revenue	784,261	(6,995)	777,266
5	<i>Office of Revenue Analysis</i>			
6	General Revenues	435,910	(8,712)	427,198
7	Total - Office of Revenue Analysis	435,910	(8,712)	427,198
8	Lottery Division			
9	Other Funds			
10	Lottery Funds	218,537,728	9,301,684	227,839,412
11	Other Funds Total	218,537,728	9,301,684	227,839,412
12	Total - Lottery Division	218,537,728	9,301,684	227,839,412
13	<i>Municipal Finance</i>			
14	General Revenues	1,902,940	682,426	2,585,366
15	<i>Total – Municipal Finance</i>	<i>1,902,940</i>	<i>682,426</i>	<i>2,585,366</i>
16	<i>Taxation</i>			
17	General Revenues	17,323,623	(73,613)	17,250,010
18	Federal Funds	1,348,756	(12,653)	1,336,103
19	Restricted Receipts	888,899	(8,921)	879,978
20	Other Funds			
21	Motor Fuel Tax Evasion	43,178	54	43,232
22	Temporary Disability Insurance	987,032	(14,088)	972,944
23	RICAP – Tax Data Warehouse	0	236,105	236,105
24	Other Funds Total	1,030,210	222,071	1,252,281
25	Total – Taxation	20,591,488	126,884	20,718,372
26	<i>Registry of Motor Vehicles</i>			
27	General Revenues	17,574,304	765,453	18,339,757
28	Federal Funds	1,287,303	(459,659)	827,644
29	Restricted Receipts	15,100	347,992	363,092
30	Other Funds			
31	Rhode Island Capital Plan Funds			
32	Registry of Motor Vehicles – Forand	0	519,579	519,579
33	Other Funds Total	0	519,579	519,579
34	Total – Registry of Motor Vehicles	18,876,707	1,173,365	20,050,072

1	<i>State Aid</i>			
2	General Revenue	54,589,867	2,516,218	57,106,085
3	Restricted Receipts			
4	Car Rental Tax/Surcharge – Warwick Share	957,497	0	957,497
5	Restricted Receipts Total	957,497	0	957,497
6	Total – State Aid	55,547,364	2,516,218	58,063,582
7	Grand Total – General Revenue Funds	92,610,905	3,874,777	96,485,682
8	Grand Total – Revenue	316,676,398	13,784,870	330,461,268
9	Legislature			
10	General Revenues	36,548,053	3,474,421	40,022,474
11	Restricted Receipts	1,649,199	(246)	1,648,953
12	Grand Total – Legislature	38,197,252	3,474,175	41,671,427
13	Lieutenant Governor			
14	General Revenues	965,940	(14,831)	951,109
15	Federal Funds	124,232	384	124,616
16	Grand Total - Lieutenant Governor	1,090,172	(14,447)	1,075,725
17	Secretary of State			
18	<i>Administration</i>			
19	General Revenues	2,056,734	(100,877)	1,955,857
20	Total - Administration	2,056,734	(100,877)	1,955,857
21	<i>Corporations</i>			
22	General Revenues	1,891,380	337,742	2,229,122
23	Total - Corporations	1,891,380	337,742	2,229,122
24	<i>State Archives</i>			
25	General Revenues	79,385	0	79,385
26	Restricted Receipts	496,548	6,818	503,336
27	Total - State Archives	575,933	6,818	582,751
28	<i>Elections & Civics</i>			
29	General Revenues	1,432,530	66,015	1,498,545
30	Federal Funds	0	55,438	55,438
31	Total – Elections and Civics	1,432,530	121,453	1,553,983
32	<i>State Library</i>			
33	General Revenues	581,844	10,398	592,242
34	Total - State Library	581,844	10,398	592,242

1	<i>Office of Public Information</i>			
2	General Revenues	334,439	5,312	339,751
3	Total – Office of Public Information	334,439	5,312	339,751
4	Grand Total – General Revenue Funds	6,376,312	318,590	6,694,902
5	Grand Total – Secretary of State	6,872,860	380,846	7,253,706
6	General Treasurer			
7	<i>Treasury</i>			
8	General Revenues	2,190,137	127,365	2,317,502
9	Federal Funds	279,741	23,249	302,990
10	Other Funds			
11	Temporary Disability Insurance Fund	227,589	25,041	252,630
12	Other Funds Total	227,589	25,041	252,630
13	Total – Treasury	2,697,467	175,655	2,873,122
14	<i>State Retirement System</i>			
15	Restricted Receipts			
16	Admin Expenses - State Retirement System	11,062,057	(46,277)	11,015,780
17	Retirement - Treasury Investment Operations	1,060,744	136,735	1,197,479
18	Defined Contribution – Administration	0	446,626	446,626
19	Restricted Receipts Total	12,122,801	537,084	12,659,885
20	Total - State Retirement System	12,122,801	537,084	12,659,885
21	<i>Unclaimed Property</i>			
22	Restricted Receipts	15,940,148	7,801,335	23,741,483
23	Total - Unclaimed Property	15,940,148	7,801,335	23,741,483
24	<i>Crime Victim Compensation Program</i>			
25	General Revenues	110,715	45,871	156,586
26	Federal Funds	848,310	1,381	849,691
27	Restricted Receipts	1,481,135	(328,586)	1,152,549
28	Total - Crime Victim Compensation Program	2,440,160	(281,334)	2,158,826
29	Grand Total – General Revenue Funds	2,300,852	173,236	2,474,088
30	Grand Total – General Treasurer	33,200,576	8,232,740	41,433,316
31	Board of Elections			
32	General Revenues	1,825,905	(57,644)	1,768,261
33	Federal Funds	50,000	0	50,000
34	Grand Total - Board of Elections	1,875,905	(57,644)	1,818,261

1	Rhode Island Ethics Commission			
2	General Revenues	1,560,008	(37,062)	1,522,946
3	Grand Total - Rhode Island Ethics Commission	1,560,008	(37,062)	1,522,946
4	Office of Governor			
5	General Revenues			
6	General Revenues	4,088,521	59,361	4,147,882
7	Contingency Fund	250,000	0	250,000
8	General Revenue Total	4,338,521	59,361	4,397,882
9	Federal Funds			
10	Federal Funds	0	109,768	109,768
11	Federal Funds – Stimulus	139,898	(139,898)	0
12	Federal Funds Total	139,898	(30,130)	109,768
13	Restricted Receipts - OERR	777,676	(63,410)	714,266
14	Grand Total – Office of Governor	5,256,095	(34,179)	5,221,916
15	Commission for Human Rights			
16	General Revenues	1,154,038	(4,912)	1,149,126
17	Federal Funds	301,532	(24,463)	277,069
18	Grand Total - Commission for Human Rights	1,455,570	(29,375)	1,416,195
19	Public Utilities Commission			
20	Federal Funds			
21	Federal Funds	109,394	0	109,394
22	Federal Funds – Stimulus	199,979	12,114	212,093
23	Federal Funds Total	309,373	12,114	321,487
24	Restricted Receipts	7,795,633	0	7,795,633
25	Grand Total - Public Utilities Commission	8,105,006	12,114	8,117,120
26	Office of Health and Human Services			
27	General Revenues	9,773,834	573,541	10,347,375
28	Federal Funds			
29	Federal Funds	6,250,134	1,688,372	7,938,506
30	Federal Funds – Stimulus	0	104,000	104,000
31	Federal Funds Total	6,250,134	1,792,372	8,042,506
32	Restricted Receipts	904,712	(7,272)	897,440
33	Grand Total – Health and Human Services	16,928,680	2,358,641	19,287,321
34	Children, Youth, and Families			

1	<i>Central Management</i>			
2	General Revenues			
3	Information Systems	1,033,309	164,929	1,198,238
4	Office of the Budget	341,958	368,377	710,335
5	Office of the Director	889,249	(80,988)	808,261
6	Support Services	2,430,044	(350,611)	2,079,433
7	General Revenue Total	4,694,560	101,707	4,796,267
8	Federal Funds			
9	Information Systems	390,275	339,286	729,561
10	Office of Budget	427,922	(17,431)	410,491
11	Support Services	881,243	95,865	977,108
12	Federal Funds Total	1,699,440	417,720	2,117,160
13	Restricted Receipts	301,122	(15,929)	285,193
14	Total - Central Management	6,695,122	503,498	7,198,620
15	<i>Children's Behavioral Health Services</i>			
16	General Revenues			
17	Children's Mental Health	10,088,177	(667,065)	9,421,112
18	Local Coordinating Council	730,119	254,599	984,718
19	General Revenue Total	10,818,296	(412,466)	10,405,830
20	Federal Funds			
21	Educational Services	1,733,352	(132,974)	1,600,378
22	Children's Mental Health	8,489,226	(1,142,250)	7,346,976
23	Federal Funds Total	10,222,578	(1,275,224)	8,947,354
24	Other Funds			
25	Rhode Island Capital Plan Funds			
26	NAFI Center	530,000	0	530,000
27	Mt. Hope Building Facade	275,000	(275,000)	0
28	Mt. Hope Fire Towers	0	275,000	275,000
29	Various Repairs and Improvements	900,000	0	900,000
30	Old Training School Close	0	75,000	75,000
31	Other Funds Total	1,705,000	75,000	1,780,000
32	Total - Children's Behavioral Health Services	22,745,874	(1,612,690)	21,133,184
33	<i>Juvenile Correctional Services</i>			
34	General Revenues			

1	Institutional Services	16,605,460	(202,147)	16,403,313
2	Juvenile Probation and Parole	10,132,890	(502,482)	9,630,408
3	RITS Education Program	3,746,798	811,074	4,557,872
4	General Revenue Total	30,485,148	106,445	30,591,593
5	Federal Funds			
6	Institutional Services	64,000	(4,772)	59,228
7	Juvenile Probation and Parole	1,709,531	(502,273)	1,207,258
8	RITS Education Program	156,977	(52,319)	104,658
9	Federal Funds – Stimulus	386,667	137,869	524,536
10	Federal Funds Total	2,317,175	(421,495)	1,895,680
11	Other Funds			
12	Rhode Island Capital Plan Funds			
13	Vocational Building – RITS	0	79,900	79,900
14	Other Funds Total	0	79,900	79,900
15	Total - Juvenile Correctional Services	32,802,323	(235,150)	32,567,173
16	<i>Child Welfare</i>			
17	General Revenues			
18	18 to 21 Year Olds	12,358,817	(1,265,581)	11,093,236
19	Board and Care	45,396,579	8,850,102	54,246,681
20	Community Services	3,177,072	(2,252,728)	924,344
21	Family Services	16,904,520	(3,583,989)	13,320,531
22	Foster Care	11,092,453	2,146,482	13,238,935
23	Prevention Services	2,324	3,303	5,627
24	Protective Services	10,069,214	3,401,588	13,470,802
25	General Revenue Total	99,000,979	7,299,177	106,300,156
26	Federal Funds			
27	18 to 21 Year Olds	2,501,548	127,908	2,629,456
28	Board and Care	23,612,189	109,437	23,721,626
29	Community Services	3,730,450	194,388	3,924,838
30	Foster Care	5,099,091	830,435	5,929,526
31	Prevention Services	1,404,420	(72,432)	1,331,988
32	Protective Services	9,039,102	515,583	9,554,685
33	Federal Funds Total	45,386,800	1,705,319	47,092,119
34	Restricted Receipts	3,088,174	(547,985)	2,540,189

1	Other Funds			
2	Rhode Island Capital Plan Funds			
3	Camp E-Hun-Tee	85,000	(85,000)	0
4	Fire Code Upgrades	1,000,000	0	1,000,000
5	Other Funds Total	1,085,000	(85,000)	1,000,000
6	Total - Child Welfare	148,560,953	8,371,511	156,932,464
7	<i>Higher Education Incentive Grants</i>			
8	General Revenues	200,000	0	200,000
9	Total – Higher Education Incentive Grants	200,000	0	200,000
10	Grand Total – General Revenue Funds	145,198,983	7,094,863	152,293,846
11	Grand Total - Children, Youth, and Families	211,004,272	7,027,169	218,031,441
12	Health			
13	<i>Central Management</i>			
14	General Revenues	1,352,631	(156,072)	1,196,559
15	Federal Funds	10,192,986	(38,166)	10,154,820
16	Restricted Receipts	3,511,068	(460,164)	3,050,904
17	Total - Central Management	15,056,685	(654,402)	14,402,283
18	<i>State Medical Examiner</i>			
19	General Revenues	2,012,467	380,801	2,393,268
20	Federal Funds	237,653	(38,281)	199,372
21	Total - State Medical Examiner	2,250,120	342,520	2,592,640
22	<i>Environmental and Health Services Regulation</i>			
23	General Revenues	8,511,059	323,490	8,834,549
24	Federal Funds	5,379,236	301,246	5,680,482
25	Restricted Receipts	4,375,400	(224,015)	4,151,385
26	Total - Environmental & Health Svcs Regs	18,265,695	400,721	18,666,416
27	<i>Health Laboratories</i>			
28	General Revenues	6,016,806	301,763	6,318,569
29	Federal Funds			
30	Federal Funds	1,526,065	58,035	1,584,100
31	Federal Funds - Stimulus	257,946	154,842	412,788
32	Federal Funds Total	1,784,011	212,877	1,996,888
33	Total - Health Laboratories	7,800,817	514,640	8,315,457
34	<i>Public Health Information</i>			

1	General Revenues	1,599,404	47,065	1,646,469
2	Federal Funds			
3	Federal Funds	1,370,411	(524,650)	845,671
4	Federal Funds - Stimulus	541,916	15,110	557,026
5	Federal Funds Total	1,912,327	(509,540)	1,402,697
6	Total – Public Health Information	3,511,731	(462,475)	3,049,256
7	<i>Community and Family Health and Equity</i>			
8	General Revenues	2,623,954	(143,753)	2,480,201
9	Federal Funds			
10	Federal Funds	33,750,847	10,792,197	44,543,044
11	Federal Funds - Stimulus	2,878,814	3,328,001	6,206,815
12	Federal Funds Total	36,629,661	14,120,198	50,749,859
13	Restricted Receipts	18,871,386	1,515,363	20,386,749
14	Other Funds			
15	Safe and Active Commuting	63,400	108,600	172,000
16	Other Funds Total	63,400	108,600	172,000
17	Total – Community and Family Hlth & Equity	58,188,401	15,600,408	73,788,809
18	<i>Infectious Disease and Epidemiology</i>			
19	General Revenues	2,131,704	(378,794)	1,752,910
20	Federal Funds			
21	Federal Funds	2,868,679	411,161	3,279,840
22	Federal Funds – Stimulus	119,986	(3,985)	116,001
23	Federal Funds Total	2,988,665	407,176	3,395,841
24	Total – Infectious Disease and Epidemiology	5,120,369	28,382	5,148,751
25	Grand Total – General Revenue	24,248,025	374,500	24,622,525
26	Grand Total – Health	110,193,818	15,769,794	125,963,612
27	Human Services			
28	<i>Central Management</i>			
29	General Revenues	5,683,745	(521)	5,683,224
30	Federal Funds	5,364,162	(64,483)	5,299,679
31	Restricted Receipts	499,999	21,064	521,063
32	Total - Central Management	11,547,906	(43,940)	11,503,966
33	<i>Child Support Enforcement</i>			
34	General Revenues	2,214,781	18,475	2,233,256

1	Federal Funds	6,140,841	(145,922)	5,994,919
2	Total – Child Support Enforcement	8,355,622	(127,447)	8,228,175
3	<i>Individual and Family Support</i>			
4	General Revenues	22,498,106	245,111	22,743,217
5	Federal Funds			
6	Federal Funds	100,790,474	(2,594,054)	98,196,420
7	Federal Funds - Stimulus	0	2,587,257	2,587,257
8	Federal Funds Total	100,790,474	(6,797)	100,783,677
9	Restricted Receipts	180,000	0	180,000
10	Other Funds			
11	Rhode Island Capital Plan Fund			
12	Blind Vending Facilities	165,000	0	165,000
13	Intermodal Surface Transportation Fund	4,252,279	(28,095)	4,224,184
14	Other Funds Total	4,417,279	(28,095)	4,389,184
15	Total - Individual and Family Support	127,885,859	210,219	128,096,078
16	<i>Veterans' Affairs</i>			
17	General Revenues	18,568,043	(239,718)	18,328,325
18	Federal Funds	8,005,072	(921,315)	7,083,757
19	Restricted Receipts	1,643,512	2,988,402	4,631,914
20	Total - Veterans' Affairs	28,216,627	1,827,369	30,043,996
21	<i>Health Care Quality, Financing and Purchasing</i>			
22	General Revenues	18,551,887	103,931	18,655,818
23	Federal Funds			
24	Federal Funds	40,761,367	21,213,505	61,974,872
25	Federal Funds – Stimulus	0	30,956	30,956
26	Total Federal Funds	40,761,367	21,244,461	62,005,828
27	Restricted Receipts	60,000	0	60,000
28	Total - Health Care Quality,			
29	Financing & Purchasing	59,373,254	21,348,392	80,721,646
30	<i>Medical Benefits</i>			
31	General Revenues			
32	Managed Care	290,019,801	(8,566,816)	281,452,985
33	Hospitals	114,309,330	3,108,922	117,418,252
34	Nursing Facilities	162,645,787	623,963	163,269,750

1	Home and Community Based Services	32,834,071	3,404,970	36,239,041
2	Other	43,965,644	(706,935)	43,258,709
3	Pharmacy	51,048,438	(678,918)	50,369,520
4	Rhody Health	91,145,473	857,627	92,003,100
5	General Revenue Total	785,968,544	(1,957,187)	784,011,357
6	Federal Funds			
7	Managed Care	330,298,050	(9,770,683)	320,527,367
8	Hospitals	126,062,520	(4,418,669)	121,643,851
9	Nursing Facilities	178,545,292	684,958	179,230,250
10	Home and Community Based Services	41,294,467	(1,133,508)	40,160,959
11	Other	62,922,375	(800,079)	62,122,296
12	Pharmacy	5,076,010	(2,145,530)	2,930,480
13	Rhody Health	100,055,369	941,531	100,996,900
14	Special Education	20,837,655	(2,487,655)	18,350,000
15	Federal Funds Total	865,091,738	(19,129,635)	845,962,103
16	Restricted Receipts	11,133,995	4,648	11,138,643
17	Total - Medical Benefits	1,662,194,277	(21,082,174)	1,641,112,103
18	<i>Supplemental Security Income Program</i>			
19	General Revenues	18,000,600	777,000	18,777,600
20	Total – Supplemental Security Income Program	18,000,600	777,000	18,777,600
21	<i>Rhode Island Works</i>			
22	General Revenues			
23	Child Care	9,668,635	0	9,668,635
24	General Revenue Total	9,668,635	0	9,668,635
25	Federal Funds	76,471,915	1,754,347	78,226,262
26	Total – Rhode Island Works	86,140,550	1,754,347	87,894,897
27	<i>State Funded Programs</i>			
28	General Revenues			
29	General Public Assistance	2,491,925	423,744	2,915,669
30	Of this appropriation, \$210,000 shall be used for hardship contingency payments.			
31	General Revenue Total	2,491,925	423,744	2,915,669
32	Federal Funds	299,218,512	(388,159)	298,830,353
33	Total - State Funded Programs	301,710,437	35,585	301,746,022
34	<i>Elderly Affairs</i>			

1	General Revenues			
2	General Revenue	9,109,749	102,553	9,212,302
3	RIPAE	374,000	0	374,000
4	Care and Safety of the Elderly	1,287	0	1,287
5	General Revenue Total	9,485,036	102,553	9,587,589
6	Federal Funds	17,769,466	1,789,909	19,559,375
7	Restricted Receipts	572,091	0	572,091
8	Total – Elderly Affairs	27,826,593	1,892,462	29,719,055
9	Grand Total General Revenue	893,131,302	(526,612)	892,604,690
10	Grand Total - Human Services	2,331,251,725	6,591,813	2,337,843,538
11	Behavioral Health, Developmental Disabilities, and Hospitals			
12	Central Management			
13	General Revenues	829,195	(52,473)	776,722
14	Federal Funds	320,449	0	320,449
15	Total - Central Management	1,149,644	(52,473)	1,097,171
16	<i>Hospital and Community System Support</i>			
17	General Revenues	2,435,629	(53,793)	2,381,836
18	Restricted Receipts	435,237	0	435,237
19	Other Funds			
20	Rhode Island Capital Plan Funds			
21	Medical Center Rehabilitation	750,000	1,216,466	1,966,466
22	Community Facilities Fire Code	750,000	515,388	1,265,388
23	Other Funds Total	1,500,000	1,731,854	3,231,854
24	Total - Hospital and Community System Support	4,370,866	1,678,061	6,048,927
25	<i>Services for the Developmentally Disabled</i>			
26	General Revenues	97,336,360	1,165,602	98,501,962
27	Federal Funds	110,679,602	158,852	110,838,454
28	Restricted Receipts	2,006,522	(230,505)	1,776,017
29	Other Funds			
30	Rhode Island Capital Plan Funds			
31	DD Private Waiver	909,832	(47,495)	862,337
32	Regional Center Repair/Rehabilitation	750,000	45,932	795,932
33	MR Community Facilities/Access to Independence	1,000,000	0	1,000,000
34	Other Funds Total	2,659,832	(1,563)	2,658,269

1	Total - Services for the Developmentally Disabled	212,682,316	1,092,386	213,774,702
2	<i>Behavioral Healthcare Services</i>			
3	General Revenues	36,009,986	(31,072)	35,978,914
4	Federal Funds			
5	Federal Funds	71,467,483	(228,608)	71,238,875
6	Federal Funds – Stimulus	50,000	240,000	290,000
7	Total Federal Funds	71,517,483	11,392	71,528,875
8	Restricted Receipts	90,000	35,000	125,000
9	Other Funds			
10	Rhode Island Capital Plan Funds			
11	MH Community Facilities Repair	300,000	116,888	416,888
12	MH Housing Development-Thresholds	500,000	0	500,000
13	MH Residence Furniture	25,000	(3,169)	21,831
14	Substance Abuse Asset Production	300,000	0	300,000
15	Other Funds Total	1,125,000	113,719	1,238,719
16	Total – Behavioral Healthcare Services	108,742,469	129,039	108,871,508
17	<i>Hospital and Community Rehabilitative Services</i>			
18	General Revenues	47,638,399	1,819,086	49,457,485
19	Federal Funds	42,972,413	3,339,246	46,311,659
20	Restricted Receipts	5,466,220	(684,027)	4,782,193
21	Other Funds			
22	Rhode Island Capital Plan Funds			
23	Zambarano Buildings and Utilities	500,000	(222,484)	277,516
24	Hospital Consolidation	16,000,000	(15,370,000)	630,000
25	Eleanor Slater HVAC/Elevators	0	500,000	500,000
26	MR Community Facilities	1,100,000	60,446	1,160,446
27	BHDDH Administrative Building	500,000	(500,000)	0
28	Other Funds Total	18,100,000	(15,532,038)	2,567,962
29	Total - Hospital and Community			
30	Rehabilitative Services	114,177,032	(11,057,733)	103,119,299
31	Grand Total – General Revenue	184,249,569	2,847,350	187,096,919
32	Grand Total – Behavioral Health, Developmental			
33	Disabilities, and Hospitals	441,122,327	(8,210,720)	432,911,607
34	Office of the Child Advocate			

1	General Revenues	603,384	(74,550)	528,834
2	Federal Funds	49,048	986	50,034
3	Grand Total – Office of the Child Advocate	652,432	(73,564)	578,868
4	Commission on the Deaf and Hard of Hearing			
5	General Revenues	387,985	(1,699)	386,286
6	Grand Total – Com on Deaf and Hard of Hearing	387,985	(1,699)	386,286
7	Governor's Commission on Disabilities			
8	General Revenues	388,786	(857)	387,929
9	Federal Funds	181,842	(59,296)	122,546
10	Restricted Receipts	9,264	2,096	11,360
11	Other Funds			
12	Rhode Island Capital Plan Funds			
13	Facility Renovation – Handicapped	250,000	0	250,000
14	Other Funds Total	250,000	0	250,000
15	Grand Total - Governor's Commission on			
16	Disabilities	829,892	(58,057)	771,835
17	Office of the Mental Health Advocate			
18	General Revenues	468,718	(55,546)	413,172
19	Grand Total – Office of the Mental Health Advocate	468,718	(55,546)	413,172
20	Elementary and Secondary Education			
21	<i>Administration of the Comprehensive Education Strategy</i>			
22	General Revenues	17,184,938	(76,916)	17,108,022
23	Federal Funds			
24	Federal Funds	191,187,703	(311,387)	190,876,316
25	Federal Funds – Stimulus	21,536,413	4,395,872	25,932,285
26	Education Jobs Fund	5,248,761	10,429,535	15,678,296
27	RTTT LEA Share	12,850,155	1,724,460	14,574,615
28	Federal Funds Total	230,823,032	16,238,480	247,061,512
29	Restricted Receipts			
30	Restricted Receipts	1,111,416	9,093	1,120,509
31	HRIC Adult Education Grants	5,795,000	0	5,795,000
32	Restricted Receipts Total	6,906,416	9,093	6,915,509
33	Other Funds			
34	Rhode Island Capital Plan Funds			

1	Statewide Transportation – RIPTA Grant	0	47,000	47,000
2	Chariho Career and Technical	400,000	0	400,000
3	Cranston Career and Technical	890,000	0	890,000
4	Newport Career and Technical	800,000	142,962	942,962
5	Warwick Career and Technical	200,000	258,036	458,036
6	Woonsocket Career and Technical	475,788	0	475,788
7	East Providence Career and Technical	150,000	697,834	847,834
8	Other Funds Total	2,915,788	1,145,832	4,061,620
9	Total – Administration of the Comprehensive			
10	Education Strategy	257,830,174	17,316,489	275,146,663
11	<i>Davies Career and Technical School</i>			
12	General Revenues	13,416,256	0	13,416,256
13	Federal Funds			
14	Federal Funds	1,439,216	(12,009)	1,427,207
15	Federal Funds – Stimulus	1,003,933	57,124	1,061,057
16	Federal Funds Total	2,443,149	45,115	2,488,264
17	Restricted Receipts	685,495	280,000	965,495
18	Other Funds			
19	Rhode Island Capital Plan Funds			
20	Davies Roof Repair	387,275	1,136,440	1,523,715
21	Davies HVAC	414,628	3,597	418,225
22	Davies Asset Protection	425,000	23,421	448,421
23	Other Funds Total	1,226,903	1,163,458	2,390,361
24	Total - Davies Career and Technical School	17,771,803	1,488,573	19,260,376
25	<i>RI School for the Deaf</i>			
26	General Revenues	5,889,334	(21,456)	5,867,878
27	Federal Funds			
28	Federal Funds	275,393	119,384	394,777
29	Federal Funds – Stimulus	0	409,943	409,943
30	Total Federal Funds	275,393	529,327	804,720
31	Restricted Receipts	651,482	(140,886)	510,596
32	Total - RI School for the Deaf	6,816,209	366,985	7,183,194
33	<i>Metropolitan Career and Technical School</i>			
34	General Revenues	11,642,563	0	11,642,563

1	Other Funds			
2	Rhode Island Capital Plan Funds			
3	MET School East Bay	2,000,000	507,278	2,507,278
4	MET Entrepreneurial Center	0	425,927	425,927
5	Other Funds Total	2,000,000	933,205	2,933,205
6	Total – Metropolitan Career and Technical School	13,642,563	933,205	14,575,768
7	<i>Education Aid</i>			
8	General Revenues	621,639,790	25,698	621,665,488
9	Federal Funds – Stimulus	3,515,045	(1,051,117)	2,463,928
10	Restricted Receipts	18,091,028	548,590	18,639,618
11	Other Funds			
12	Permanent School Fund – Education Aid	0	183,624	183,624
13	Total Other Funds	0	183,624	183,624
14	Total – Education Aid	643,245,863	(293,205)	642,952,658
15	<i>Central Falls School District</i>			
16	General Revenues	39,161,820	0	39,161,820
17	Federal Funds – Stimulus	1,089,396	(1,089,396)	0
18	Other Funds			
19	Permanent School Fund – Central Falls	183,624	(183,624)	0
20	Other Funds Total	183,624	(183,624)	0
21	Total – Central Falls School District	40,434,840	(1,273,020)	39,161,820
22	<i>Housing Aid</i>			
23	General Revenues	72,507,180	(2,731,170)	69,776,010
24	Total – Housing Aid	72,507,180	(2,731,170)	69,776,010
25	<i>Teachers' Retirement</i>			
26	General Revenues	81,635,719	2,477,488	84,113,207
27	Total – Teachers' Retirement	81,635,719	2,477,488	84,113,207
28	Grand Total – General Revenue	863,077,600	(326,356)	862,751,244
29	Grand Total - Elementary and Secondary			
30	Education	1,133,884,351	18,285,345	1,152,169,696
31	Public Higher Education			
32	<i>Board of Governors/Office of Higher Education</i>			
33	General Revenues	6,141,012	(7,774)	6,133,238
34	Federal Funds	4,588,294	703,480	5,291,774

1	Total - Board of Governors/Office of			
2	Higher Education	10,729,306	695,706	11,425,012
3	<i>University of Rhode Island</i>			
4	General Revenue			
5	General Revenues	57,773,316	(134,880)	57,638,436
6	State Crime Lab	775,000	71,885	846,885
7	Debt Service	15,164,218	931,528	10,095,746
8	General Revenue Total	73,712,534	868,533	74,581,067
9	Federal Funds			
10	Federal Funds- Stimulus Byrne Grant Crime Lab	6,462	(6,462)	0
11	Stabilization Funds – Fire Safety	0	18,250,503	18,250,503
12	Federal Funds Total	6,462	18,244,041	18,250,503
13	Other Funds			
14	University and College Funds	586,841,049	(7,340,285)	579,500,764
15	Debt – Dining Services	1,144,008	0	1,144,008
16	Debt – Education and General	3,292,622	(29,673)	3,262,949
17	Debt – Health Services	150,299	0	150,299
18	Debt – Housing Loan Funds	8,462,539	0	8,462,539
19	Debt – Memorial Union	121,827	0	121,827
20	Debt – Ryan Center	2,800,626	0	2,800,626
21	Debt – Alton Jones Services	115,886	0	115,886
22	Debt - Parking Authority	1,018,369	0	1,018,369
23	Debt – Sponsored Research	102,388	0	102,388
24	Debt – URI Energy Conservation	1,932,338	0	1,932,338
25	Rhode Island Capital Plan Funds			
26	Asset Protection	7,042,364	0	7,042,364
27	New Chemistry Building	1,000,000	377,872	1,377,872
28	Nursing and Assoc. Health Building	0	18,967	18,967
29	URI Biotechnology Center	4,500,000	279,834	4,779,834
30	Fine Arts Center Renovation	400,000	0	400,000
31	Other Funds Total	618,924,315	(6,693,285)	612,231,030
32	Total – University of Rhode Island	692,636,849	12,419,289	705,062,600

33 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
34 unencumbered balances as of June 30, 2012 relating to the University of Rhode Island are hereby

1 reappropriated to fiscal year 2013.

2 *Rhode Island College*

3	General Revenues			
4	General Revenues	38,359,719	(120,112)	38,239,607
5	Debt Service	1,978,374	(1,437,055)	541,319
6	General Revenue Total	40,338,093	(1,557,167)	38,780,926
7	Federal Funds			
8	Stabilization Funds – Fire Safety	0	6,966,499	6,966,499
9	Federal Funds Total	0	6,966,499	6,966,499
10	Other Funds			
11	University and College Funds	107,550,237	3,354,270	110,904,507
12	Debt – Education and General	890,878	0	890,878
13	Debt – Housing	413,346	1,623,984	2,037,330
14	Debt – Student Center and Dining	172,960	0	172,960
15	Debt – Student Union	231,531	0	231,531
16	Debt – G.O. Debt Service	1,623,984	1,615,685	3,239,669
17	Rhode Island Capital Plan Funds			
18	Asset Protection	3,011,160	1,553,374	4,564,534
19	New Art Center Advanced	1,300,000	363,978	1,663,978
20	Other Funds – Total	115,194,096	8,511,291	123,705,387
21	Total – Rhode Island College	155,532,189	13,920,623	169,452,812

22 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
23 unencumbered balances as of June 30, 2012 relating to Rhode Island College are hereby
24 reappropriated to fiscal year 2013.

25 *Community College of Rhode Island*

26	General Revenues			
27	General Revenues	44,619,462	(136,805)	44,482,657
28	Debt Service	1,676,118	0	1,676,118
29	General Revenue Total	46,295,580	(136,805)	46,158,775
30	Federal Funds			
31	Stabilization Funds – Fire Safety	0	4,993,701	4,993,701
32	Federal Funds Total	0	4,993,701	4,993,701
33	Restricted Receipts	941,338	(131,074)	810,264
34	Other Funds			

1	University and College Funds	88,671,187	1,205,456	89,876,643
2	Debt – Bookstore	24,830	0	24,830
3	CCRI Debt Service – Energy Conservation	0	557,644	557,644
4	Rhode Island Capital Plan Funds			
5	Asset Protection	2,007,101	55,039	2,062,140
6	Fire Code and HVAC	0	749,065	749,065
7	Other Funds Total	90,703,118	2,567,204	93,270,322
8	Total – Community College of RI	137,940,036	7,293,026	145,233,062

9 Notwithstanding the provisions of section 35-3-15 of the general laws, all unexpended or
10 unencumbered balances as of June 30, 2012 relating to the Community College of Rhode Island
11 are hereby reappropriated to fiscal year 2013.

12	Grand Total – General Revenue	166,487,219	(833,213)	165,654,006
13	Grand Total – Public Higher Education	996,838,380	34,328,644	1,031,173,486

14 **RI State Council on the Arts**

15	General Revenues			
16	Operating Support	716,635	(4,987)	711,648
17	Grants	962,227	0	962,227
18	General Revenue Total	1,678,862	(4,987)	1,673,875
19	Federal Funds	973,064	6,509	979,573
20	Other Funds			
21	Arts for Public Facilities	435,000	783,000	1,218,000
22	Other Funds Total	435,000	783,000	1,218,000
23	Grand Total - RI State Council on the Arts	3,086,926	784,522	3,871,448

24 **RI Atomic Energy Commission**

25	General Revenues	879,592	(2,133)	877,459
26	Federal Funds	324,104	(140,352)	183,752
27	Other Funds			
28	URI Sponsored Research	257,830	12,860	270,690
29	Rhode Island Capital Plan Funds			
30	RINSC Asset Protection	50,000	12,486	62,486
31	Other Funds Total	307,830	25,346	333,176
32	Grand Total - RI Atomic Energy Commission	1,511,526	(117,139)	1,394,387

33 **RI Higher Education Assistance Authority**

34	General Revenues			
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1	Needs Based Grants and Work Opportunities	5,014,003	253,864	5,267,867
2	Authority Operations and Other Grants	899,101	(255,170)	643,931
3	General Revenue Total	5,913,104	(1,306)	5,911,798
4	Federal Funds	13,508,323	(473,604)	13,034,719
5	Other Funds			
6	Tuition Savings Pgm. – Needs Based Grants	7,990,720	983,453	8,974,173
7	Other Funds Total	7,990,720	983,453	8,974,173
8	Grand Total – RI Higher Education Assistance			
9	Authority	27,412,147	508,543	27,920,690
10	RI Historical Preservation and Heritage Commission			
11	General Revenues	1,469,797	(131,942)	1,337,855
12	Federal Funds	846,195	39,852	886,047
13	Restricted Receipts	478,181	(20,610)	457,571
14	Other Funds	75,000	0	75,000
15	Grand Total – RI Historical Preservation			
16	and Heritage Commission	2,869,173	(112,700)	2,756,473
17	RI Public Telecommunications Authority			
18	General Revenues	947,960	(15,398)	932,562
19	Other Funds			
20	Corporation for Public Broadcasting	683,212	(47,297)	635,915
21	Other Funds Total	683,212	(47,297)	635,915
22	Grand Total – RI Public Telecommunications			
23	Authority	1,631,172	(62,695)	1,568,477
24	Attorney General			
25	<i>Criminal</i>			
26	General Revenues	13,739,364	161,062	13,900,426
27	Federal Funds			
28	Federal Funds	2,870,904	(302,505)	2,568,399
29	Federal Funds – Stimulus	0	253,281	253,281
30	Federal Funds Total	2,870,904	(49,224)	2,821,680
31	Restricted Receipts	398,888	(20,305)	378,583
32	Total – Criminal	17,009,156	91,533	17,100,689
33	<i>Civil</i>			
34	General Revenues	4,692,836	523,421	5,216,257

1	Restricted Receipts	723,347	252,294	975,641
2	Total – Civil	5,416,183	775,715	6,191,898
3	<i>Bureau of Criminal Identification</i>			
4	General Revenues	1,101,532	76,472	1,178,004
5	Federal Funds	25,040	41,190	66,230
6	Total - Bureau of Criminal Identification	1,126,572	117,662	1,244,234
7	General			
8	General Revenues	2,909,135	(149,005)	2,760,130
9	Other Funds			
10	Rhode Island Capital Plan Funds			
11	Building Renovations and Repairs	250,000	0	250,000
12	Other Funds Total	250,000	0	250,000
13	Total – General	3,159,135	(149,005)	3,010,130
14	Grand Total – General Revenue	22,442,867	611,950	23,054,817
15	Grand Total - Attorney General	26,711,046	835,905	27,546,951
16	Corrections			
17	<i>Central Management</i>			
18	General Revenues	8,596,603	418,653	9,015,256
19	Federal Funds			
20	Federal Funds	0	27,368	27,368
21	Federal Funds – Stimulus	0	105,529	105,529
22	Federal Funds Total	0	132,897	132,897
23	Total – Central Management	8,596,603	551,550	9,148,153
24	<i>Parole Board</i>			
25	General Revenues	1,365,771	(60,497)	1,305,274
26	Federal Funds	36,850	(791)	36,059
27	Total - Parole Board	1,402,621	(61,288)	1,341,333
28	<i>Institutional Corrections</i>			
29	General Revenues	157,573,034	4,976,791	162,549,825
30	Federal Funds			
31	Federal Funds	1,911,173	107,458	2,018,631
32	Federal Funds – Stimulus	408,000	38,310	446,310
33	Federal Funds Total	2,319,173	145,768	2,464,941
34	Restricted Receipts	0	28,894	28,894

1	Other Funds			
2	Rhode Island Capital Plan Funds			
3	Women's Bathroom Renovations	410,800	6,929	417,729
4	Asset Protection	4,250,000	770,906	5,020,906
5	Maximum – General Renovations	625,000	744,480	1,369,480
6	General Renovations - Women	1,774,517	(282,712)	1,491,805
7	Bernadette Guay Roof	0	214,335	214,335
8	Reintegration Center	0	533,027	533,027
9	ISC Exterior Envelope and HVAC	1,400,000	0	1,400,000
10	Minimum Security Kitchen Expansion	325,000	0	325,000
11	Medium Infrastructure	1,500,000	(500,000)	1,000,000
12	Other Funds Total	10,285,317	1,486,965	11,772,282
13	Total - Institutional Corrections	170,177,524	6,638,418	176,815,942
14	Community Corrections			
15	General Revenues	14,605,957	(27,005)	14,578,952
16	Federal Funds	558,522	(1,433)	557,089
17	Restricted Receipts	34,371	762	35,133
18	Total – Community Corrections	15,198,850	(27,676)	15,171,174
19	Grand Total – General Revenue	182,141,365	5,307,942	187,449,307
20	Grand Total – Corrections	195,375,598	7,101,004	202,476,602
21	Judiciary			
22	<i>Supreme Court</i>			
23	General Revenues			
24	General Revenues	26,325,441	115,129	26,440,570
25	Defense of Indigents	3,562,240	0	3,562,240
26	General Revenue Total	29,887,681	115,129	30,002,810
27	Federal Funds			
28	Federal Funds	341,723	145,388	487,111
29	Federal Funds – Stimulus	0	16,639	16,639
30	Federal Funds Total	341,723	162,027	503,750
31	Restricted Receipts	1,359,947	106,001	1,465,948
32	Other Funds			
33	Rhode Island Capital Plan Funds			
34	Judicial HVAC	500,000	6,953	506,953

1	Judicial Complexes Asset Protection	600,000	14,130	614,130
2	Other Funds Total	1,100,000	21,083	1,121,083
3	Total - Supreme Court	32,689,351	404,240	33,093,591
4	<i>Judicial Tenure and Discipline</i>			
5	General Revenues	111,282	2,087	113,369
6	Total – Judicial Tenure and Discipline	111,282	2,087	113,369
7	<i>Superior Court</i>			
8	General Revenues	20,865,210	769,575	21,634,785
9	Federal Funds	72,985	27,037	100,022
10	Restricted Receipts	498,996	9,717	508,713
11	Total - Superior Court	21,437,191	806,329	22,243,520
12	<i>Family Court</i>			
13	General Revenues	17,533,090	17,557	17,550,647
14	Federal Funds			
15	Federal Funds	2,974,141	(628,641)	2,345,500
16	Federal Funds – Stimulus	57,611	(57,611)	0
17	Federal Funds Total	3,031,752	(686,252)	2,345,500
18	Restricted Receipts	252,350	432,823	685,173
19	Total - Family Court	20,817,192	(235,872)	20,581,320
20	<i>District Court</i>			
21	General Revenues	10,924,545	390,339	11,314,884
22	Federal Funds	130,128	0	130,128
23	Restricted Receipts	332,092	(47,585)	284,507
24	Total - District Court	11,386,765	342,754	11,729,519
25	<i>Traffic Tribunal</i>			
26	General Revenues	7,752,175	341,229	8,093,404
27	Total – Traffic Tribunal	7,752,175	341,229	8,093,404
28	<i>Workers' Compensation Court</i>			
29	Restricted Receipts	7,754,978	(41,509)	7,713,469
30	Total – Workers' Compensation Court	7,754,978	(41,509)	7,713,469
31	Grand Total – General Revenue	87,073,983	1,635,916	88,709,899
32	Grand Total – Judiciary	101,948,934	1,619,258	103,568,192
33	Military Staff			
34	<i>National Guard</i>			

1	General Revenues	1,446,301	38,829	1,485,130
2	Federal Funds	11,675,448	(34,065)	11,641,383
3	Restricted Receipts	235,000	65,000	300,000
4	Other Funds			
5	Rhode Island Capital Plan Funds			
6	Armory of Mounted Command Roof Replacement	750,000	193,482	943,482
7	State Armories Fire Code Compliance	170,000	0	170,000
8	Federal Armories Fire Code Compliance	53,750	0	53,750
9	Asset Protection	400,000	177,631	577,631
10	Logistics/Maintenance Facilities Fire Code Comp.	71,813	(21,813)	50,000
11	FMS #3 Roof	0	15,000	15,000
12	Command Readiness Center Addition	50,000	0	50,000
13	<i>Emergency Management Building</i>	<i>125,000</i>	<i>0</i>	<i>125,000</i>
14	Other Funds Total	1,620,563	364,300	1,984,863
15	Total - National Guard	14,977,312	434,064	15,411,376
16	Emergency Management			
17	General Revenues	2,024,627	257,115	2,281,742
18	Federal Funds	17,742,990	13,446,668	31,189,658
19	Restricted Receipts	374,311	(203,578)	170,733
20	Total - Emergency Management	20,141,928	13,500,205	33,642,133
21	Grand Total – General Revenue	3,470,928	295,944	3,766,872
22	Grand Total - Military Staff	35,119,240	13,934,269	49,053,509
23	Public Safety			
24	<i>Central Management</i>			
25	General Revenues	780,113	283,723	1,063,836
26	Federal Funds			
27	Federal Funds	4,122,042	(26,662)	4,095,380
28	Federal Funds – Stimulus	266,476	(1,798)	264,678
29	Federal Funds Total	4,388,518	(28,460)	4,360,058
30	Restricted Receipts	850	0	850
31	Total – Central Management	5,169,481	255,623	5,424,744
32	<i>E-911 Emergency Telephone System</i>			
33	General Revenues	4,772,358	348,528	5,120,886
34	Federal Funds	0	150,000	150,000

1	Total – E-911 Emergency Telephone System	4,772,358	498,528	5,270,886
2	<i>State Fire Marshal</i>			
3	General Revenues	2,568,574	74,640	2,643,214
4	Federal Funds	450,050	314,601	764,651
5	Restricted Receipts	280,899	(31,398)	249,501
6	Other Funds			
7	Rhode Island Capital Plan Funds			
8	Fire Academy	1,325,000	0	1,325,000
9	Quonset Development Corp	64,261	(12,004)	52,257
10	Other Funds – Total	1,389,261	(12,004)	1,377,257
11	Total - State Fire Marshal	4,688,784	345,839	5,034,623
12	<i>Security Services</i>			
13	General Revenues	19,963,594	475,052	20,438,646
14	Total – Security Services	19,963,594	475,052	20,438,646
15	<i>Municipal Police Training Academy</i>			
16	General Revenues	352,118	646	352,764
17	Federal Funds			
18	Federal Funds	221,319	(17,068)	204,251
19	Federal Funds – Stimulus	86,061	2,190	88,251
20	Federal Funds Total	307,380	(14,878)	292,502
21	Total - Municipal Police Training Academy	659,498	(14,232)	645,266
22	<i>State Police</i>			
23	General Revenues	60,970,954	2,469,527	63,440,481
24	Federal Funds			
25	Federal Funds	2,356,399	986,381	3,342,780
26	Federal Funds – Stimulus	145,641	13,653	159,294
27	Federal Funds Total	2,502,040	1,000,034	3,502,074
28	Restricted Receipts	54,000	(4,000)	50,000
29	Other Funds			
30	Rhode Island Capital Plan Funds			
31	Barracks and Training	1,025,000	0	1,025,000
32	State Police - New Headquarters	0	51,787	51,787
33	Headquarters Repairs/Rehabilitation	200,000	0	200,000
34	State Microwave Upgrade	1,000,000	331,938	1,331,938

1	HQ Expansion	300,000	(100,000)	200,000
2	State Police Offsite Operations	0	131,974	131,974
3	Traffic Enforcement - Municipal Training	133,842	67,253	201,095
4	Lottery Commission Assistance	232,363	(228)	232,135
5	Airport Corporation	232,363	(228)	232,135
6	Road Construction Reimbursement	2,546,100	508,900	3,055,000
7	Other Funds Total	5,669,668	991,396	6,661,064
8	Total - State Police	69,196,662	4,456,957	73,653,619
9	Grand Total –General Revenue	89,407,711	3,652,116	93,059,827
10	Grand Total – Public Safety	104,450,377	6,017,407	110,467,784
11	Office of Public Defender			
12	General Revenues	10,300,580	57,634	10,358,214
13	Federal Funds			
14	Federal Funds	575,478	(87,807)	487,671
15	Federal Funds – Stimulus	883	(883)	0
16	Federal Funds Total	576,361	(88,690)	487,671
17	Grand Total - Office of Public Defender	10,876,941	(31,056)	10,845,885
18	Environmental Management			
19	<i>Office of the Director</i>			
20	General Revenues	4,775,428	(166,293)	4,609,135
21	Federal Funds	476,300	1,672,200	2,148,500
22	Restricted Receipts	2,833,219	165,866	2,999,085
23	Total – Office of the Director	8,084,947	1,671,773	9,756,720
24	<i>Natural Resources</i>			
25	General Revenues	18,508,312	80,669	18,588,981
26	Federal Funds	24,455,444	1,026,353	25,481,797
27	Restricted Receipts	3,779,269	(342,234)	3,437,035
28	Other Funds			
29	DOT Recreational Projects	80,672	(45,551)	35,121
30	Blackstone Bikepath Design	36,270	2,027,847	2,064,117
31	Transportation MOU	82,172	0	82,172
32	Rhode Island Capital Plan Funds			
33	Dam Repair	850,000	0	850,000
34	Recreational Facilities Improvements	1,750,000	1,228,642	2,978,642

1	Fort Adams Rehabilitation	1,500,000	(1,021,176)	478,824
2	Fort Adams America's Cup	0	1,250,000	1,250,000
3	Galilee Piers Upgrade	950,000	0	950,000
4	Newport Piers	250,000	0	250,000
5	Blackstone Valley Bike Path	500,000	246,000	746,000
6	Other Funds Total	5,999,114	4,085,762	10,084,876
7	Total - Natural Resources	52,742,139	4,850,550	57,592,689
8	<i>Environmental Protection</i>			
9	General Revenues	12,099,861	188,488	12,288,349
10	Federal Funds			
11	Federal Funds	12,576,798	418,069	12,994,867
12	Federal Funds – Stimulus	848,000	1,304,132	2,152,132
13	Federal Funds Total	13,424,798	1,722,201	15,146,999
14	Restricted Receipts	7,518,547	(199,840)	7,318,707
15	Other Funds			
16	Transportation MOU	90,107	0	90,107
17	Retrofit Heavy-Duty Diesel Vehicles	3,560,000	(800,000)	2,760,000
18	Other Funds Total	3,650,107	(800,000)	2,850,107
19	Total - Environmental Protection	36,693,313	910,849	37,604,162
20	Grand Total – General Revenue	35,383,601	102,864	35,486,465
21	Grand Total - Environmental Management	97,520,399	7,433,172	104,953,571
22	Coastal Resources Management Council			
23	General Revenues	2,236,814	2,333	2,239,147
24	Federal Funds			
25	Federal Funds	1,837,361	563,872	2,401,233
26	Federal Funds – Stimulus	201,100	1,969,540	2,170,640
27	Federal Funds Total	2,038,461	2,533,412	4,571,873
28	Restricted Receipts	250,000	0	250,000
29	Other Funds			
30	Rhode Island Capital Plan Funds			
31	South Coast Restoration Project	729,100	0	729,100
32	Other Funds Total	729,100	0	729,100
33	Grand Total - Coastal Resources Mgmt. Council	5,254,375	2,535,745	7,790,120
34	Transportation			

1	<i>Central Management</i>			
2	Federal Funds	11,394,390	(1,878,912)	9,515,478
3	Other Funds			
4	Gasoline Tax	1,108,923	172,775	1,281,698
5	Other Funds Total	1,108,923	172,775	1,281,698
6	Total - Central Management	12,503,313	(1,706,137)	10,797,176
7	<i>Management and Budget</i>			
8	Other Funds			
9	Gasoline Tax	1,176,686	334,293	1,510,979
10	Other Funds Total	1,176,686	334,293	1,510,979
11	Total - Management and Budget	1,176,686	334,293	1,510,979
12	<i>Infrastructure Engineering- GARVEE/Motor Fuel Tax Bonds</i>			
13	Federal Funds	291,594,814	25,964,209	317,559,023
14	Federal Funds – Stimulus	7,006,375	4,376,302	11,382,677
15	Restricted Receipts	1,000,000	(1,109)	998,891
16	Other Funds			
17	Gasoline Tax	52,273,807	1,725,883	53,999,690
18	Motor Fuel Tax Residuals	0	2,980,993	2,980,993
19	Land Sale Revenue	16,603,398	(14,608,249)	1,995,149
20	Rhode Island Capital Funds			
21	RIPTA - Land and Buildings	70,000	0	70,000
22	Pawtucket-Central Falls Train Station	0	40,267	40,267
23	Other Funds Total	68,947,205	(9,861,106)	59,086,099
24	Total - Infrastructure Engineering – GARVEE	368,548,394	20,478,296	389,026,690
25	<i>Infrastructure Maintenance</i>			
26	Other Funds			
27	Gasoline Tax	41,451,540	(5,278,567)	36,172,973
28	Non-Land Surplus Property	10,000	0	10,000
29	Outdoor Advertising	100,000	0	100,000
30	Rhode Island Capital Plan Funds			
31	Cherry Hill/Lincoln Facility	337,000	0	337,000
32	Maintenance Facility Improvements	300,000	632,112	932,112
33	East Providence Facility	0	23,103	23,103
34	Maintenance Facilities – Fire Alarms	125,000	75,000	200,000

1	Portsmouth Facility	1,435,000	(1,435,000)	0
2	Salt Storage Facilities	1,000,000	585,937	1,585,937
3	Elmwood Expansion	0	159,018	159,018
4	Other Funds Total	44,758,540	(5,238,397)	39,520,143
5	Total - Infrastructure Maintenance	44,758,540	(5,238,397)	39,520,143
6	Grand Total – Transportation	426,986,933	13,868,055	440,854,988
7	Statewide Totals			
8	General Revenues	3,142,501,188	30,260,029	3,172,761,217
9	Federal Funds	2,606,487,980	259,460,369	2,865,948,349
10	Restricted Receipts	189,639,221	37,445,044	227,084,265
11	Other Funds	1,763,594,386	140,707,297	1,904,301,683
12	Statewide Grand Total	7,702,222,775	467,872,739	8,170,095,514

13 SECTION 2. Each line appearing in Section 1 of this article shall constitute an
14 appropriation.

15 SECTION 3. The general assembly authorizes the state controller to establish the internal
16 service accounts shown below, and no other, to finance and account for the operations of state
17 agencies that provide services to other agencies, institutions and other governmental units on a
18 cost reimbursed basis. The purpose of these accounts is to ensure that certain activities are
19 managed in a businesslike manner, promote efficient use of services by making agencies pay the
20 full costs associated with providing the services, and allocate the costs of central administrative
21 services across all fund types, so that federal and other non-general fund programs share in the
22 costs of general government support. The controller is authorized to reimburse these accounts for
23 the cost of work or services performed for any other department or agency subject to the
24 following expenditure limitations:

25		FY 2012	FY 2012	FY 2012
26	Account	Enacted	Change	Final
27	State Assessed Fringe Benefit Internal Service Fund	31,054,962	328,517	31,383,479
28	Administration Central Utilities Internal Service Fund	20,244,491	(57,299)	20,187,192
29	State Central Mail Internal Service Fund	5,585,439	8,624	5,594,063
30	State Telecommunications Internal Service Fund	2,882,141	(11,785)	2,870,356
31	State Automotive Fleet Internal Service Fund	13,926,504	14,750	13,941,254
32	Capital Police Internal Service Fund	739,072	11,395	750,467
33	Surplus Property Internal Service Fund	2,500	0	2,500
34	Health Insurance Internal Service Fund	306,399,745	(44,646)	306,355,099

1	Corrections Gen Svcs & Warehouse Internal Svc Fund	6,804,849	629,840	7,434,689
2	Correctional Industries Internal Service Fund	7,285,903	(161,616)	7,124,287
3	Secretary of State Record Center Internal Service Fund	866,270	(13,903)	852,367

4 SECTION 4. Departments and agencies listed below may not exceed the number of full-
5 time equivalent (FTE) positions shown below in any pay period. Full-time equivalent positions do
6 not include seasonal or intermittent positions whose scheduled period of employment does not
7 exceed twenty-six consecutive weeks or whose scheduled hours do not exceed nine hundred and
8 twenty-five (925) hours, excluding overtime, in a one-year period. Nor do they include
9 individuals engaged in training, the completion of which is a prerequisite of employment.
10 Provided, however, that the Governor or designee, Speaker of the House of Representatives or
11 designee, and President of the Senate or designee may authorize an adjustment to any limitation.
12 Prior to the authorization, the State Budget Officer shall make a detailed written recommendation
13 to the Governor, the Speaker of the House, and the President of the Senate. A copy of the
14 recommendation and authorization to adjust shall be transmitted to the chairperson of the House
15 Finance Committee, the chairperson of the Senate Finance Committee, the House Fiscal Advisor
16 and the Senate Fiscal Advisor.

17 ~~No agency or department may employ contracted employees or employee services where~~
18 ~~the contracted employees would work under state employee supervisors without determination of~~
19 ~~need by the Director of Administration acting upon positive recommendations of the Budget~~
20 ~~Officer and the Personnel Administrator and 15 days after a public hearing.~~

21 ~~Nor may any agency or department contract for services replacing work done by state~~
22 ~~employees at that time without determination of need by the Director of Administration acting~~
23 ~~upon the positive recommendations of the Budget Officer and the Personnel Administrator and 30~~
24 ~~days after a public hearing.~~

25 State employees whose funding is from non-state general revenue funds that are time
26 limited shall receive limited term appointment with the term limited to the availability of non-
27 state general revenue funding source.

28 FY 2012 FTE POSITION AUTHORIZATION

29	Departments and Agencies	Full-Time Equivalent
30	Administration	694.6 <u>694.2</u>
31	Business Regulation	96.0
32	Labor and Training	470.2 <u>470.1</u>
33	Revenue	434.5 <u>449.0</u>
34	Legislature	298.5

1	Office of the Lieutenant Governor	8.0
2	Office of the Secretary of State	57.0
3	Office of the General Treasurer	82.0
4	Board of Elections	12.0 <u>11.0</u>
5	Rhode Island Ethics Commission	12.0
6	Office of the Governor	45.0
7	Commission for Human Rights	14.5
8	Public Utilities Commission	46.0
9	Office of Health and Human Services	149.0 <u>158.0</u>
10	Children, Youth, and Families	662.5
11	Health	426.3 <u>422.3</u>
12	Human Services	984.2 <u>949.2</u>
13	Behavioral Health, Developmental Disabilities, and Hospitals	1,378.2 <u>1,383.2</u>
14	Office of the Child Advocate	5.8
15	Commission on the Deaf and Hard of Hearing	3.0
16	Governor's Commission on Disabilities	4.0
17	Office of the Mental Health Advocate	3.7
18	Elementary and Secondary Education	156.4 <u>169.4</u>
19	School for the Deaf	60.0
20	Davies Career and Technical School	132.0 <u>126.0</u>
21	Office of Higher Education	14.4 <u>14.8</u>
22	Provided that 1.0 of the total authorization would be available only for positions that are	
23	supported by third-party funds.	
24	University of Rhode Island	2,436.5
25	Provided that 593.2 of the total authorization would be available only for positions that	
26	are supported by third-party funds.	
27	Rhode Island College	909.6
28	Provided that 82.0 of the total authorization would be available only for positions that are	
29	supported by third-party funds.	
30	Community College of Rhode Island	854.1
31	Provided that 100.0 of the total authorization would be available only for positions that	
32	are supported by third-party funds.	
33	Rhode Island State Council on the Arts	8.6
34	RI Atomic Energy Commission	8.6

1	Higher Education Assistance Authority	41.6
2	Historical Preservation and Heritage Commission	16.6
3	Public Telecommunications Authority	15.0
4	Office of the Attorney General	231.1 <u>233.1</u>
5	Corrections	1,419.0
6	Judicial	723.3
7	Military Staff	117.0 <u>113.0</u>
8	Public Safety	605.8 <u>606.2</u>
9	Office of the Public Defender	93.0 <u>91.0</u>
10	Environmental Management	410.0
11	Coastal Resources Management Council	30.0
12	Transportation	772.6
13	Total	14,942.2 <u>14,934.0</u>

14 SECTION 5. This article shall take effect upon passage.

15 **ARTICLE 11**

16 **RELATING TO STATE RETIREMENT CONTRIBUTIONS**

17 SECTION 1. Section 36-10-2 of the General Laws in Chapter 36-10 entitled "Retirement
18 System-Contributions and Benefits" is hereby amended to read as follows:

19 **36-10-2. State contributions.** -- (a) The State of Rhode Island shall make its contribution
20 for the maintenance of the system, including the proper and timely payment of benefits in
21 accordance with the provisions of this chapter and chapters 8, 16, 28, 31 and 42 of this title, by
22 annually appropriating an amount equal to a percentage of the total compensation paid to the
23 active membership. The percentage shall be computed by the actuary employed by the retirement
24 system and shall be certified by the retirement board to the director of administration on or before
25 the fifteenth day of October in each year. In arriving at the yearly employer contribution the
26 actuary shall determine the value of:

27 (1) The contributions made by the members;

28 (2) Income on investments; and

29 (3) Other income of the system.

30 (b) The Actuary shall thereupon compute the yearly employer contribution that will:

31 (1) Pay the actuarial estimate of the normal cost for the next succeeding fiscal year;

32 (2) Amortize the unfunded liability of the system in accordance with section 36-10-
33 2.1(b).

34 (c) The State of Rhode Island shall remit to the general treasurer the employer's share of

1 the contribution for state employees, state police, and judges on a payroll frequency basis, and for
2 teachers in a manner pursuant to § 16-16-22.

3 (d) In accordance with the intent of § 36-8-20 that the retirement system satisfy the
4 requirements of § 401(a) of the Internal Revenue Code of 1986, the state shall pay to the
5 retirement system:

6 (i) By June 30, 1995, an amount equal to the sum of the benefits paid to state legislators
7 pursuant to § 36-10-10.1 in excess of ten thousand dollars (\$10,000) per member (plus accrued
8 interest on such amount at eight percent (8%)) for all fiscal years beginning July 1, 1991, and
9 ending June 30, 1995, but this amount shall be paid only if § 36-10-10.1(e) becomes effective
10 January 1, 1995; and

11 (ii) By December 31, 1994, twenty million seven hundred eighty eight thousand eight
12 hundred twelve dollars and nineteen cents (\$20,788,812.19) plus accrued interest on that amount
13 at eight percent (8%) compounded monthly beginning March 1, 1991, and ending on the date this
14 payment is completed (reduced by amortized amounts already repaid to the retirement system
15 with respect to the amounts withdrawn by the state during the fiscal year July 1, 1990 – June 30,
16 1991); and

17 (iii) By June 30, 1995, the sum of the amounts paid by the retirement system for retiree
18 health benefits described in § 36-12-4 for all fiscal years beginning July 1, 1989, and ending June
19 30, 1994, to the extent that the amounts were not paid from the restricted fund described in
20 subsection (c).

21 (2) Any and all amounts paid to the retirement system under this subsection shall not
22 increase the amount otherwise payable to the system by the state of Rhode Island under
23 subsection (a) for the applicable fiscal year. The actuary shall make such adjustments in the
24 amortization bases and other accounts of the retirement system as he or she deems appropriate to
25 carry out the provisions and intent of this subsection.

26 ~~(e) In addition to the contributions provided for in subsection (a) through (c) and in order
27 to provide supplemental employer contributions to the retirement system, commencing in fiscal
28 year 2006, and each year thereafter;~~

29 ~~(1) Except for fiscal year 2009, fiscal year 2010 and fiscal year 2011, for each fiscal year
30 in which the actuarially determined state contribution rate for state employees, including state
31 contributions under chapter 36-10.3, is lower than that for the prior fiscal year, the governor shall
32 include an appropriation to that system equivalent to twenty percent (20%) of the rate reduction
33 for the state's contribution rate for state employees to be applied to the actuarial accrued liability
34 of the state employees' retirement system for state employees for each fiscal year;~~

1 ~~(2) Except for fiscal year 2009, fiscal year 2010 and fiscal year 2011, for each fiscal year~~
2 ~~in which the actuarially determined state contribution rate for teachers, including state~~
3 ~~contributions under chapter 36-10.3, is lower than that for the prior fiscal year, the governor shall~~
4 ~~include an appropriation to that system equivalent to twenty percent (20%) of the rate reduction~~
5 ~~for the state's share of the contribution rate for teachers to be applied to the actuarial accrued~~
6 ~~liability of the state employees' retirement system for teachers for each fiscal year;~~

7 ~~(3) The amounts to be appropriated shall be included in the annual appropriation bill and~~
8 ~~shall be paid by the general treasurer into the retirement system.~~

9 ~~(4)(e)~~ Assessments pursuant to § 42-149-3.1 shall be included in the annual
10 appropriation bill and shall be paid by the general treasurer into the retirement system beginning
11 FY2013.

12 (f) While the retirement system's actuary shall not adjust the computation of the annual
13 required contribution for the year in which supplemental contributions are received, such
14 contributions once made may be treated as reducing the actuarial liability remaining for
15 amortization in the next following actuarial valuation to be performed.

16 SECTION 2. This article shall take effect upon passage.

17 ARTICLE 12

18 RELATING TO EDUCATION AID

19 SECTION 1. Section 16-2-9.4 of the General Laws in Chapter 16-2 entitled "School
20 Committees and Superintendents" is hereby amended to read as follows:

21 **16-2-9.4. School district accounting compliance.** -- (a) The office of auditor general
22 and the department of elementary and secondary education shall promulgate a uniform system of
23 accounting, including a chart of accounts based on the recommendations of the advisory council
24 on school finance, and require all accounts of the school districts, regional school districts, state
25 schools and charter schools to be kept in accordance therewith; provided, that in any case in
26 which the uniform system of accounting is not practicable, the office of auditor general in
27 conjunction with the department of elementary and secondary education shall determine the
28 manner in which the accounts shall be kept. The uniform system of accounting shall also include
29 a standardized budget process to ensure districts can annually assess investment priorities and
30 incorporate long range planning.

31 (b) For the purpose of securing a uniform system of accounting and a chart of accounts
32 the advisory council on school finances, as defined in § 16-2-9.2 may make such surveys of the
33 operation of any school districts, regional school district, state school or charter school as they
34 shall deem necessary.

1 (c) Upon completion of the implementation of the uniform chart of accounts, all school
2 districts, regional school districts, state schools and charter schools shall implement a Regents'
3 approved budget model and shall utilize best practices established by the department of education
4 for long range planning, budget development, and budget administration and reporting.

5 ~~(e)~~(d) If any school district, regional school district, state school or charter school fails to
6 install and maintain the uniform system of accounting, including a chart of accounts and
7 approved budget model, or fails to keep its accounts and interdepartmental records, or refuses or
8 neglects to make the reports and to furnish the information in accordance with the method
9 prescribed by the office of auditor general and the department of education or hinders or prevents
10 the examination of accounts and financial records, the auditor general and the commissioner of
11 education may make a report to the board of regents for elementary and secondary education in
12 writing, specifying the nature and extent of the failure, refusal, neglect, hindrance, or prevention,
13 and the board of regents is hereby authorized and directed to review the matter so reported. If the
14 regents shall find that failure, refusal, neglect, hindrance, or prevention exists and that the school
15 district, regional school district, state school or charter school should properly comply in the
16 matter so reported, the regents shall direct the school district, regional school district, state school
17 or charter school, in writing, to so comply. If the failure, refusal, neglect, hindrance, or prevention
18 shall continue for a period of ten (10) days following the written direction, the regents may
19 withhold distribution of state aid to said school district, regional school district, state school or
20 charter school.

21 SECTION 2. Section 16-7-39 of the General Laws in Chapter 16-7 entitled "Foundation
22 Level School Support" is hereby amended to read as follows:

23 **16-7-39. Computation of school housing aid ratio. --** For each community, the percent
24 of state aid for school housing costs shall be computed in the following manner:

25 (1) The adjusted equalized weighted assessed valuation for the district is divided by the
26 resident average daily membership for the district (grades twelve (12) and below); (2) the
27 adjusted equalized weighted assessed valuation for the state is divided by the resident average
28 daily membership for the state (grades twelve (12) and below); (1) is then divided by (2) and the
29 resultant ratio is multiplied by a factor currently set at sixty-two percent (62%) which represents
30 the approximate average district share of school support; the resulting product is then subtracted
31 from one hundred percent (100%) to yield the housing aid share ratio, provided that in no case
32 shall the ratio be less than thirty percent (30%). Provided, that effective July 1, 2010, and
33 annually at the start of each fiscal year thereafter, the thirty percent (30%) floor on said housing
34 aid share shall be increased by five percent (5%) increments each year until said floor on the

1 housing aid share ratio reaches a minimum of not less than forty percent (40%). This provision
2 shall apply only to school housing projects completed after June 30, 2010. For the fiscal year
3 beginning July 1, 2012 and for subsequent fiscal years, the minimum housing aid share shall be
4 frozen at thirty-five percent (35%). The resident average daily membership shall be determined
5 in accordance with § 16-7-22(1).

6 SECTION 3. Section 16-7.2-6 of the General Laws in Chapter 35-4 entitled “The
7 Education Equity and Property Tax Relief Act” is hereby amended to read as follows:

8 **16-7.2-6. Categorical programs, state funded expenses. --** In addition to the foundation
9 education aid provided pursuant to § 16-7.2-3 the permanent foundation education aid program
10 shall provide direct state funding for:

11 (a) *Excess costs associated with special education students.* Excess costs are defined
12 when an individual special education student's cost shall be deemed to be "extraordinary."
13 Extraordinary costs are those educational costs that exceed the state approved threshold based on
14 an amount above five times the core foundation amount (total of core instruction amount plus
15 student success amount). The department of elementary and secondary education shall prorate the
16 funds available for distribution among those eligible school districts if the total approved costs for
17 which school districts are seeking reimbursement exceed the amount of funding appropriated in
18 any fiscal year;

19 (b) Career and technical education costs to help meet initial investment requirements
20 needed to transform existing or create new comprehensive career and technical education
21 programs and career pathways in critical and emerging industries and to help offset the higher
22 than average costs associated with facilities, equipment maintenance and repair, and supplies
23 necessary for maintaining the quality of highly specialized programs that are a priority for the
24 state. The department shall recommend criteria for the purpose of allocating any and all career
25 and technical education funds as may be determined by the general assembly on an annual basis.
26 The department of elementary and secondary education shall prorate the funds available for
27 distribution among those eligible school districts if the total approved costs for which school
28 districts are seeking reimbursement exceed the amount of funding available in any fiscal year;

29 (c) Programs to increase access to voluntary, free, high-quality pre-kindergarten
30 programs. The department shall recommend criteria for the purpose of allocating any and all early
31 childhood program funds as may be determined by the general assembly;

32 (d) Central Falls Stabilization Fund is established to assure that appropriate funding is
33 available to support the community, including students from the community that attend the
34 charter schools, Davies, and the Met Center pursuant to § 16-7.2-5, due to concerns regarding the

1 city's capacity to meet the local share of education costs. This fund requires that the local share of
2 education aid calculated pursuant to section 16-7.2-3 and costs outside the permanent foundation
3 education aid formula, including but not limited to transportation, facility maintenance, and
4 retiree health benefits, for the Central Falls school district ~~that the difference between education~~
5 ~~aid calculated pursuant to § 16-7.2-3 and education aid, as of the effective date of the formula,~~
6 shall be shared between the state and the city of Central Falls. The state's share of the fund will be
7 paid directly to the Central Falls school district upon verification that the city has transferred its
8 share of the local contribution for education. This fund shall be supported through a reallocation
9 of current state appropriations to the Central Falls school district and may not require additional
10 state funding. At the end of the transition period defined in § 16-7.2-7, the municipality will
11 continue its contribution pursuant to § 16-7-24; and

12 (e) Excess costs associated with transporting students to out of district non-public schools
13 and within regional school districts. (1) This fund will provide state funding for the costs
14 associated with transporting students to out of district non-public schools, pursuant to title 16,
15 Chapter 21.1. The state will assume the costs of non-public out-of-district transportation for those
16 districts participating in the statewide system; and (2) This fund will provide direct state funding
17 for the excess costs associated with transporting students within regional school districts,
18 established pursuant to title 16, chapter 3. This fund requires that the state and regional school
19 district share equally the student transportation costs net any federal sources of revenue for these
20 expenditures. The department of elementary and secondary education shall prorate the funds
21 available for distribution among those eligible school districts if the total approved costs for
22 which school districts are seeking reimbursement exceed the amount of funding available in any
23 fiscal year.

24 (f) Public school districts that are regionalized shall be eligible for a regionalization
25 bonus as set forth below.

26 (1) As used herein, the term "regionalized" shall be deemed to refer to a regional school
27 district established under the provisions of chapter 16-3 including the Chariho Regional School
28 district.

29 (2) For those districts that are regionalized as of July 1, 2010, the regionalization bonus
30 shall commence in FY 2012. For those districts that regionalize after July 1, 2010, the
31 regionalization bonus shall commence in the first fiscal year following the establishment of a
32 regionalized school district as set forth section 16-3, including the Chariho Regional School
33 District.

34 (3) The regionalization bonus in the first fiscal year shall be two percent (2.0%) of the

1 state's share of the foundation education aid for the regionalized district as calculated pursuant to
2 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year.

3 (4) The regionalization bonus in the second fiscal year shall be one percent (1.0%) of the
4 state's share of the foundation education aid for the regionalized district as calculated pursuant to
5 §§ 16-7.2-3 and 16-7.2-4 in that fiscal year.

6 (5) The regionalization bonus shall cease in the third fiscal year.

7 (6) The regionalization bonus for the Chariho regional school district shall be applied to
8 the state share of the permanent foundation education aid for the member towns.

9 (7) The department of elementary and secondary education shall prorate the funds
10 available for distribution among those eligible regionalized school districts if the total approve
11 costs for which regionalized school districts are seeking a regionalization bonus exceed the
12 amount of funding appropriated in any fiscal year.

13 (g) Categorical programs defined in (a) through (f) shall be funded pursuant to the
14 transition plan in § 16-7.2-7.

15 SECTION 4. Sections 16-8-10.1 and 16-8-15 of the General Laws in Chapter 16-8
16 entitled "Federal Aid" are hereby amended to read as follows:

17 **16-8-10.1. Mandatory school breakfast programs.** -- (a) All public schools shall make
18 a breakfast program available to students attending the school. The breakfast meal shall meet any
19 rules and regulations that are adopted by the commissioner.

20 (b) The state of Rhode Island ~~shall~~ may provide school districts a per breakfast subsidy
21 for each breakfast served to students. The general assembly ~~shall~~ may choose to annually
22 appropriate some sum and distribute it based on each district's proportion of the number of
23 breakfasts served in the prior school year relative to the statewide total in the same year. This
24 subsidy, if appropriated, shall augment the nonprofit school food service account and be used for
25 expenses incurred in providing nutritious breakfast meals to students.

26 **16-8-15. Education Jobs Fund.**-- (a) For FY 2012 only, state general revenue
27 appropriations to all local education agencies – including school districts, charter schools, and
28 state schools – shall be reduced by the amount allocated to each local education agency in
29 October 2011 under the original terms of the federal Education Jobs Fund program.

30 (b) For FY 2013 only, state general revenue appropriations to all local education agencies
31 shall be reduced by the amount of any supplemental awards made under the federal Education
32 Jobs Fund program.

33 SECTION 5. Section 16-23-3.1 of the General Laws in Chapter 16-23 entitled
34 "Textbooks" is hereby repealed.

1 ~~§ 16-23-3.1 Reimbursements to municipalities for costs of English/language arts and~~
2 ~~history/social studies textbooks for students in grades K-12. There is hereby established a~~
3 ~~textbook reimbursement fund for which the general assembly shall make a specific~~
4 ~~appropriation. The department of elementary and secondary education shall administer the~~
5 ~~appropriation. School districts shall submit to the department of elementary and secondary~~
6 ~~education evidence of the cost of English/language arts and/or history/social studies~~
7 ~~textbooks that the district has provided to students in grades K-12 pursuant to § 16-23-2.~~
8 ~~The costs shall be reimbursed from the textbook reimbursement fund by the department of~~
9 ~~elementary and secondary education upon presentation by a school district of the evidence~~
10 ~~of cost.~~

11 SECTION 6. Chapter 16-25 of the General Laws entitled “Education of Children Who
12 are Deaf or Blind” is hereby repealed in its entirety.

13 ~~§ 16-25-1. Appointment of state beneficiaries at special institutions. — The governor, on~~
14 ~~recommendation of the department of elementary and secondary education and upon~~
15 ~~application of the parent or guardian, may appoint any child who is deaf, blind, or visually~~
16 ~~impaired being a legal resident of this state, who shall appear to the department to be a fit~~
17 ~~subject for education, as a state beneficiary at any suitable institution or school now~~
18 ~~established or that may be established either within or without the state, for the period that~~
19 ~~he or she may determine, within the limit of ten (10) years; provided, that he or she may,~~
20 ~~upon the special recommendation of the department, extend the period and that he or she~~
21 ~~shall have the power to revoke any appointment at any time for cause.~~

22 ~~§ 16-25-2. Supervision of beneficiaries — Reports to general assembly. — The department~~
23 ~~of elementary and secondary education is invested with the duty and responsibility of~~
24 ~~supervising the education of all those beneficiaries, and no child appointed as provided in §~~
25 ~~16-25-1 shall be withdrawn from any institution or school except with its consent, or the~~
26 ~~consent of the governor; and the department shall annually report its doings under this~~
27 ~~chapter to the general assembly, with any further information in relation to the several~~
28 ~~institutions at which these beneficiaries have been placed that may be deemed desirable.~~

29 ~~§ 16-25-4. Care and instruction of children who are blind or visually impaired under~~
30 ~~school age. — The department of elementary and secondary education shall have power to~~
31 ~~provide for the suitable care, maintenance, and instruction of babies and children under~~
32 ~~school age residing in this state who may be born blind or become blind or visually~~
33 ~~impaired, in any case where by reason of lack of means or other cause the parent or parents~~
34 ~~of the children may be unable to properly care for, maintain, and educate the children.~~

1 ~~§ 16-25-5. Contracts for care of children who are blind or visually impaired. For the~~
2 ~~purpose of providing care, maintenance, and education of children who are blind or visually~~
3 ~~impaired, the department of elementary and secondary education shall have power to~~
4 ~~contract with any institution having or furnishing special education and related services in~~
5 ~~this or any other state at a contract price within the amount appropriated.~~

6 ~~§ 16-25-6. Payment of expenses of chapter. Each community, as defined in chapter 7~~
7 ~~of this title, shall contribute to the department of elementary and secondary education in~~
8 ~~accordance with regulations to be prescribed by the department.~~

9 SECTION 7. Section 16-77.1-5 of the General Laws in Chapter 16-77.1 entitled
10 "Funding of Charter Public Schools" is hereby amended to read as follows:

11 **16-77.1-5. Facilities support for charter public schools.--** A [charter](#) public school
12 ~~district or districts~~ may access state aid for reimbursement of school housing costs ~~for district~~
13 ~~sponsored charter public schools~~ pursuant to §§ 16-7-35 through 16-7-47. ~~Public charter schools~~
14 ~~not sponsored by a public school district or districts may apply for thirty percent (30%)~~
15 ~~reimbursement of school housing cost on the basis of demonstrated need. The Rhode Island~~
16 ~~department of elementary and secondary education shall promulgate regulations to implement~~
17 ~~this section consistent with the purposes and procedures of the existing school housing aid~~
18 ~~program pursuant to §§ 16-7-35 through 16-7-47.~~ [Effective July 1, 2012, the state share of](#)
19 [school housing costs for public charter schools shall be calculated annually by using a three year](#)
20 [weighted average of the state share percentages calculated pursuant to section 16-7-39 for the](#)
21 [communities sending students to the charter school on the basis of the reference year as defined in](#)
22 [subsection 16-7-36\(4\). This provision shall apply only to school housing projects completed after](#)
23 [June 30, 2012.](#) For purposes of this section only, "facilities support, the urban collaborative
24 accelerated program" will be defined as a charter school.

25 SECTION 8. Section 39-1-61 of the General Laws in Chapter 39-1 entitled "Public
26 Utilities Commission" is hereby amended to read as follows:

27 **39-1-61. Rhode Island telecommunications education access fund. -- (a) Preamble.**
28 For the past ten (10) years, the schools and libraries of Rhode Island have benefited from a
29 regulatory agreement with Verizon and its predecessor companies that has provided up to two
30 million dollars (\$2,000,000) annually for support of telecommunications lines for internet access.
31 In addition, the funds provided for in the original regulatory agreement and every dollar
32 generated hereunder leverages a ~~one dollar and twenty seven cents (\$1.27)~~ [two dollars \(\\$2.00\)](#)
33 federal E-Rate match. With the regulatory agreement approaching its termination and the advent
34 of more advanced technologies, it is the intent of this section to provide a continued source of

1 funding for internet access for eligible public and private schools and libraries.

2 (b) *Definitions.* As used in this section, the following terms have the following meanings:

3 (1) "Department" means the Rhode Island Department of Elementary and Secondary
4 education.

5 (2) "Division" means the Division of Public Utilities and Carriers.

6 (3) "Telecommunications education access fund" means the programs and funding made
7 available to qualified libraries and schools to assist in paying the costs of acquiring, installing and
8 using telecommunications technologies to access the internet.

9 (c) *Purpose.* The purpose of the telecommunications education access fund shall be to
10 fund a basic level of internet connectivity for all of the qualified schools (kindergarten through
11 grade 12) and libraries in the state.

12 (d) *Authority.* The division shall establish, by rule or regulation, an appropriate funding
13 mechanism to recover from the general body of ratepayers the costs of providing
14 telecommunications technology to access the internet.

15 (1) The general assembly shall determine the amount of a monthly surcharge to be levied
16 upon each residence and business telephone access line or trunk in the state, including PBX
17 trunks and centrex equivalent trunks and each service line or trunk, and upon each user interface
18 number or extension number or similarly identifiable line, trunk, or path to or from a digital
19 network and upon each wireless instrument or device, including cellular, telephony, internet,
20 voice over internet protocol (VoIP), satellite, computer, radio, communication, data, or any other
21 wireless instrument. The department will provide the general assembly with information and
22 recommendations regarding the necessary level of funding to effectuate the purposes of this
23 article. The surcharge shall be billed by each telecommunications services provider and shall be
24 payable to the telecommunications services provider by the subscriber of the telecommunications
25 services. State, local and quasi-governmental agencies shall be exempt from the surcharge. The
26 surcharge shall be deposited in a restricted receipt account, hereby created within the department
27 of elementary and secondary education and known as the telecommunications education access
28 fund, to pay any and all costs associated with subsection (b)(3). The amount of the surcharge shall
29 not exceed thirty-five cents (\$.35) per access line or trunk.

30 (2) The monthly surcharge is hereby determined to be ~~twenty-six cents (\$.26)~~ fifteen
31 cents (\$.15) per access line or trunk as specified in (d)(1) above.

32 (3) The amount of the surcharge shall not be subject to the sales and use tax imposed
33 under chapter 18 of title 44 nor be included within the gross earnings of the telecommunications
34 corporation providing telecommunications service for the purpose of computing the tax under

1 chapter 13 of title 44.

2 *(e) Administration.* The division, with input from the department, shall administer the
3 telecommunications education access fund consistent with the requirements of the Universal
4 Service (E-Rate) program. The division of taxation shall collect from the telecommunications
5 service providers the amounts of the surcharge collected from their subscribers. The department,
6 with the approval of the division, shall publish requests for proposals that do not favor any
7 particular technology, evaluate competitive bids, and select products and services that best serve
8 the internet access needs of schools and libraries. In doing so, the department shall endeavor to
9 obtain all available E-Rate matching funds. The department is further authorized and encouraged
10 to seek matching funds from all local, state, and federal public or private entities. The department
11 shall approve disbursement [disbursement] of funds under this section in accordance with the
12 division's directives. Unsuccessful bids may be appealed to the division. The division shall
13 annually review the department's disbursements from this account to ensure that the department's
14 decisions do not favor any competitor.

15 *(f) Eligibility.* All schools seeking support from the fund must be eligible for Universal
16 Service (E-Rate) support and meet the definition of "elementary school" or "secondary school" in
17 the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. § 8801). Schools
18 operating as a for-profit business or with endowments exceeding fifty million dollars
19 (\$50,000,000) are not eligible for support. All libraries seeking support from the fund must meet
20 the definition of "library" or "library consortium" in the Library Services and Technology Act,
21 P.L. 104-208, § 211 et seq., 110 Stat. 3009 (1996) and must be eligible for assistance from a state
22 library administrative agency under that act. Only libraries that have budgets that are completely
23 separate from any schools (including, but not limited to, elementary and secondary, colleges and
24 universities) shall be eligible to receive support. Libraries operating as a for-profit business shall
25 not be eligible for support.

26 *(g) Effective date.* The effective date of assessment for the telecommunications education
27 access fund shall be January 1, 2004.

28 SECTION 9. This article shall take effect as of July 1, 2012.

29 **ARTICLE 13**

30 RELATING TO PUBLIC OFFICERS AND EMPLOYEES

31 SECTION 1. Section 36-4-16 of the General Laws in Chapter 36-4 entitled "Merit
32 System" is hereby amended to read as follows:

33 **36-4-16.4. Salaries of directors.** -- (a) [The department of administration is authorized to](#)
34 [adjust the salaries of directors of state executive departments, in an amount comparable to](#)

1 monetary adjustments for cost of living provided to classified state employees as a result of the
2 most recent collective bargaining agreement. Such adjustments shall not be subject to the
3 provisions of (b) through (e) below.

4 (b) In the month of March of each year, the department of administration ~~shall~~ may
5 conduct a public hearing to determine salaries to be paid to directors of all state executive
6 departments for the following year, at which hearing all persons shall have the opportunity to
7 provide testimony, orally and in writing. In determining these salaries, the department of
8 administration will take into consideration the duties and responsibilities of the aforementioned
9 officers, as well as such related factors as salaries paid executive positions in other states and
10 levels of government, and in comparable positions anywhere which require similar skills,
11 experience, or training. Consideration shall also be given to the amounts of salary adjustments
12 made for other state employees during the period that pay for directors was set last.

13 ~~(b)(c)~~ Each salary determined by the department of administration will be in a flat
14 amount, exclusive of such other monetary provisions as longevity, educational incentive awards,
15 or other fringe additives accorded other state employees under provisions of law, and for which
16 directors are eligible and entitled.

17 ~~(c)(d)~~ In no event will the department of administration lower the salaries of existing
18 directors during their term of office.

19 ~~(d)(e)~~ Upon determination by the department of administration, the proposed salaries of
20 directors will be referred to the general assembly by the last day in April of that year to go into
21 effect thirty (30) days hence, unless rejected by formal action of the house and the senate acting
22 concurrently within that time.

23 SECTION 2. This article shall take effect upon passage.

24 ARTICLE 14

25 RELATING TO RESTRICTED RECEIPT ACCOUNTS

26 SECTION 1. Section 35-4-27 of the General Laws in Chapter 35-4 entitled "State
27 Funds" is hereby amended to read as follows:

28 **35-4-27. Indirect cost recoveries on restricted receipt accounts.** -- Indirect cost
29 recoveries of ten percent (10%) of cash receipts shall be transferred from all restricted receipt
30 accounts, to be recorded as general revenues in the general fund. However, there shall be no
31 transfer from cash receipts with restrictions received exclusively: (1) from contributions from
32 non-profit charitable organizations; (2) from the assessment of indirect cost recovery rates on
33 federal grant funds; or (3) through transfers from state agencies to the department of
34 administration for the payment of debt service. These indirect cost recoveries shall be applied to

1 all accounts, unless prohibited by federal law or regulation, court order, or court settlement. The
2 following restricted receipt accounts shall not be subject to the provisions of this section:

- 3 Department of Human Services
- 4 Veterans' home – Restricted account
- 5 Veterans' home – Resident benefits
- 6 Organ transplant fund
- 7 Veteran's Cemetery Memorial Fund
- 8 Department of Health
- 9 Pandemic medications and equipment account
- 10 Department of Mental Health, Retardation and Hospitals
- 11 Eleanor Slater non-Medicaid third-party payor account
- 12 Hospital Medicare Part D Receipts
- 13 RICLAS Group Home Operations
- 14 Vignerón Memorial Fund Grant
- 15 Department of Environmental Management
- 16 National heritage revolving fund
- 17 Environmental response fund II
- 18 Underground storage tanks registration fees
- 19 Rhode Island Council on the Arts
- 20 Art for public facilities fund
- 21 Rhode Island Foundation Grant
- 22 Rhode Island Historical Preservation and Heritage Commission
- 23 Historic preservation revolving loan fund
- 24 Historic Preservation loan fund – Interest revenue
- 25 Department of Public Safety
- 26 Forfeited property – Retained
- 27 Forfeitures – Federal
- 28 Forfeited property – Gambling
- 29 Donation – Polygraph and Law Enforcement Training
- 30 Rhode Island State Firefighter's League Training Account
- 31 Fire Academy Training Fees Account
- 32 [Municipal Police Training Academy Fees Account](#)
- 33 Attorney General
- 34 Forfeiture of property

1 Federal forfeitures
2 Attorney General multi-state account
3 Department of Administration
4 [Office of Management and Budget](#)
5 [Information Technology Investment Fund](#)
6 Restore and replacement – Insurance coverage
7 Convention Center Authority rental payments
8 Investment Receipts – TANS
9 Car Rental Tax/Surcharge-Warwick Share
10 OPEB System Restricted Receipt Account
11 ARRA Administrative Expenses – Bureau of Audits
12 ARRA Administrative Expenses – Purchasing
13 Legislature
14 Audit of federal assisted programs
15 Department of Elderly Affairs
16 Pharmaceutical Rebates Account
17 Department of Children Youth and Families
18 Children's Trust Accounts – SSI
19 Military Staff
20 RI Military Family Relief Fund
21 [RI National Guard Counterdrug Program](#)
22 Treasury
23 Admin. Expenses – State Retirement System
24 Retirement – Treasury Investment Options
25 [Defined Contribution Plan-Administration](#)
26 Business Regulation
27 Banking Division Reimbursement Account
28 Office of the Health Insurance Commissioner Reimbursement Account
29 Securities Division Reimbursement Account
30 Commercial Licensing and Racing and Athletics Division Reimbursement Account
31 Insurance Division Reimbursement Account
32 Historic Preservation Tax Credit Account.
33 Judiciary
34 Arbitration Fund Restricted Receipt Account

1 Department of Elementary and Secondary Education
2 Statewide Student Transportation Services Account
3 School for the Deaf Fee for Service Account
4 Davies Career and Technical School Local Education Aid Account
5 [Early Childhood Grant Program Account](#)
6 Office of the Governor
7 ARRA Administrative Expenses – Office of Economic Recovery and ReInvestment
8 Department of Labor and Training
9 Job Development Fund – Title XII loans principal and interest

10 SECTION 2. Chapter 16-48 of the General Laws entitled “Education Services to Very
11 Young Children” is hereby amended by adding thereto the following section:

12 **16-48-9. Non-governmental funding for early childhood education.** -- [There is hereby](#)
13 [established in the department of elementary and secondary education early childhood education](#)
14 [program a restricted receipt account referred to as “Early Childhood Grant Program Account.”](#)
15 [The department of elementary and secondary education shall deposit into this account any funds](#)
16 [received from non-governmental sources for the purpose of funding early childhood education](#)
17 [programs. All such sums deposited shall be exempt from the indirect cost recovery provisions of](#)
18 [section 35-4-27.](#)

19 SECTION 3. Chapter 36-8 of the General Laws entitled “Retirement System –
20 Administration” is hereby amended by adding thereto the following section:

21 **36-8-10.2. Payment of administrative expense in administration of the defined**
22 **contribution plan - Restricted receipt account.** -- [\(a\) There is hereby established in the office](#)
23 [of the general treasurer a restricted receipt account referred to as the “Defined Contribution Plan](#)
24 [– Administration” account. The proceeds deposited into the account shall be used solely to pay](#)
25 [expenses incurred by the treasury and retirement system staff for the administration of the defined](#)
26 [contribution plan, as established by chapter 36-10.3 of the general laws.](#)

27 [\(b\) All costs associated with the administration of the defined contribution plan,](#)
28 [including but not limited to vendor selection, member out-reach, website maintenance, legal](#)
29 [support, and staff support in assisting ERSRI members regarding the defined contribution plan](#)
30 [benefits, shall be paid from this account. All such sums deposited in the “Defined Contribution](#)
31 [Plan – Administration” account shall be exempt from the indirect cost recovery provisions of](#)
32 [section 35-4-27.](#)

33 SECTION 4. This article shall take effect upon passage and shall apply retroactively to
34 July 1, 2011, except for Section 3 which shall apply retroactively to November 18, 2011.

1 **ARTICLE 15**

2 **RELATING TO HOSPITAL UNCOMPENSATED CARE**

3 SECTION 1. Sections 40-8.3-2 and 40-8.3-3 of the General Laws in Chapter 40-8.3
4 entitled "Uncompensated Care" are hereby amended to read as follows:

5 **40-8.3-2. Definitions.** -- As used in this chapter:

6 (1) "Base year" means for the purpose of calculating a disproportionate share payment for
7 any fiscal year ending after September 30, ~~2010~~ 2011, the period from October 1, ~~2008~~ 2009
8 through September 30, ~~2009~~ 2010, and for any fiscal year ending after September 30, ~~2011~~ 2012,
9 the period from October 1, 2009 through September 30, 2010.

10 (2) "Medical assistance inpatient utilization rate for a hospital" means a fraction
11 (expressed as a percentage) the numerator of which is the hospital's number of inpatient days
12 during the base year attributable to patients who were eligible for medical assistance during the
13 base year and the denominator of which is the total number of the hospital's inpatient days in the
14 base year.

15 (3) "Participating hospital" means any nongovernment and nonpsychiatric hospital that:
16 (i) was licensed as a hospital in accordance with chapter 17 of title 23 during the base year; (ii)
17 achieved a medical assistance inpatient utilization rate of at least one percent (1%) during the
18 base year; and (iii) continues to be licensed as a hospital in accordance with chapter 17 of title 23
19 during the payment year.

20 (4) "Uncompensated care costs" means, as to any hospital, the sum of: (i) the cost
21 incurred by such hospital during the base year for inpatient or outpatient services attributable to
22 charity care (free care and bad debts) for which the patient has no health insurance or other third-
23 party coverage less payments, if any, received directly from such patients; and (ii) the cost
24 incurred by such hospital during the base year for inpatient or out-patient services attributable to
25 Medicaid beneficiaries less any Medicaid reimbursement received therefor; multiplied by the
26 uncompensated care index.

27 (5) "Uncompensated care index" means the annual percentage increase for hospitals
28 established pursuant to § 27-19-14 for each year after the base year, up to and including the
29 payment year, provided, however, that the uncompensated care index for the payment year ending
30 September 30, 2007 shall be deemed to be five and thirty-eight hundredths percent (5.38%), and
31 that the uncompensated care index for the payment year ending September 30, 2008 shall be
32 deemed to be five and forty-seven hundredths percent (5.47%), and that the uncompensated care
33 index for the payment year ending September 30, 2009 shall be deemed to be five and thirty-eight
34 hundredths percent (5.38%), and that the uncompensated care index for the payment years ending

1 September 30, 2010, September 30, 2011 ~~and~~, September 30, 2012 and September 30, 2013 shall
2 be deemed to be five and thirty hundredths percent (5.30%).

3 **40-8.3-3. Implementation.** ~~-- (a) For the fiscal year commencing on October 1, 2009 and~~
4 ~~ending September 30, 2010, the department of human services shall submit to the Secretary of the~~
5 ~~U.S. Department of Health and Human Services a state plan amendment to the Rhode Island~~
6 ~~Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:~~

7 ~~(1) That the disproportionate share hospital payments to all participating hospitals not to~~
8 ~~exceed an aggregate limit of \$117.8 million, to be allocated by the department to the Pool A, Pool~~
9 ~~C and Pool D components of the DSH Plan;~~

10 ~~(2) That the Pool D allotment shall be distributed among the participating hospitals in~~
11 ~~direct proportion to the individual participating hospital's uncompensated care costs for the base~~
12 ~~year, inflated by the uncompensated care index to the total uncompensated care costs for the base~~
13 ~~year inflated by uncompensated care index for all participating hospitals. The disproportionate~~
14 ~~share payments shall be made on or before July 12, 2010 and are expressly conditioned upon~~
15 ~~approval on or before July 5, 2010 by the Secretary of the U.S. Department of Health and Human~~
16 ~~Services, or his or her authorized representative, of all Medicaid state plan amendments necessary~~
17 ~~to secure for the state the benefit of federal financial participation in federal fiscal year 2010 for~~
18 ~~the disproportionate share payments.~~

19 ~~(b)~~(a) For the fiscal year commencing on October 1, 2010 and ending September 30,
20 2011, the department of human services shall submit to the Secretary of the U.S. Department of
21 Health and Human Services a state plan amendment to the Rhode Island Medicaid state plan for
22 disproportionate share hospital payments (DSH Plan) to provide:

23 (1) That the disproportionate share hospital payments to all participating hospitals not to
24 exceed an aggregate limit of \$125.4 million, to be allocated by the department to the Pool A, Pool
25 C and Pool D components of the DSH Plan;

26 (2) That the Pool D allotment shall be distributed among the participating hospitals in
27 direct proportion to the individual participating hospital's uncompensated care costs for the base
28 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
29 year inflated by uncompensated care index for all participating hospitals. The disproportionate
30 share payments shall be made on or before July 18, 2011 and are expressly conditioned upon
31 approval on or before July 11, 2011 by the Secretary of the U.S. Department of Health and
32 Human Services, or his or her authorized representative, of all Medicaid state plan amendments
33 necessary to secure for the state the benefit of federal financial participation in federal fiscal year
34 2011 for the disproportionate share payments.

1 ~~(e)~~(b) For the fiscal year commencing on October 1, 2011 and ending September 30,
2 2012, the executive office of health and human services shall submit to the Secretary of the U.S.
3 Department of Health and Human Services a state plan amendment to the Rhode Island Medicaid
4 state plan for disproportionate share hospital payments (DSH Plan) to provide:

5 (1) That the disproportionate share hospital payments to all participating hospitals, not to
6 exceed an aggregate limit of ~~\$129.8~~ \$126.2 million, shall be allocated by the executive office of
7 health and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

8 (2) That the Pool D allotment shall be distributed among the participating hospitals in
9 direct proportion to the individual participating hospital's uncompensated care costs for the base
10 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
11 year inflated by uncompensated care index for all participating hospitals. The disproportionate
12 share payments shall be made on or before July 16, 2012 and are expressly conditioned upon
13 approval on or before July 9, 2012 by the Secretary of the U.S. Department of Health and Human
14 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
15 to secure for the state the benefit of federal financial participation in federal fiscal year 2012 for
16 the disproportionate share payments.

17 (c) For federal fiscal year 2013, commencing on October 1, 2012 and ending September
18 30, 2013, the executive office of health and human services shall submit to the Secretary of the
19 U.S. Department of Health and Human Services a state plan amendment to the Rhode Island
20 Medicaid state plan for disproportionate share hospital payments (DSH Plan) to provide:

21 (1) That the disproportionate share hospital payments to all participating hospitals, not to
22 exceed an aggregate limit of \$126.2 million, shall be allocated by the executive office of health
23 and human services to the Pool A, Pool C and Pool D components of the DSH Plan; and,

24 (2) That the Pool D allotment shall be distributed among the participating hospitals in
25 direct proportion to the individual participating hospital's uncompensated care costs for the base
26 year, inflated by the uncompensated care index to the total uncompensated care costs for the base
27 year inflated by uncompensated care index for all participating hospitals. The disproportionate
28 share payments shall be made on or before July 15, 2013 and are expressly conditioned upon
29 approval on or before July 8, 2013 by the Secretary of the U.S. Department of Health and Human
30 Services, or his or her authorized representative, of all Medicaid state plan amendments necessary
31 to secure for the state the benefit of federal financial participation in federal fiscal year 2013 for
32 the disproportionate share payments.

33 (d) No provision is made pursuant to this chapter for disproportionate share hospital
34 payments to participating hospitals for uncompensated care costs related to graduate medical

1 education programs.

2 SECTION 2. This article shall take effect upon passage.

3 **ARTICLE 16**

4 **RELATING POLICE OFFICERS AND FIREFIGHTERS RELIEF BENEFITS**

5 SECTION 1. Sections 45-19-2, 45-19-4, 45-19-4.1, 45-19-4.2, 45-19-5, 45-19-12, 45-
6 19-12.1, 45-19-12.2 and 45-19-12.3 of the General Laws in Chapter 45-19 entitled "Relief of
7 Injured and Deceased Fire Fighters and Police Officers" are hereby amended to read as follows:

8 **45-19-2. Board of police officer's relief.** -- Within the department of labor and training
9 there is a board of police officer's relief consisting of seven (7) members which administers the
10 fund for the relief of police officers as provided by law [and the rules and regulations promulgated](#)
11 [by the department of labor and training](#). Five (5) members of the board appointed by the director
12 of labor and training; provided, that four (4) of the five (5) members must be actually occupied
13 and working as full-time police officers in the police force of some municipality in this state.
14 These four (4) full-time police are selected, two (2) each, from a list of six (6) candidates
15 submitted by the Rhode Island State Lodge Fraternal Order of Police and the International
16 Brotherhood of Police Officers. The sixth member is appointed by the Rhode Island Police
17 Chiefs' Association as a representative of the conference on the board. The seventh member is
18 appointed by the Providence Retired Police and Fire Association, and must be a retired
19 Providence police officer; provided, further, that all financial powers and duties concerning the
20 board of police officer's relief are administered by the general treasurer.

21 **45-19-4. Annuities to dependents of deceased police officers and appropriations to**
22 **nondependent parents of police officers.** -- (a) If an active or retired member of the police force
23 of a city or town is killed or dies from injuries received while in the performance of his or her
24 duty as a member, or dies of a heart condition or any condition derived from hypertension while
25 still a member, there shall be paid out of the police officer's relief fund of Rhode Island to the
26 following dependents of the deceased person, the following sums of money:

27 (1) To the widow or widower or domestic partner an annuity not exceeding three
28 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
29 determined by the ~~board~~ [rules and regulations promulgated the department of labor and training](#)
30 and continuing as long as he or she remains unmarried or not in a domestic partnership and
31 commencing with the date of death but not more than six (6) months prior to the date of filing of
32 the petition by the widow or widower or domestic partner; provided, that if the member died
33 more than six (6) months prior to the filing of the petition then the payments are to commence no
34 sooner than six (6) months prior to the date of petition;

1 (2) An additional annuity ~~of~~ not exceeding twelve hundred dollars (\$1,200) a year,
2 payable in the number of regular installments determined by the ~~board~~ rules and regulations
3 promulgated by the department of labor and training, for each child of the deceased person during
4 the time that the child is under the age of eighteen (18) years, or over the age and physically or
5 mentally incapacitated from earning. If there is any child and no widow or widower or domestic
6 partner or the widow or widower or domestic partner dies later, the sum and the annuity that
7 would have been payable to the widow or widower or domestic partner had there been one or had
8 he or she lived, to or for the benefit of the child or of the children, in equal shares, during the time
9 previously stated;

10 (3) If there is any child and the widow or widower or domestic partner remarries or enters
11 in a domestic partnership, in lieu of the previously stated annuity to him or her, an annuity not
12 exceeding twelve hundred dollars (\$1,200) to or for the benefit of each child during the time
13 previously stated;

14 (4) If there is no widow or widower or domestic partner and no child, ~~the a~~ total sum ~~of~~
15 not exceeding ten thousand dollars (\$10,000) payable in a lump sum for the benefit of the father
16 and/or mother of the deceased, if not dependent upon him or her for support at the time of his or
17 her death; and

18 (5) If there is no widow or widower or domestic partner and no child, ~~the a~~ sum ~~of~~ not
19 exceeding three thousand six hundred dollars (\$3,600) payable in regular installments ~~by the~~
20 ~~board of police officer's relief as set forth in rules and regulations promulgated by the department~~
21 of labor and training to or for the benefit of the father or mother of the deceased, if dependent
22 upon him or her for support at the time of his or her death, and commencing with the date of
23 death but not more than six (6) months prior to the date of filing the petition; provided, that if the
24 member died more than six (6) months prior to the filing of the petition then the payments are to
25 commence no sooner than six (6) months prior to the date of the petition and continuing so long
26 as the beneficiary is unable to support himself or herself and does not remarry or enter into a
27 domestic partnership, an annuity not exceeding three thousand six hundred dollars (\$3,600) a
28 year, payable in regular installments determined by the ~~board~~ rules and regulations promulgated
29 by the department of labor and training. The amount of the annuity shall, from time to time, be
30 determined within the limits previously stated by the board.

31 (b) For the purpose of this section the words "police officer" mean and include any active
32 or retired member of the state police or the police of any city or town regularly employed at a
33 fixed salary or wage.

34 (c) The provisions of this section apply in the case of any dependent receiving benefits in

1 accordance with the provisions of this section as it was in effect prior to April 25, 1960.

2 (d) The provisions of this section apply in the case of any active or retired police officer
3 who from and after January 1, 1935, was killed or died from injuries received while in the
4 performance of duty, or dies of a heart condition or any condition derived from hypertension.

5 (e) The amount of the annuity shall be determined by the income and asset eligibility
6 standards set forth in the rules and regulations promulgated by the department of labor and
7 training.

8 ~~(e)(f)~~ The amount of the annuity ~~shall not~~ may be reduced by reason of receipt of an
9 annuity and/or other payments to any beneficiaries from any other source.

10 ~~(e)(g)~~ Upon the death of a member, the police chief shall immediately notify the widow
11 or widower or domestic partner of the member by registered or certified mail, return receipt
12 requested, of the widow or widower's or domestic partner's possible eligibility for benefits under
13 this chapter and the time restriction for filing a claim for these benefits.

14 ~~(e)(h)~~ For purposes of this chapter, "domestic partner" shall be defined as a person who,
15 prior to the decedent's death, was in an exclusive, intimate and committed relationship with the
16 decedent, and who certifies by affidavit that their relationship met the following qualifications:

17 (1) Both partners were at least eighteen (18) years of age and were mentally competent to
18 contract;

19 (2) Neither partner was married to anyone else;

20 (3) Partners were not related by blood to a degree which would prohibit marriage in the
21 state of Rhode Island;

22 (4) Partners resided together and had resided together for at least one year at the time of
23 death; and

24 (5) Partners were financially interdependent as evidenced by at least two (2) of the
25 following:

26 (i) Domestic partnership agreement or relationship contract;

27 (ii) Joint mortgage or joint ownership of primary residence;

28 (iii) Two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
29 joint credit account; (D) joint lease; and/or

30 (iv) The domestic partner had been designated as a beneficiary for the decedent's will,
31 retirement contract or life insurance.

32 **45-19-4.1. Tuition to children of police officers dying or disabled as a result of**

33 **service.** -- (a) If an active member of the police force of a city or town is killed, dies, or becomes
34 totally and permanently disabled from injuries received while in the performance of his or her

1 duty as a member, or dies of a heart condition or any condition derived from hypertension while
2 still a member, [and pursuant to the rules and regulations promulgated by the department of labor](#)
3 [and training](#) there ~~shall~~ [may](#) be paid out of the general fund of the state of Rhode Island the
4 charges for the tuition of children of the deceased or totally and permanently disabled police
5 officer and/or the spouse of a police officer killed in the line of duty. The benefits are extended to
6 the children and/or spouse who are attending or may attend the University of Rhode Island,
7 Rhode Island College, or any other college or university operated by the state; provided, that the
8 child has entered the institution while between the ages of sixteen (16) and twenty-one (21); and
9 provided, further, that the aid granted ~~is~~ [may be](#) available to the child and/or spouse for the period
10 of time that may equal the normal time for completing the courses regularly offered by the
11 institution, but in no case more than four (4) years.

12 (b) For the purpose of this section, the words "police officer" mean and include any
13 member of the state police, any correctional officer within the department of corrections, or the
14 police of any city or town regularly employed at a fixed salary or wage. Furthermore, this
15 excludes auxiliary and volunteer police officers of city, town, or state police. For the purpose of
16 this section, the words "totally and permanently disabled" mean any impairment of mind or body
17 making it impossible for one to follow continuously a gainful occupation.

18 **45-19-4.2. Tuition to police officers disabled as a result of service.** --(a) If an active
19 member of the police force of a city or town becomes totally and permanently disabled from
20 injuries received while in the performance of his or her duty as a member, or if any member of
21 the police force of a city or town becomes totally and permanently disabled from injuries received
22 while in the performance of his or her duty, [pursuant to rules and regulations promulgated by the](#)
23 [department of labor and training](#) there ~~shall~~ [may](#) be paid out of the general fund of the state of
24 Rhode Island the charges for the tuition of the totally and permanently disabled police officer.
25 The benefits are extended to members who are attending or may attend the university of Rhode
26 Island, Rhode Island college, or any other college or university operated by the state; provided,
27 that the aid granted in this section ~~is~~ [may be](#) available for the period of time that may equal the
28 normal time for completing the courses regularly offered by the institution, but in no case more
29 than four (4) years.

30 (b) For the purpose of this section the words "police officer" mean and include any
31 member of the state police or the police of any city or town regularly employed at a fixed salary
32 or wage. Furthermore, this excludes auxiliary and volunteer police officers of city, town, or state
33 police.

34 **45-19-5. Board of fire fighter's relief.** -- (a) Within the department of labor and training

1 there is a board of fire fighter's relief, consisting of three (3) members, which administer the fund
2 for the relief of fire fighters, as provided in this chapter [and the rules and regulations promulgated](#)
3 [by the department of labor and training](#). One member of the board is appointed by the director of
4 labor and training, one member is appointed by the Rhode Island State Association of Fire
5 Fighters, AFL-CIO-CLC, and the third member an active member of a Volunteer Fire
6 Department who is appointed by the Rhode Island State Firemen's League to represent volunteer
7 fire fighters on the board; provided, that all financial powers and duties concerning the board of
8 fire fighter's relief is administered by the general treasurer.

9 (b) A volunteer fire fighter shall be appointed by the Rhode Island State Firemen's
10 League for a term of three (3) years and shall continue to hold office until a successor has been
11 appointed. A member may be reappointed to succeed himself or herself.

12 (c) Members shall be appointed to fill vacancies for unexpired terms due to death,
13 resignation, or cause. A member appointed for less than a full term (to fill a vacancy) may serve
14 three (3) full years in addition to that part of a full term.

15 (d) The appointing authority may remove a member for cause.

16 **45-19-12. Annuities to dependents of deceased fire fighters and appropriations to**

17 **nondependent parents of deceased fire fighters.** -- (a) If an active or retired member of the fire
18 force of a city or town or fire fighter for the town of North Smithfield is killed or dies from
19 injuries received while in the performance of his or her duty as a member or dies of a heart
20 condition, respiratory ailments, or any condition derived from hypertension while still a member,
21 there shall be paid out of the fire fighter's relief fund of Rhode Island to the following dependents
22 of the deceased person, the following sums of money:

23 (1) To the widow or widower or domestic partner an annuity not exceeding three
24 thousand six hundred dollars (\$3,600) a year, payable in the number of regular installments
25 determined by the board and continuing as long as he or she remains unmarried or not in a
26 domestic partnership and commencing with the date of death but not more than six (6) months
27 prior to the date of filing of the petition by the widow or widower or domestic partner;

28 (2) An additional annuity of one thousand two hundred dollars (\$1,200) a year, payable in
29 the number of regular installments ~~determined by the board~~ [set forth in the rules and regulations](#)
30 [promulgated by the department of labor and training](#), for each child of the deceased person during
31 the time that the child is under the age of eighteen (18) years, or over the age and physically or
32 mentally incapacitated from earning;

33 (3) If there is no widow or widower or domestic partner and no child, ~~the a~~ total sum ~~of~~
34 [not exceeding](#) ten thousand dollars (\$10,000), payable in a lump sum for the benefit of the father

1 and/or mother of the deceased, if not dependent upon him or her for support at the time of his or
2 her death;

3 (4) If there is any child and no widow or widower or domestic partner or the widow or
4 widower or domestic partner dies later, the sum and the annuity that should have been payable to
5 the widow or widower or domestic partner had there been one or had he or she lived, to or for the
6 benefit of the child or of the children, in equal shares during the previously stated time;

7 (5) If there is any child, and the widow or widower or domestic partner remarries or
8 enters into a domestic partnership, in lieu of the previously stated annuity to him or her, an
9 annuity not exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each
10 child during the time previously stated; and

11 (6) If there is no widow or widower or domestic partner and no child, ~~the a sum of not~~
12 ~~exceeding~~ three thousand six hundred dollars (\$3,600) payable in regular installments by the
13 board of fire fighter's relief, to or for the benefit of the father or mother of the deceased, if
14 dependent upon him or her for support at the time of his or her death, and commencing with the
15 date of death but not more than six (6) months prior to the date of filing of the petition and
16 continuing so long as the beneficiary is unable to support himself or herself and does not remarry
17 or enter into a domestic partnership, an annuity not exceeding three thousand six hundred dollars
18 (\$3,600) a year, payable in the number of regular installments determined by the board.

19 (b) The amount of the annuity shall ~~, from time to time, be determined within the limits~~
20 ~~previously stated by the board~~ be determined by the income and asset eligibility standards set
21 forth in the rules and regulations promulgated by the department of labor and training.

22 (c) The provisions of this section shall in the case of any active or retired member of the
23 fire force of any city or town or fire fighter for the town of North Smithfield who, from and after
24 January 1, 1935, is killed or dies from injuries received while in the performance of his or her
25 duty, or dies of a heart condition, respiratory ailments, or any condition derived from
26 hypertension. The provisions of this section shall only be construed to apply prospectively.

27 (d) The amount of the annuity ~~shall not~~ may be reduced by reason of receipt of any
28 annuity and/or other payments to any beneficiary from any other source.

29 (e) Upon the death of a member, the fire chief shall immediately notify the widow or
30 widower or domestic partner of the member, in writing, by registered or certified mail, return
31 receipt requested, of the widow or widower's or domestic partner's possible eligibility for benefits
32 under this chapter and the time restriction for filing a claim for the benefits.

33 **45-19-12.1. Tuition to children of deceased or disabled fire fighters.** -- (a) If an active
34 member of the fire force of a city or town or crash rescue crew persons of the state of Rhode

1 Island is killed or dies or becomes totally and permanently disabled from injuries received while
2 in the performance of his or her duty as a member, or dies of a performance related heart
3 condition, or dies of performance related respiratory ailments, or dies of any conditions derived
4 from performance related hypertension, there ~~shall~~ may be paid, out of the general fund of the
5 state of Rhode Island, the charges for the tuition of children of the deceased or totally and
6 permanently disabled fire fighters. The benefits shall be extended to the children who are
7 attending or may attend the University of Rhode Island, Rhode Island College, or any other
8 college or university operated by the state; provided, that the child has entered the institution
9 while between the ages of sixteen (16) and twenty-one (21); and provided, further, that the aid
10 granted in this section ~~is~~ may be available to the child for a period of time that equals the normal
11 time for completing the courses regularly offered by the institution, but in no case more than four
12 (4) years.

13 (b) For the purposes of this section, the words "members of fire force" mean and include
14 any member of a fire force or crash rescue crew persons of any city or town regularly employed
15 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
16 persons of any city, town, or state fire fighting department.

17 **45-19-12.2. Annuities to dependents of deceased auxiliary and volunteer fire fighters**
18 **and appropriations to nondependent parents of deceased auxiliary and volunteer fire**
19 **fighters.** -- (a) If an active member of a volunteer or auxiliary fire force or volunteer crash rescue
20 or ambulance corps is killed or dies from injuries received while in the performance of his or her
21 duty there, shall be paid out of the fire fighter's relief fund of Rhode Island to the following
22 dependents of the deceased person, the following sums of money:

23 (1) To the widow or widower or domestic partner beginning at the death, an annuity not
24 exceeding three thousand six hundred dollars (\$3,600) a year, payable in regular installments as
25 may be determined by the board and continuing as long as he or she remains unmarried or not in
26 a domestic partnership;

27 (2) An additional annuity ~~of~~ not exceeding one thousand two hundred dollars (\$1,200) a
28 year, payable in regular installments determined by the board, for each child of the deceased
29 person during the time that the child is under the age of eighteen (18) years, or over that age and
30 physically or mentally incapacitated from earning;

31 (3) If there is any child and no widow or widower or domestic partner or the widow or
32 widower or domestic partner dies later, the sum and annuity that should have been payable to the
33 widow or widower or domestic partner had there been one or had he or she lived, to or for the
34 benefit of the child or of the children, in equal shares during the previously stated time;

1 (4) If there is any child and the widow or widower or domestic partner remarries or enters
2 into a domestic partnership, in lieu of the previously stated annuity to him or her, an annuity not
3 exceeding one thousand two hundred dollars (\$1,200) to or for the benefit of each child during
4 the previously stated time;

5 (5) If there is no widow or widower or domestic partner and no child, ~~the a~~ total sum ~~of~~
6 not exceeding ten thousand dollars (\$10,000) payable in a lump for the benefit of the father
7 and/or mother of the deceased, if not dependent upon him or her for support at the time of his or
8 her death; and

9 (6) If there is no widow or widower or domestic partner and no child, ~~the a~~ sum ~~of~~ not
10 exceeding three thousand six hundred dollars (\$3,600) payable in regular installments ~~by the~~
11 ~~board of fire fighter's relief~~ set forth in the rules and regulations promulgated by the department
12 of labor and training, to or for the benefit of the father or mother of the deceased, if dependent
13 upon him or her for support at the time of his or her death, and beginning at the death and
14 continuing so long as the beneficiary is unable to support himself or herself and does not remarry
15 or enter into a domestic partnership, an annuity not exceeding three thousand six hundred dollars
16 (\$3,600) a year, payable in regular installments determined by the board.

17 (b) The provisions of this section shall be retroactive to July 1, 1988.

18 **45-19-12.3. Tuition to disabled fire fighters.** -- (a) If an active member of the fire force
19 of a city or town or crash rescue crew persons of the state of Rhode Island becomes totally and
20 permanently disabled from injuries received while in the performance of his or her duty as a
21 member, or if any member of the fire force of a city or town or crash rescue crew persons of the
22 state of Rhode Island becomes totally and permanently disabled from injuries received while in
23 the performance of his or her duty, there ~~shall~~ may be paid, out of the general fund of the state of
24 Rhode Island, the charges for the tuition of totally and permanently disabled fire fighters. The
25 benefits are extended to members who are attending or may attend the University of Rhode
26 Island, Rhode Island College, or any other college or university operated by the state; provided,
27 that the aid granted in this section ~~is~~ may be available for a period of time that equals the normal
28 time for completing the courses regularly offered by the institution, but in no case more than four
29 (4) years.

30 (b) For the purposes of this section, the words "members of fire force" mean and include
31 any member of a fire force or crash rescue crew persons of any city or town regularly employed
32 at a fixed salary or wage; this includes auxiliary and volunteer fire fighters and crash rescue crew
33 persons of any city, town or state fire fighting department.

34 SECTION 2. Chapter 45-19 of the General Laws entitled "Relief of Injured and

1 Deceased Fire Fighters and Police Officers” is hereby amended by adding thereto the following
2 section:

3 **45-19-20. Establishment of Police and Fire Relief Fund Review Panel.--** There is
4 hereby established a police and fire fighter relief fund review panel with five members appointed
5 by the director of the department of labor and training, that shall be responsible for monitoring
6 the expenditure trends in the annuities and tuition benefits paid under this chapter, and for
7 recommending changes in rules and regulations in order to constrain the growth in spending in
8 the police and fire relief program. The director of the department of labor and training shall
9 promulgate rules and regulations which establish income eligibility standards and assets tests for
10 determining the award of annuities and tuition payments under this chapter. Such rules and
11 regulations shall be developed with the goal of serving those most needy individuals while
12 limiting expenditures to no more than the amounts appropriated in the FY 2012 appropriation act.

13 SECTION 3. This article shall take effect upon passage.

14 **ARTICLE 17**

15 RELATING TO MEDICAL ASSISTANCE - DENTAL BENEFITS

16 SECTION 1. Section 40-8.4-19 of the General Laws in Chapter 40-8.4 entitled “Health
17 Care for Families” is hereby amended to read as follows:

18 **40-8.4-19. Managed health care delivery systems for families. --** (a) Notwithstanding
19 any other provision of state law, the delivery and financing of the health care services provided
20 under this chapter shall be provided through a system of managed care. "Managed care" is
21 defined as systems that: integrate an efficient financing mechanism with quality service delivery;
22 provide a "medical home" to assure appropriate care and deter unnecessary services; and place
23 emphasis on preventive and primary care.

24 (b) Enrollment in managed care health delivery systems is mandatory for individuals
25 eligible for medical assistance under this chapter. This includes children in substitute care,
26 children receiving Medical Assistance through an adoption subsidy, and children eligible for
27 medical assistance based on their disability. Beneficiaries with third-party medical coverage or
28 insurance may be exempt from mandatory managed care in accordance with rules and regulations
29 promulgated by the department of human services for such purposes.

30 (c) *Individuals who can afford to contribute shall share in the cost.* The department of
31 human services is authorized and directed to apply for and obtain any necessary waivers and/or
32 state plan amendments from the secretary of the U.S. department of health and human services,
33 including, but not limited to, a waiver of the appropriate sections of Title XIX, 42 U.S.C. § 1396
34 et seq., to require that beneficiaries eligible under this chapter or chapter 12.3 of title 42, with

1 incomes equal to or greater than one hundred fifty percent (150%) of the federal poverty level,
2 pay a share of the costs of health coverage based on the ability to pay. The department of human
3 services shall implement this cost-sharing obligation by regulation, and shall consider co-
4 payments, premium shares, or other reasonable means to do so in accordance with approved
5 provisions of appropriate waivers and/or state plan amendments approved by the secretary of the
6 United States department of health and human services.

7 (d) Notwithstanding the above, the executive office of health and human services is
8 authorized to eliminate dental services for adults age twenty-one (21) years and older.

9 SECTION 2. This article shall take effect as of July 1, 2012.

10 **ARTICLE 18**

11 **RELATING TO OFFICE OF HEALTH AND HUMAN SERVICES**

12 SECTION 1. Sections 42-7.2.1, 42-7.2-2, 42-7.2-4, 42-7.2-5, 42-7.2-6, 42-7.2-6.1, 42-
13 7.2-12 and 42-7.2-16 of the General Laws in Chapter 42-7.2 entitled "Office of Health and
14 Human Services" are hereby amended to read as follows:

15 **42-7.2-1. Statement of intent.--** The purpose of this Chapter is to develop a consumer-
16 centered system of publicly-financed state administered health and human services that supports
17 access to high quality services, protects the safety of the state's most vulnerable citizens, and
18 ensures the efficient use of all available resources by the ~~five (5)~~ four (4) departments responsible
19 for the health and human services programs serving all Rhode Islanders and providing direct
20 assistance and support services to more than 250,000 individuals and families: the department of
21 children, youth, and families; ~~the department of elderly affairs;~~ the department of health; the
22 department of human services; and the department of ~~mental health, retardation~~ behavioral
23 healthcare, developmental disabilities and hospitals, collectively referred to within as
24 "departments". It is recognized that the executive office of health and human services and the
25 departments have undertaken a variety of initiatives to further this goal and that they share a
26 commitment to continue to work in concert to preserve and promote each other's unique missions
27 while striving to attain better outcomes for all the people and communities they serve. However,
28 recent and expected changes in federal and state policies and funding priorities that affect the
29 financing, organization, and delivery of health and human services programs pose new challenges
30 and opportunities that have created an even greater need for structured and formal
31 interdepartmental cooperation and collaboration. To meet this need while continuing to build on
32 the achievements that have already been made, the interests of all Rhode Islanders will best be
33 served by codifying in the state's general laws the purposes and responsibilities of the executive
34 office of health and human services and the position of secretary of health and human services.

1 **42-7.2-2. Executive office of health and human services .** --There is hereby established
2 within the executive branch of state government an executive office of health and human services
3 to serve as the principal agency of the executive branch of state government for managing the
4 departments of children, youth and families, ~~elderly affairs~~, health, human services, and ~~mental~~
5 ~~health, retardation~~ behavioral healthcare, developmental disabilities and hospitals. In this
6 capacity, the office shall:

7 (a) Lead the state's ~~five~~ four (4) health and human services departments in order to:

8 (1) Improve the economy, efficiency, coordination, and quality of health and human
9 services policy and planning, budgeting and financing.

10 (2) Design strategies and implement best practices that foster service access, consumer
11 safety and positive outcomes.

12 (3) Maximize and leverage funds from all available public and private sources, including
13 federal financial participation, grants and awards.

14 (4) Increase public confidence by conducting independent reviews of health and human
15 services issues in order to promote accountability and coordination across departments.

16 (5) Ensure that state health and human services policies and programs are responsive to
17 changing consumer needs and to the network of community providers that deliver assistive
18 services and supports on their behalf.

19 (b) ~~Supervise the administrations of~~ Administer the federal and state medical assistance
20 programs ~~by acting as~~ in the capacity of the single state agency authorized under title XIX of the
21 U.S. Social Security act, 42 U.S.C. § 1396a et seq., ~~notwithstanding any general or public law or~~
22 ~~regulation to the contrary~~, and ~~exercising~~ exercise such single state agency authority for such
23 other federal and state programs as may be designated by the governor. Except as provided for
24 herein, nothing in this chapter shall be construed as transferring to the secretary: ~~(1) The~~ the
25 powers, duties or functions conferred upon the departments by Rhode Island general laws for the
26 ~~administration of the foregoing federal and state programs; or (2) The administrative~~
27 ~~responsibility for the preparation and submission of any state plans, state plan amendments, or~~
28 ~~federal waiver applications, as may be approved from time to time by the secretary with respect~~
29 ~~to the foregoing federal and state programs~~ management and operations of programs or services
30 approved for federal financial participation under the authority of the Medicaid state agency.

31 **42-7.2-4. Responsibilities of the secretary.**-- (a) The secretary shall be responsible to
32 the governor for supervising the executive office of health and human services and for managing
33 and providing strategic leadership and direction to the ~~five~~ four (4) departments.

34 (b) Notwithstanding the provisions set forth in this chapter, the governor shall appoint the

1 directors of the departments within the executive office of health and human services. Directors
2 appointed to those departments shall continue to be subject to the advice and consent of the senate
3 and shall continue to hold office as set forth in §§ 42-6-1 et seq. and 42-72-1(c).

4 **42-7.2-5. Duties of the secretary.**--The secretary shall be subject to the direction and
5 supervision of the governor for the oversight, coordination and cohesive direction of state
6 administered health and human services and in ensuring the laws are faithfully executed, not
7 withstanding any law to the contrary. In this capacity, the Secretary of Health and Human
8 Services shall be authorized to:

9 (1) Coordinate the administration and financing of health care benefits, human services
10 and programs including those authorized by the Global Consumer Choice Compact Waiver and,
11 as applicable, the Medicaid State Plan under Title XIX of the US Social Security Act. However,
12 nothing in this section shall be construed as transferring to the secretary the powers, duties or
13 functions conferred upon the departments by Rhode Island public and general laws for the
14 administration of federal/state programs financed in whole or in part with Medicaid funds or the
15 administrative responsibility for the preparation and submission of any state plans, state plan
16 amendments, or authorized federal waiver applications, once approved by the secretary and
17 director of the single state agency.

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

20 (3) Review and ensure the coordination of any Global Consumer Choice Compact
21 Waiver requests and renewals as well as any initiatives and proposals requiring amendments to
22 the Medicaid state plan or category ~~one (I) or~~ two (II) or three (III) changes, as described in the
23 special terms and conditions of the Global Consumer Choice Compact Waiver with the potential
24 to affect the scope, amount or duration of publicly-funded health care services, provider payments
25 or reimbursements, or access to or the availability of benefits and services as provided by Rhode
26 Island general and public laws. The secretary shall consider whether any such changes are legally
27 and fiscally sound and consistent with the state's policy and budget priorities. The secretary shall
28 also assess whether a proposed change is capable of obtaining the necessary approvals from
29 federal officials and achieving the expected positive consumer outcomes. Department directors
30 shall, within the timelines specified, provide any information and resources the secretary deems
31 necessary in order to perform the reviews authorized in this section;

32 (4) Beginning in 2006, prepare and submit to the governor, the chairpersons of the house
33 and senate finance committees, the caseload estimating conference, and to the joint legislative
34 committee for health care oversight, by no later than March 15 of each year, a comprehensive

1 overview of all Medicaid expenditures outcomes, and utilization rates. The overview shall
2 include, but not be limited to, the following information:

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

4 (ii) Expenditures, outcomes and utilization rates by population and sub-population served
5 (e.g. families with children, children with disabilities, children in foster care, children receiving
6 adoption assistance, adults with disabilities, and the elderly);

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

10 (iv) Expenditures, outcomes and utilization rates by type of service and/or service
11 provider. The directors of the departments, as well as local governments and school departments,
12 shall assist and cooperate with the secretary in fulfilling this responsibility by providing whatever
13 resources, information and support shall be necessary.

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

17 (6) Assure continued progress toward improving the quality, the economy, the
18 accountability and the efficiency of state-administered health and human services. In this
19 capacity, the secretary shall:

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

25 (ii) Encourage the departments to utilize consumer-centered approaches to service design
26 and delivery that expand their capacity to respond efficiently and responsibly to the diverse and
27 changing needs of the people and communities they serve;

28 (iii) Develop all opportunities to maximize resources by leveraging the state's purchasing
29 power, centralizing fiscal service functions related to budget, finance, and procurement,
30 centralizing communication, policy analysis and planning, and information systems and data
31 management, pursuing alternative funding sources through grants, awards and partnerships and
32 securing all available federal financial participation for programs and services provided through
33 the departments;

34 (iv) Improve the coordination and efficiency of health and human services legal functions

1 by centralizing adjudicative and legal services and overseeing their timely and judicious
2 administration;

3 (v) Facilitate the rebalancing of the long term system by creating an assessment and
4 coordination organization or unit for the expressed purpose of developing and implementing
5 procedures across departments that ensure that the appropriate publicly-funded health services are
6 provided at the right time and in the most appropriate and least restrictive setting; and

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

11 (vii) Broaden access to publicly funded food and nutrition services by consolidating
12 agency programs and initiatives to eliminate duplication and overlap and improve the availability
13 and quality of services; and

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

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

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

25 (9) Establishment of an integrated approach to interdepartmental information and data
26 management that complements and furthers the goals of the CHOICES initiative and that will
27 facilitate the transition to consumer-centered system of state administered health and human
28 services.

29 (10) At the direction of the governor or the general assembly, conduct independent
30 reviews of state-administered health and human services programs, policies and related agency
31 actions and activities and assist the department directors in identifying strategies to address any
32 issues or areas of concern that may emerge thereof. The department directors shall provide any
33 information and assistance deemed necessary by the secretary when undertaking such
34 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) Implement the provisions of any general or public law or regulation related to the
6 disclosure, confidentiality and privacy of any information or records, in the possession or under
7 the control of the executive office or the departments assigned to the executive office, that may be
8 developed or acquired for purposes directly connected with the secretary's duties set forth herein.

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

12 **42-7.2-6. Departments assigned to the executive office - Powers and duties.** --(a) The
13 departments assigned to the secretary shall:

14 (1) Exercise their respective powers and duties in accordance with their statutory
15 authority and the general policy established by the governor or by the secretary acting on behalf
16 of the governor or in accordance with the powers and authorities conferred upon the secretary by
17 this chapter;

18 (2) Provide such assistance or resources as may be requested or required by the governor
19 and/or the secretary; and

20 (3) Provide such records and information as may be requested or required by the
21 governor and/or the secretary to the extent allowed under the provisions of any applicable general
22 or public law, regulation, or agreement relating to the confidentiality, privacy or disclosure of
23 such records or information.

24 (4) Forward to the secretary copies of all reports to the governor.

25 (b) Except as provided herein, no provision of this chapter or application thereof shall be
26 construed to limit or otherwise restrict the department of children, youth and families, ~~the~~
27 ~~department of elderly affairs~~, the department of health, the department of human services, and the
28 department of ~~mental health, retardation~~ behavioral healthcare, developmental disabilities and
29 hospitals from fulfilling any statutory requirement or complying with any valid rule or regulation.

30 **42-7.2-6.1. Transfer of powers and functions.**-- (a) There are hereby transferred to the
31 executive office of health and human services the powers and functions of the departments with
32 respect to the following:

33 (1) By July 1, 2007, fiscal services including budget preparation and review, financial
34 management, purchasing and accounting and any related functions and duties deemed necessary

1 by the secretary;

2 (2) By July 1, 2007, legal services including applying and interpreting the law, oversight
3 to the rule-making process, and administrative adjudication duties and any related functions and
4 duties deemed necessary by the secretary;

5 (3) By September 1, 2007, communications including those functions and services related
6 to government relations, public education and outreach and media relations and any related
7 functions and duties deemed necessary by the secretary;

8 (4) By March 1, 2008, policy analysis and planning including those functions and
9 services related to the policy development, planning and evaluation and any related functions and
10 duties deemed necessary by the secretary;

11 (5) By June 30, 2008, information systems and data management including the financing,
12 development and maintenance of all data-bases and information systems and platforms as well as
13 any related operations deemed necessary by the secretary;

14 (6) By October 1, 2009, assessment and coordination for long-term care including those
15 functions related to determining level of care or need for services, development of individual
16 service/care plans and planning, identification of service options, the pricing of service options
17 and choice counseling; and

18 (7) By October 1, 2009, program integrity, quality control and collection and recovery
19 functions including any that detect fraud and abuse or assure that beneficiaries, providers, and
20 third-parties pay their fair share of the cost of services, as well as any that promote alternatives to
21 publicly financed services, such as the long-term care health insurance partnership.

22 (8) By January 1, 2011, client protective services including any such services provided to
23 children, elders and adults with developmental and other disabilities;

24 (9) [Deleted by P.L. 2010, ch. 23, art. 7, § 1].

25 (b) The secretary shall determine in collaboration with the department directors whether
26 the officers, employees, agencies, advisory councils, committees, commissions, and task forces of
27 the departments who were performing such functions shall be transferred to the office.

28 (c) In the transference of such functions, the secretary shall be responsible for ensuring:

29 (1) Minimal disruption of services to consumers;

30 (2) Elimination of duplication of functions and operations;

31 (3) Services are coordinated and functions are consolidated where appropriate;

32 (4) Clear lines of authority are delineated and followed;

33 (5) Cost-savings are achieved whenever feasible;

34 (6) Program application and eligibility determination processes are coordinated and,

1 where feasible, integrated; and

2 (7) State and federal funds available to the office and the entities therein are allocated and
3 utilized for service delivery to the fullest extent possible.

4 (d) Except as provided herein, no provision of this chapter or application thereof shall be
5 construed to limit or otherwise restrict the departments of children, youth and families, human
6 services, ~~elderly affairs~~, health, and ~~mental health, retardation~~ behavioral healthcare,
7 developmental disabilities, and hospitals from fulfilling any statutory requirement or complying
8 with any regulation deemed otherwise valid.

9 (e) The secretary shall prepare and submit to the leadership of the house and senate
10 finance committees, by no later than January 1, 2010, a plan for restructuring functional
11 responsibilities across the departments to establish a consumer centered integrated system of
12 health and human services that provides high quality and cost-effective services at the right time
13 and in the right setting across the life-cycle.

14 **42-7.2-12. Medicaid program study.--** (a) The secretary of the executive office of health
15 and human services shall conduct a study of the Medicaid programs administered by the state to
16 review and analyze the options available for reducing or stabilizing the level of uninsured Rhode
17 Islanders and containing Medicaid spending.

18 (1) As part of this process, the study shall consider the flexibility afforded the state under
19 the federal Deficit Reduction Act of 2006 and any other changes in federal Medicaid policy or
20 program requirements occurring on or before December 31, 2006, as well as the various
21 approaches proposed and/or adopted by other states through federal waivers, state plan
22 amendments, public-private partnerships, and other initiatives.

23 (2) In exploring these options, the study shall examine fully the overall administrative
24 efficiency of each program for children and families, elders and adults with disabilities and any
25 such factors that may affect access and/or cost including, but not limited to, coverage groups,
26 benefits, delivery systems, and applicable cost-sharing requirements.

27 (b) The secretary shall ensure that the study focuses broadly on the Medicaid programs
28 administered by the executive office of health and human services and all ~~five (5)~~ of the state's
29 ~~five (5)~~ four (4) health and human services departments, irrespective of the source or manner in
30 which funds are budgeted or allocated. The directors of the departments shall cooperate with the
31 secretary in preparing this study and provide any information and/or resources the secretary
32 deems necessary to assess fully the short and long-term implications of the options under review
33 both for the state and the people and the communities the departments serve. The secretary shall
34 submit a report and recommendations based on the findings of the study to the general assembly

1 and the governor no later than March 1, 2007.

2 **42-7.2-16. Medicaid System Reform 2008.** -- (a) The executive office of health and
3 human services, in conjunction with the department of human services, ~~the department of elderly~~
4 ~~affairs~~, the department of children youth and families, the department of health and the
5 department of ~~mental health, retardation~~ behavioral healthcare, developmental disabilities, and
6 hospitals, is authorized to design options that reform the Medicaid program so that it is a person-
7 centered, financially sustainable, cost-effective, and opportunity driven program that: utilizes
8 competitive and value based purchasing to maximize the available service options, promote
9 accountability and transparency, and encourage and reward healthy outcomes, independence, and
10 responsible choices; promotes efficiencies and the coordination of services across all health and
11 human services agencies; and ensures the state will have a fiscally sound source of publicly-
12 financed health care for Rhode Islanders in need.

13 (b) *Principles and Goals.* In developing and implementing this system of reform, the
14 executive office of health and human services and the ~~five (5)~~ four (4) health and human services
15 departments shall pursue the following principles and goals:

16 (1) Empower consumers to make reasoned and cost-effective choices about their health
17 by providing them with the information and array of service options they need and offering
18 rewards for healthy decisions;

19 (2) Encourage personal responsibility by assuring the information available to
20 beneficiaries is easy to understand and accurate, provide that a fiscal intermediary is provided
21 when necessary, and adequate access to needed services;

22 (3) When appropriate, promote community-based care solutions by transitioning
23 beneficiaries from institutional settings back into the community and by providing the needed
24 assistance and supports to beneficiaries requiring long-term care or residential services who wish
25 to remain, or are better served in the community;

26 (4) Enable consumers to receive individualized health care that is outcome-oriented,
27 focused on prevention, disease management, recovery and maintaining independence;

28 (5) Promote competition between health care providers to ensure best value purchasing,
29 to leverage resources and to create opportunities for improving service quality and performance;

30 (6) Redesign purchasing and payment methods to assure fiscal accountability and
31 encourage and to reward service quality and cost-effectiveness by tying reimbursements to
32 evidence-based performance measures and standards, including those related to patient
33 satisfaction; and

34 (7) Continually improve technology to take advantage of recent innovations and advances

1 that help decision makers, consumers and providers to make informed and cost-effective
2 decisions regarding health care.

3 (c) The executive office of health and human services shall annually submit a report to
4 the governor and the general assembly commencing on a date no later than July 1, 2009
5 describing the status of the administration and implementation of the Global Waiver Compact.

6 SECTION 2. Chapter 42-7.2 of the General Laws entitled "Office of Health and Human
7 Service" is hereby amended by adding thereto the following section:

8 **42-7.2-17. Statutory reference to the office of health and human services.--**
9 Notwithstanding other statutory references to the department of human services, wherever in the
10 general or public laws, or any rule or regulation, any reference shall appear to the "department of
11 human services" or to "department" as it relates to any responsibilities for and/or to Medicaid,
12 unless the context otherwise requires, it shall be deemed to mean and shall be replaced with "the
13 office of health and human services."

14 SECTION 3. This article shall take effect upon passage.

15 **ARTICLE 19**

16 **RELATING TO RHODE ISLAND VETERANS' HOME**

17 SECTION 1. Rhode Island Veterans' Home.

18 WHEREAS, the department of human services is responsible for the operation of the
19 Rhode Island Veterans' Home, pursuant to Title 30, Chapters 17.1 and 24 of the General Laws;
20 and

21 WHEREAS, the Rhode Island Veterans' Home is an aged facility that will likely require
22 significant modification and renovation to continue to comply with current and future life/safety
23 code requirements; and

24 WHEREAS, the State has a compelling interest and obligation to support its citizens who
25 have served their country in military service at time of war; and

26 WHEREAS, the Special House Commission to Undertake a Comprehensive Study of the
27 R.I. Veterans' Home in Bristol and Develop a Master plan for the Overall Future Direction of the
28 Facility has devoted a considerable amount of volunteer time and effort to develop a proposal to
29 construct a new Veterans' Home and associated assisted living residence on the property at
30 Bristol, and has recommended that the Governor and General Assembly propose a bond issue to
31 the voters in the next general election for this purpose; now, therefore, be it

32 RESOLVED, that the Governor and General Assembly will afford this proposal careful
33 consideration during the deliberations regarding the appropriations act for state fiscal year 2013,
34 and will reach a final decision as to the proposed bond issue no later than June 30, 2012.

1 SECTION 2. This article shall take effect upon passage.

2 **ARTICLE 20**

3 RELATING TO EAST BAY BRIDGE SYSTEM

4 SECTION 1. Title 24 of the General Laws entitled "HIGHWAYS" is hereby amended
5 by adding thereto the following chapter:

6 CHAPTER 24-16

7 EAST BAY BRIDGE SYSTEM ACT OF 2012

8 **24-16-1. Short Title.** -- This chapter shall be known and may be cited as the "East Bay
9 Bridge System Act of 2012".

10 **24-16-2. Legislative findings.** -- The general assembly finds that:

11 (1) The State of Rhode Island, through the Rhode Island Department of Transportation
12 ("RIDOT"), funds the repair, replacement, and maintenance of bridges in Rhode Island, except
13 the Newport Bridge and the Mount Hope Bridge.

14 (2) Rhode Island depends on three primary sources for funding all transportation
15 infrastructure construction, maintenance, and operations. These sources are Federal funds, State
16 bond funds, and motor fuel tax revenue. Of these sources, two (Federal funds and motor fuel tax
17 revenue) are mutable.

18 (3) The 2008 Governor's Blue Ribbon Panel on Transportation Funding and the 2011
19 Senate Special Commission on Sustainable Transportation funding determined that there is
20 insufficient revenue available from all existing sources to fund the maintenance and improvement
21 of Rhode Island transportation infrastructure.

22 (4) In 2011, the Rhode Island general assembly adopted a component of the
23 recommended systemic change to transportation funding by creating the Rhode Island Highway
24 Maintenance Trust Fund, to be funded by an increase in license and registration fees and
25 contributions from the Rhode Island Capital Plan (RICAP) fund, beginning in FY2014.

26 (5) Although the State is shifting from long-term borrowing to annual revenues to fund
27 transportation infrastructure, there is still a funding gap between the revenue needed to maintain
28 all roads and bridges in good condition and the annual amounts generated by current revenue
29 sources.

30 (6) The State has sufficient financial resources to complete the construction of the new
31 Sakonnet River Bridge and to demolish the existing Sakonnet River Bridge, but does not have
32 sufficient financial resources to assure the future maintenance and operation of the Sakonnet
33 River Bridge.

34 (7) There is limited access to and from Rhode Island's East Bay, consisting of Bristol and

1 Newport Counties, and this access is restricted both by geography and infrastructure. The most
2 critical infrastructure includes the four bridges that comprise the access to Aquidneck Island and
3 Conancicut Island. These four bridges make up less than half a percent of the total bridges in the
4 state, but comprise approximately twenty percent of the deck area of all Rhode Island bridges.

5 (8) Two of the four bridges, the Sakonnet River Bridge and the Jamestown Verrazzano
6 Bridge, are owned and maintained by RIDOT. The Rhode Island Turnpike and Bridge Authority
7 ("RITBA") currently owns and maintains the other two bridges: the Newport Bridge and the
8 Mount Hope Bridge.

9 (9) In the current economic and political climate, cooperation between State departments
10 and/or quasi-public agencies provides the best opportunity to maximize financial and knowledge-
11 based resources.

12 (10) RITBA currently assesses a toll for passage over the Newport Bridge, and this toll
13 serves as the sole source of revenue for RITBA to maintain both the Newport Bridge and the
14 Mount Hope Bridge and related appurtenances.

15 (11) The Federal Highway Administration allows for the placement of tolls on certain
16 transportation infrastructure in order to assure the improvement and proper operation and
17 maintenance of the structure and associated roadways.

18 (12) The current toll structure places undue burden on the residents, businesses, and
19 visitors who must use the Newport Bridge to access work, schools, shopping, and other essential
20 services. It is crucial to establish a comprehensive strategy to fund and maintain the bridges
21 connecting the East Bay.

22 (13) The transfer of the Sakonnet River Bridge and its appurtenances and the Jamestown
23 Verrazzano Bridge and its appurtenances to the Rhode Island Turnpike and Bridge Authority
24 would be in the best interests of the State of Rhode Island and its residents, particularly those
25 living and working in the East Bay.

26 (14) The placement of a toll on the Sakonnet River Bridge, under the direction of RITBA,
27 would serve to create a more viable means of funding future maintenance and repairs of the East
28 Bay bridges and would allow for the establishment of a more equitable toll structure, along with a
29 fund for capital transportation projects and preventive maintenance in the East Bay.

30 **24-16-3. East Bay Infrastructure fund established.** -- (a) There is hereby created a
31 special account in the general fund to be known as the East Bay Infrastructure (EBI) fund.

32 (b) The fund shall consist of all those moneys which the Rhode Island Turnpike and
33 Bridge Authority may and the state may, from time to time, direct to the fund, including, but not
34 necessarily limited to, funds in excess of those required to (i) pay debt service payments, (ii)

1 operate and maintain the bridges; and (iii) maintain required or adequate reserves.

2 (c) All funds collected pursuant to this section shall be deposited in the EBI fund and
3 shall be used only in Bristol and Newport Counties, and only for the purposes set forth in this
4 chapter.

5 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but
6 shall remain in the EBI fund. There shall be no requirement that moneys received into the EBI
7 fund during any given calendar year or fiscal year be expended during the same calendar year or
8 fiscal year.

9 (e) The EBI fund shall be administered by the director, who shall allocate and spend
10 moneys from the fund only in accordance with the purposes and procedures set forth in this
11 chapter.

12 SECTION 2. Section 24-8-28 of the General Laws in Chapter 24-8 entitled
13 “Construction and Maintenance of State Roads” is hereby repealed.

14 ~~§ 24-8-28 Sakonnet River stone bridge. — The department of transportation shall have~~
15 ~~full charge and control of the operation and maintenance of the Rhode Island stone bridge across~~
16 ~~Sakonnet River connecting the island of Rhode Island with the mainland, and the bridge is hereby~~
17 ~~made a part of the state highway system. The department shall appoint the attendants and other~~
18 ~~employees as may be required for the care and operation of the bridge, and in all matters of the~~
19 ~~care, operation, and maintenance of the bridge the department shall exercise full authority. All~~
20 ~~appropriations for the care, maintenance, and repair of the bridge shall be expended under the~~
21 ~~direction of the department.~~

22 SECTION 3. Sections 24-12-1, 24-12-5, 24-12-9, 24-12-18, 24-12-26, 24-12-28, 24-12-
23 39 and 24-12-50 of the General Laws in Chapter 24-12 entitled “Rhode Island Bridge and
24 Turnpike Authority” are hereby amended to read as follows:

25 **24-12-1. Definitions. --** As used in this chapter, the following words and terms shall
26 have the following meanings, unless the context shall indicate another or different meaning:

27 (1) "Additional facility" means any bridge, ~~(excluding the Sakonnet River Bridge),~~
28 approach or feeder road, highway, road, freeway, tunnel, overpass, ~~or~~ underpass, parking facility
29 or toll facility, in the state, equipment or signal and information system, which the authority is
30 authorized by this chapter or any other law to construct, reconstruct, renovate, acquire, maintain,
31 repair, operate, or manage after May 3, 1954 or any portion thereof.

32 (2) "Annual period" means the one-year fiscal period of the state commencing on the first
33 day of July of any year and ending the last day of June of the following year.

34 (3) "Authority" means the Rhode Island turnpike and bridge authority created by § 24-12-

1 2, or, if the authority shall be abolished, the board, body, or commission succeeding to the
2 principal functions thereof or upon whom the powers given by the chapter to the authority shall
3 be given by law.

4 (4) "Cost" as applied to any project to be constructed, reconstructed, renovated,
5 maintained, [acquired, leased](#), repaired, operated or managed by the authority shall embrace the
6 cost of construction, reconstruction, renovation, maintenance, repair, operation or management,
7 the cost of the acquisition of all land, rights-of-way, property, rights, easements, and interests
8 acquired by the authority for the construction, reconstruction, renovation, maintenance, repair,
9 operation or management, the cost of demolishing or removing any buildings or structures on
10 land so acquired, including the cost of acquiring any lands to which the buildings or structures
11 may be moved, the cost of all machinery and equipment, financing charges, interest prior to and
12 during construction, reconstruction, renovation, maintenance, repair, operation or management,
13 and for one year after completion of construction, reconstruction, renovation, maintenance, repair,
14 operation or management, cost of traffic estimates and of engineering and legal services, plans,
15 specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to
16 determining the feasibility or practicability of construction, reconstruction, renovation,
17 maintenance, repair, operation or management, administrative expenses, and such other expenses
18 as may be necessary or incident to the construction, reconstruction, renovation, maintenance,
19 repair, operation or management, the financing of the construction, and the placing of the project
20 in operation, and in connection with the Newport Bridge shall include the purchase price of the
21 ferry franchise. The word "cost" as applied to any project which the authority may be authorized
22 to acquire means the amount of the purchase price, [lease payments, debt service payments](#), or the
23 amount of any condemnation award in connection with the acquisition of the project, and shall
24 include the cost of acquiring all the capital stock of the corporation owning the project, if such be
25 the case, and the amount to be paid to discharge all of the obligations of the corporation in order
26 to vest title to the project in the authority, the cost of improvements to the project which may be
27 determined by the authority to be necessary prior to the financing thereof, interest during the
28 period of construction of the improvements and for one year thereafter, the cost of all lands,
29 properties, rights, easements, franchises, and permits acquired, the cost of engineering and legal
30 services, plans, specifications, surveys, estimates of cost and of revenues, other expenses
31 necessary or incident to determining the feasibility or practicability of the acquisition or
32 improvement, administrative expenses, and such other expenses as may be necessary or incident
33 to the financing of the acquisition or improvement and the placing of the project in operation by
34 the authority.

1 (ii) "Cost" as applied to the Mount Hope Bridge means such amount, if any, as the
2 authority may deem necessary, following the acquisition of a bridge under the provisions of § 24-
3 12-40A, to place the bridge in safe and efficient condition for its operation. And as applied to any
4 project constructed or acquired by the authority under the provisions of the chapter, the word
5 "cost" shall also include such amounts as the authority may deem necessary for working capital
6 and to create a debt service reserve ~~for interest~~.

7 (iii) "Cost" as applied to the Sakonnet River Bridge includes such amount, if any, as the
8 authority may deem necessary, following the acquisition of the Sakonnet River Bridge under the
9 provisions of subsection 24-12-40F, to place the bridge in safe and efficient condition for its
10 operation. As applied to any project constructed or acquired by the authority under the provisions
11 of the chapter, the word "cost" shall also include such amounts as the authority may deem
12 necessary for capitalized interest, working capital and to create a debt service reserve.

13 (iv) "Cost" as applied to the Jamestown Verrazzano Bridge includes such amount, if any,
14 as the authority may deem necessary, following the acquisition of the Jamestown Verrazzano
15 Bridge under the provisions of subsection 24-12-40G, to place the bridge in safe and efficient
16 condition for its operation. As applied to any project constructed or acquired by the authority
17 under the provisions of the chapter, the word "cost" shall also include such amounts as the
18 authority may deem necessary for capitalized interest, working capital and to create a debt service
19 reserve.

20 (5) "Department" means the department of transportation, or, if the department shall be
21 abolished, the board, body, or commission succeeding to the principal functions thereof or upon
22 whom the powers given by chapter 5 of title 37 to the department shall be given by law.

23 (6) "Ferry franchise" means the existing franchises and rights to operate ferries belonging
24 to the Jamestown and Newport ferry company, but not including any other intangible personal
25 property or real estate or tangible personal property of the corporation which shall remain the
26 property of the corporation.

27 (7) "Jamestown Bridge" means the ~~existing~~ former bridge over the west passage of
28 Narragansett Bay between the towns of Jamestown and North Kingstown constructed by the
29 Jamestown Bridge commission under the provisions of chapter 2536 of the Public Laws, 1937
30 and the approaches thereto, and shall embrace all tollhouses, administration, and other buildings
31 and structures used in connection therewith, together with all property, rights, easements, and
32 interests acquired by the Jamestown Bridge commission in connection with the construction and
33 operation of the bridge.

34 (8) "Jamestown Verrazzano Bridge" means ~~any~~ the bridge constructed in replacement of

1 the Jamestown Bridge, as defined in subdivision (7) [and the approaches thereto, and shall](#)
2 [embrace all tollhouses, administration, and other buildings and structures used in connection](#)
3 [therewith, together with all property, rights, easements, and interests acquired by the authority in](#)
4 [connection with the construction and operation of such bridge.](#)

5 (9) "Mount Hope Bridge" means the existing bridge between the towns of Bristol and
6 Portsmouth and the approaches thereto, which was constructed by the Mount Hope Bridge
7 corporation and which was acquired and is now owned and operated by the Mount Hope Bridge
8 authority under the provisions of chapter 13 of this title, and shall embrace all tollhouses,
9 administration, and other buildings and structures used in connection therewith, together with all
10 property, rights, easements, and interests acquired by the Mount Hope Bridge corporation or the
11 Mount Hope Bridge authority in connection with the construction and operation of the bridge.

12 (10) "Newport Bridge" means the bridge or tunnel or combination of bridge and tunnel
13 [constructed or](#) to be constructed under the provisions of this chapter over or under the waters of
14 Narragansett Bay between Conanicut Island and ~~the island of Rhode~~ [Aquidneck](#) Island, shall
15 embrace the substructure and the superstructure thereof and the approaches thereto and the
16 entrance plazas, interchanges, overpasses, underpasses, tollhouses, administration, storage, and
17 other buildings, and highways connecting the bridge or tunnel with the Jamestown [Verrazzano](#)
18 Bridge (defined in subdivision (7 8) and with state highways as the authority may determine to
19 construct from time to time in connection therewith, together with all property, rights, easements,
20 and interests acquired by the authority for the construction and operation of the bridge or tunnel
21 or combination of bridge and tunnel.

22 (11) "Owner" means and include all individuals, incorporated companies, partnerships,
23 societies, or associations, and also municipalities, political subdivisions, and all public agencies
24 and instrumentalities, having any title or interest in any property, rights, easements, or franchises
25 authorized to be acquired under the provisions of this chapter.

26 (12) "Project" means the "Newport Bridge," "Mount Hope Bridge," ["Sakonnet River](#)
27 [Bridge," "Jamestown Verrazzano Bridge",](#) the "turnpike" or any "additional facility," as the case
28 may be, or any portion thereof which may be financed, [acquired or leased](#) under the provisions of
29 this chapter.

30 (13) "Turnpike" means the controlled access highway or any portion thereof to be
31 constructed [or acquired](#), from time to time, under the provisions of this chapter from a point at or
32 near the Connecticut-Rhode Island border through the county of Washington and the county of
33 Newport to a point at or near the Massachusetts-Rhode Island border in the town of Tiverton
34 (excluding the Jamestown [Verrazzano](#) Bridge, the Mount Hope Bridge, the Newport Bridge, and

1 the Sakonnet River Bridge), together with all bridges (except those mentioned above),
2 overpasses, underpasses, interchanges, entrance plazas, approaches, approach roads, tollhouses,
3 service stations, and administration, storage, and other buildings and facilities which the authority
4 may deem necessary for the operation of the turnpike, together with all property, rights,
5 easements, and interests which may be acquired by the authority for the construction or the
6 operation of the turnpike.

7 (14) "Sakonnet River Bridge" means the replacement Sakonnet River bridge constructed
8 or to be constructed under the provisions of Article 36 of Chapter 376 of the Public Laws of 2003
9 between the towns of Tiverton and Portsmouth and shall embrace the substructure and the
10 superstructure thereof and the approaches thereto and the toll structures, interchanges, overpasses,
11 underpasses, tollhouses, administration, storage, and other buildings, and highways connecting
12 the bridge with state highways, as the authority may determine to construct or acquire from time
13 to time in connection therewith, together with all property, rights, easements, and interests
14 acquired by the authority for the construction and operation of the bridge.

15 **24-12-5. Power to construct, reconstruct, renovate, acquire, maintain, repair,**
16 **operate or manage projects or additional facilities and to issue bonds. --** In order to facilitate
17 vehicular traffic, remove many of the present handicaps and hazards on the congested highways
18 in the state, alleviate the barriers caused by large bodies of water, and promote the agricultural
19 and industrial development of the state, the Rhode Island turnpike and bridge authority is hereby
20 authorized and empowered: to construct the Newport Bridge, the turnpike, any portion thereof or
21 any additional facility hereafter authorized to be constructed; to acquire the Mount Hope Bridge,
22 to acquire the Sakonnet River Bridge, to acquire the Jamestown Verrazzano Bridge and any
23 additional facility hereafter authorized to be acquired ~~(except the Sakonnet River Bridge)~~; to
24 maintain, construct, reconstruct, renovate, acquire, repair, operate or manage any project or
25 projects; and to issue bonds of the authority as provided in this chapter to finance any project or
26 projects; provided, however, that the Mount Hope Bridge shall only be acquired as provided for
27 by § 24-12-40A.

28 **24-12-9. Powers of authority. --** (a) The authority is hereby authorized and empowered:
29 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
30 (2) To adopt an official seal and alter it at pleasure;
31 (3) To maintain an office at such place or places within the state as it may designate;
32 (4) To sue and be sued in its own name, plead and be impleaded; provided, however, that
33 any and all actions at law or in equity against the authority shall be brought only in the county in
34 which the principal office of the authority shall be located;

1 (5) To determine, subject to the approval of the director of transportation, the location
2 and the design standards of the Newport Bridge, the turnpike and any additional [new](#) facility to be
3 constructed;

4 (6) To issue bonds of the authority for any of its purposes and to refund its bonds, all as
5 provided in this chapter;

6 (7) To combine for financing purposes the Newport Bridge, the Mount Hope Bridge, [the](#)
7 [Sakonnet River Bridge, the Jamestown Verrazzano Bridge,](#) the turnpike and any additional
8 facility or facilities, or any two (2) or more of such projects;

9 (8) To borrow money in anticipation of the issuance of bonds for any of its purposes and
10 to issue notes, certificates, or other evidences of borrowing in form as may be authorized by
11 resolution of the authority, the notes, certificates, or other evidence of borrowing to be payable in
12 the first instance from the proceeds of any bonds issued under the provisions of this chapter and
13 to contain on their face a statement to the effect that neither the state, the authority nor any
14 municipality or other political subdivision of the state shall be obligated to pay the same or the
15 interest thereon except from the proceeds of bonds in anticipation of the issuance of which the
16 notes, certificates, or other evidences of borrowing shall have been issued, or from revenues;

17 (9) To fix and revise from time to time, subject to the provisions of this chapter, and to
18 charge and collect tolls for transit over the turnpike and the several parts or sections thereof, and
19 for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet River Bridge, the](#)
20 [Jamestown Verrazzano Bridge](#) and any additional facility [acquired,](#) financed [or leased](#) under the
21 provisions of this chapter;

22 (10) To acquire, lease, hold and dispose of real and personal property in the exercise of
23 its powers and the performance of its duties;

24 (11) To acquire in the name of the authority by purchase or otherwise, on such terms and
25 conditions and in such manner as it may deem proper, or by the exercise of the rights of
26 condemnation in the manner as provided by this chapter, public or private lands, including public
27 parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property,
28 rights, easements and interests as it may deem necessary for carrying out the provisions of this
29 chapter; provided, however, that all public property damaged in carrying out the powers granted
30 by this chapter shall be restored or repaired and placed in its original condition as nearly as
31 practicable;

32 (12) To designate the locations, with the approval of the director of transportation, and
33 establish, limit and control the points of ingress to and egress from the turnpike and any
34 additional facility as may be necessary or desirable in the judgment of the authority to insure the

1 proper operation and maintenance thereof, and to prohibit entrance to and exit from any point or
2 points not so designated;

3 (13) To employ, in its discretion, consulting engineers, attorneys, accountants,
4 construction and financial experts, superintendents, managers, and such other employees and
5 agents as may be necessary in its judgment, and to fix their compensation;

6 (14) To [apply for](#), receive and accept from any federal agency [aid and/or](#) grants for or in
7 aid of the [repair, maintenance and/or](#) construction of the turnpike, the Newport Bridge, [the](#)
8 [Sakonnet River Bridge, the Mount Hope Bridge, the Jamestown Verrazzano Bridge](#) or any
9 additional facility, and to receive and accept from the state, from any municipality, or other
10 political subdivision thereof and from any other source aid or contributions of either money,
11 property, labor or other things of value, to be held, used and applied only for the purposes for
12 which the grants and contributions may be made;

13 (15) To construct grade separations at intersections of the turnpike, the approaches and
14 highway connections of the Newport Bridge, [the Sakonnet River Bridge, the Mount Hope Bridge,](#)
15 [the Jamestown Verrazzano Bridge](#) and any additional facility with public highways, streets, or
16 other public ways or places, and to change and adjust the lines and grades thereof so as to
17 accommodate the same to the design of the grade separation; the cost of the grade separations and
18 any damage incurred in changing and adjusting the lines and grades of the highways, streets,
19 ways, and places shall be ascertained and paid by the authority as a part of the cost of the project;

20 (16) To vacate or change the location of any portion of any public highway, street, or
21 other public way or place, sewer, pipe, main, conduit, cable, wire, tower, pole, and other
22 equipment and appliance of the state or of any municipality or other political subdivision of the
23 state and to reconstruct the same at such new location as the authority shall deem most favorable
24 for the project and of substantially the same type and in as good condition as the original
25 highway, street, way, place, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or
26 appliance, and the cost of the reconstruction and any damage incurred in vacating or changing the
27 location thereof shall be ascertained and paid by the authority as a part of the cost of the project;
28 any public highway, street or other public way or place vacated or relocated by the authority shall
29 be vacated or relocated in the manner provided by law for the vacation or relocation of public
30 roads, and any damages awarded on account thereof shall be paid by the authority as a part of the
31 cost of the project;

32 (17) The authority shall also have the power to make reasonable regulations, subject to
33 the approval of the public utility administrator, for the installation, construction, maintenance,
34 repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers,

1 poles, and other equipment and appliances (herein called "public utility facilities") of any public
2 utility as defined in § 39-1-2, in, on, along, over or under any project. Whenever the authority
3 shall determine that it is necessary that any public facilities which now are, or hereafter may be,
4 located in, on, along, over, or under any project should be relocated in the project, or should be
5 removed from the project, the public utility owning or operating the facilities shall relocate or
6 remove the facilities in accordance with the order of the authority; provided, however, that the
7 cost and expenses of the relocation or removal, including the cost of installing the facilities in a
8 new location, or new locations, and the cost of any lands, or any rights or interests in lands, and
9 any other rights acquired to accomplish the relocation or removal, less the cost of any lands or
10 any rights or interests in lands of any other rights of the public utility paid to the public utility in
11 connection with the relocation or removal of the property, shall be ascertained and paid by the
12 authority as a part of the cost of the project. In case of any relocation or removal of facilities the
13 public utility owning or operating the facilities, its successors or assigns, may maintain and
14 operate the facilities, with the necessary appurtenances, in the new location or new locations, for
15 as long a period, and upon the same terms and conditions, as it had the right to maintain and
16 operate the facilities in their former location or locations;

17 (18) To make reasonable regulations and to grant easements for the installation,
18 construction, maintenance, repair, renewal, relocation, and removal of pipelines, other equipment,
19 and appliances of any corporation or person owning or operating pipelines in, on, along, over, or
20 under the turnpike, whenever the authority shall determine that it is necessary that any facilities
21 which now are, or hereafter may be located in, on, along, over or under the turnpike should be
22 relocated in the turnpike, or should be removed from the turnpike, the corporation or person
23 owning or operating the facilities shall relocate or remove the facilities in accordance with the
24 order of the authority; provided, however, that the cost and expense of the relocation or removal,
25 including the cost of installing the facilities in a new location, or new locations, and the cost of
26 any lands, or any rights or interests in lands, and any other rights acquired to accomplish the
27 relocation or removal, less the cost of any lands or any rights or interests in lands or any other
28 rights of any corporation or person paid to any corporation or person in connection with the
29 relocation or removal of the property, shall be ascertained and paid by the authority as a part of
30 the cost of the project. In case of any relocation or removal of facilities the corporation or person
31 owning or operating the facilities, its successors or assigns, may maintain and operate the
32 facilities, with the necessary appurtenances, in the new location or new locations, for as long a
33 period, and upon the same terms and conditions, as it had the right to maintain and operate the
34 facilities in their former location or locations;

1 (19) To enter upon any lands, waters, and premises for the purpose of making such
2 surveys, soundings, borings, and examinations as the authority may deem necessary or
3 convenient for its purposes, and the entry shall not be deemed a trespass, nor shall an entry for
4 such purposes be deemed an entry under any condemnation proceedings; provided, however, the
5 authority shall pay any actual damage resulting to the lands, water, and premises as a result of the
6 entry and activities as a part of the cost of the project;

7 (20) To enter into contracts or agreements with any board, commission, public
8 instrumentality of another state or the federal government or with any political subdivision of
9 another state relating to the connection or connections to be established between the turnpike or
10 any additional facility with any public highway or turnpike now in existence or hereafter to be
11 constructed in another state, and with respect to the construction, maintenance and operation of
12 interstate turnpikes or expressways;

13 (21) To enter into contracts with the department of transportation with respect to the
14 construction, reconstruction, renovation, acquisition, maintenance, repair, mitigation,
15 remediation, operation or management of any project and with the Rhode Island state police with
16 respect to the policing of any project;

17 (22) To make and enter into all contracts and agreements necessary or incidental to the
18 performance of its duties and the execution of its powers under this chapter; and

19 (23) To do all other acts and things necessary or convenient to carry out the powers
20 expressly granted in this chapter.

21 (24) To grant and/or contract through the transfer of funds of the authority to the
22 department of transportation for the construction, reconstruction, acquisition, maintenance, repair,
23 operation or management by the department of transportation of any project or projects
24 authorized by this chapter, and the department of transportation is authorized to accept any such
25 grant or transfer of funds.

26 (b) Provided, the authority in carrying out the provisions of this section shall hold public
27 hearings ~~in the city or town where a proposed project will be located~~ prior to the finalization of
28 any specifications or the awarding of any contracts for any project.

29 **24-12-18. Bonds.** -- (a) *Issuance and sale of revenue bonds.* ~~Subject to the provisions of~~
30 ~~§§24-12-21-24-12-24~~ ¶The authority is hereby authorized to provide by resolution for the
31 issuance, at one time or in series from time to time, of revenue bonds of the authority for the
32 purpose of paying all or a part of the cost of any one or more projects, the construction,
33 reconstruction, renovation, acquisition, maintenance, repair, operation or management of which is
34 authorized by this chapter, and making provision for working capital and a debt service reserve

1 ~~for interest.~~ The principal of and the interest on the bonds shall be payable solely from the funds
2 herein provided for the payment. The bonds of each issue shall be dated, shall bear interest at
3 such rate or rates per annum, shall mature at such time or times not exceeding fifty (50) years
4 from their date or dates, as may be determined by the authority, and may be made redeemable
5 before maturity, at the option of the authority, at such price or prices and under such terms and
6 conditions as may be fixed by the authority prior to the issuance of the bonds. The authority may
7 sell such bonds in such manner, either at public or private sale, and for such price, as it may
8 determine to be for the best interests of the authority, ~~but no such sale shall be made at a price~~
9 ~~less than ninety-seven percent (97%) of the principal amount of the bonds.~~

10 (b) *Form and execution of all bonds.* The authority shall determine the form and the
11 manner of execution of all bonds issued under the provisions of this chapter, including any
12 interest coupons to be attached thereto, and shall fix the denomination or denominations of the
13 bonds and the place or places of payment of the principal and interest, which may be at any bank
14 or trust company within or without the state. In case any officer whose signature or a facsimile of
15 whose signature shall appear on any bonds or coupons shall cease to be an officer before the
16 delivery of the bonds, the signature or the facsimile shall nevertheless be valid and sufficient for
17 all purposes the same as if the officer had remained in office until the delivery, and any bond may
18 bear the facsimile signature of, or may be signed by, the persons as at the actual time of the
19 execution of the bond shall be the proper officers to sign the bond although at the date of the bond
20 the persons may not have been the officers. The bonds may be issued in coupon or in registered
21 form, and in certificated or book entry only form as the authority may determine, and provision
22 may be made for the registration of any coupon bonds as to principal alone and also as to both
23 principal and interest, for the reconversion into coupon bonds of any bonds registered as to both
24 principal and interest, and for the interchange of registered and coupon bonds.

25 **24-12-26. Power to collect tolls and charges – Gasoline and service concessions. --**

26 (a) The authority is hereby authorized, subject to the provisions of this chapter, to fix, revise,
27 charge and collect tolls for the use of the Newport Bridge, the Mount Hope Bridge, [the Sakonnet](#)
28 [River Bridge \(subject to federal regulations and approvals\)](#), the turnpike and the different parts or
29 sections thereof, and for the use of any additional facility and the different parts or sections
30 thereof, and to contract with any person, partnership, association or corporation for placing on
31 any project telephone, telegraph, electric light or power lines, gas stations, garages, and
32 restaurants if deemed necessary by the authority in connection with the project, or for the use of
33 any project or part thereof, including the right-of-way adjoining the paved portion of the turnpike
34 or of any additional facility or for any other purposes and to fix the terms, conditions, rents and

1 rates of charges for such use; provided, that the authority shall construct any gasoline service
2 facilities which it may determine are needed on the project, and provided, further, that, to afford
3 users of the project a reasonable choice of motor fuels of different brands, each gasoline service
4 station shall be separately offered for lease upon sealed bids and, after notice of the offer has been
5 published once a week in three (3) consecutive weeks in a newspaper having general circulation
6 in the state, and, in the event an acceptable bid shall be received in the judgment of the authority,
7 each lease shall be awarded to the highest responsible bidder therefor, but no person shall be
8 awarded or have the use of, nor shall motor fuel identified by the trade-marks, trade names, or
9 brands of any one supplier, distributor, or retailer of such fuel be sold at more than one service
10 station if they would constitute more than twenty-five percent (25%) of the service stations on the
11 project. Notwithstanding the provisions of this section, members of the town of Jamestown police
12 and fire department and ambulance service personnel of the town of Jamestown and Jamestown
13 school department who, in the course of their duty, are required to pay a toll for use of the
14 Newport Bridge, shall, upon the presentment of receipts for the payment of the toll to the town of
15 Jamestown, be reimbursed for all charges on an annual basis by the town of Jamestown who in
16 turn shall be reimbursed for all payments made by the state. Notwithstanding the provisions of
17 this section, members of the city of Newport police and fire department and rescue personnel
18 who, in the course of their duty, are required to pay a toll for use of the Newport Bridge, shall,
19 upon the presentment of receipts for the payment of the toll to the city of Newport, be reimbursed
20 for all charges on an annual basis by the city of Newport who in turn shall be reimbursed for all
21 payments made by the state.

22 (b) Notwithstanding the provisions of this section, members of the police and fire
23 department and rescue personnel of any city or town in this state who, in the course of their duty,
24 are required to pay a toll for use of the Mount Hope Bridge [or the Sakonnet River Bridge](#), shall,
25 upon the presentment of receipts for the payment of the toll to their town or city, be reimbursed
26 for all such charges on an annual basis by the town or city, who in turn shall be reimbursed for all
27 payments made by the state.

28 **24-12-28. Revenues pledged to sinking fund.** -- To the extent provided in the resolution
29 authorizing the issuance of bonds [or finance lease](#) or in the trust agreement securing the same, the
30 tolls and all other revenues [received by the authority](#) ~~derived from the project or projects or~~
31 ~~portion or portions in connection with which the bonds of any one or more series shall have been~~
32 ~~issued~~, shall be set aside at such regular intervals as may be provided in the resolution or the trust
33 agreement in a sinking fund or funds which shall be pledged to, and charged with, the payment [of](#)
34 [the lease payments and/or](#) of the principal of and the interest on the bonds as the bonds shall

1 become due, and the redemption price or the purchase price of bonds or other obligations retired
2 by call or purchase as provided in the resolution or trust agreement. The pledge shall be valid and
3 binding from the time when the pledge is made; the tolls and other revenues or other money so
4 pledged and thereafter received by the authority shall immediately be subject to the lien of the
5 pledge without any physical delivery thereof or further act, and the lien of any pledge shall be
6 valid and binding as against all parties having claims of any kind in tort, contract, or otherwise
7 against the authority, irrespective of whether the parties have notice thereof. Neither the
8 resolution nor any trust agreement by which a pledge is created need be filed or recorded except
9 in the records of the authority. The use and disposition of money to the credit of each sinking
10 fund shall be subject to the provisions of the resolution authorizing the issuance of the lease, the
11 bonds or of the trust agreement. Notwithstanding any provision(s) of Section 3 of Article 6 of
12 Chapter 23 of the Public Laws of 2010, the provisions of this section shall apply to all bonds
13 issued or to be issued by the authority.

14 **24-12-39. Transfer of projects to state – Dissolution of authority.--** When all bonds
15 issued under the provisions of this chapter and the interest thereon shall have been paid or a
16 sufficient amount for the payment of all the bonds and the interest thereon to the maturity thereof
17 shall have been set aside in trust for the benefit of the bondholders, all projects financed under the
18 provisions of this chapter ~~shall~~ may be transferred to the state in good condition and repair, and
19 thereupon the authority shall be dissolved and all funds of the authority not required for the
20 payment of bonds shall be paid to the general treasurer for the use of the state and all machinery,
21 equipment and other property belonging to the authority shall be vested in the state and delivered
22 to the department of transportation.

23 **24-12-50. Relationship to department of transportation. --** (a) The department of
24 transportation is hereby constituted as the agency for the authority in carrying out all of the
25 powers to construct, acquire, operate, and maintain turnpikes and bridges as conferred by the
26 general laws upon the authority.

27 (b) Nothing in chapter 13 of title 42 or in this amendment to chapter 12 of title 24 shall
28 limit the discretions, powers, and authorities of the Rhode Island turnpike and bridge authority
29 necessary or desirable for it to execute and carry out the covenants, agreements, duties, and
30 liabilities assumed by it in the trust agreement by and between the authority ~~and the Rhode Island~~
31 ~~hospital trust company, as~~ the then serving trustee under indenture dated ~~as of December 1, 1965~~
32 April 1, 2010, as supplemented from time to time, nor shall these chapters be construed in any
33 way to affect the rights, privileges, powers, and remedies of any trustee ~~the Rhode Island hospital~~
34 ~~trust company~~ and its successors, or of the holders of the bonds issued under any indenture, or

1 under any resolutions of the authority.

2 SECTION 4. Chapter 24-12 of the General Laws entitled “Rhode Island Turnpike and
3 Bridge Authority” is hereby amended by adding thereto the following sections:

4 **24-12-40.F. Title to Sakonnet River Bridge vested in Rhode Island turnpike and**
5 **bridge authority – Institution of tolls. --** [All powers, control, and jurisdiction of and title to the](#)
6 [Sakonnet River Bridge is authorized to be transferred to the Rhode Island turnpike and bridge](#)
7 [authority. The authority may charge and collect tolls for the use of the Sakonnet River Bridge to](#)
8 [provide funds sufficient with any other monies available therefor for paying the costs of](#)
9 [acquiring, leasing, maintaining, repairing and operating, the Jamestown Verrazzano Bridge, the](#)
10 [Mount Hope Bridge, the Newport Bridge, and the Sakonnet River Bridge, the turnpike and](#)
11 [additional facilities.](#)

12 **24-12-40.G. Title to Jamestown Verrazzano Bridge vested in Rhode Island turnpike**
13 **and bridge authority --** [All powers, control, and jurisdiction of and title to the Jamestown](#)
14 [Verrazzano Bridge is authorized to be transferred to the Rhode Island turnpike and bridge](#)
15 [authority.](#)

16 SECTION 5. This article shall take effect upon passage.

17 **ARTICLE 21**

18 **RELATING TO ABUSED AND NEGLECTED CHILDREN**

19 SECTION 1. Section 40-11-7 of the General Laws in Chapter 40-11 entitled “Abused
20 and Neglected Children “is hereby amended to read as follows:

21 **40-11-7. Investigation of reports--Petition for removal from custody--Report to child**
22 **advocate--Attorney general--Court-appointed special advocate.--** (a) The department shall
23 investigate reports of child abuse and neglect made under this chapter in accordance with the
24 rules the department has promulgated and in order to determine the circumstances surrounding
25 the alleged abuse or neglect and the cause thereof. The investigation shall include personal
26 contact with the child named in the report and any other children in the same household. Any
27 person required to investigate reports of child abuse and/or neglect may question the subjects of
28 those reports with or without the consent of the parent or other person responsible for the child’s
29 welfare. The interviewing of the child or children, if they are of the mental capacity to be
30 interviewed, shall take place in the absence of the person or persons responsible for the alleged
31 neglect or abuse. In the event that any person required to investigate child abuse and/or neglect is
32 denied reasonable access to a child by the parents or other person, and that person required to
33 investigate deems that the best interests of the child so require, they may request the intervention
34 of a local law enforcement agency, or seek an appropriate court order to examine and interview

1 the child. The department shall provide such social services and other services as are necessary to
2 protect the child and preserve the family.

3 (b) In the event that after investigation it is determined by the department that the child is
4 being or has been abused or neglected but that the circumstances of the child's family or
5 otherwise do not require the removal of the child for his or her protection, the department may
6 allow the child to remain at home and provide the family and child with access to preventative
7 support and services. [In addition, the department is authorized to petition the family court for an](#)
8 [order for the provision of treatment of the family and child.](#)

9 (c) The department shall have the duty to petition the family court for removal of the
10 child from the care and custody of the parents, or any other person having custody or care of the
11 child if there is a determination that a child has been abused or neglected; which results in a child
12 death, serious physical or emotional harm, sexual abuse or exploitation or an act or failure to act
13 which represents an imminent risk of serious harm. In addition, in cases of alleged abuse and/or
14 neglect, the department may petition the family court for the removal of the alleged perpetrator of
15 that abuse, and/or neglect from the household of the child or children when the child or children
16 are eleven (11) years of age or older. It shall be the responsibility of the department to make the
17 parent or other person responsible for the child's welfare aware of the court action, the possible
18 consequences of the court action, and to explain the rights of the parent relative to the court
19 action.

20 (d) The department shall forward immediately any reports of institutional child abuse and
21 neglect to the child advocate who shall investigate the report in accordance with chapter 73 of
22 title 42, and also to any guardian ad litem and/or attorney of record for the child.

23 (e) In the event that after investigation the department takes any action regarding
24 placement of the child, the department shall immediately notify the child advocate of such action.

25 (f) In the event that after investigation the department has reasonable cause to know or
26 suspect that a child has been subjected to criminal abuse or neglect, the department shall forward
27 immediately any information as it relates to that knowledge or suspicion to the law enforcement
28 agency.

29 SECTION 2. This article shall take effect upon passage.

30 **ARTICLE 22**

31 **RELATING TO DEPARTMENT OF CORRECTIONS**

32 SECTION 1. Section 28-12-4.3 of the General Laws in Chapter 28-12 entitled
33 "Minimum Wages" is hereby amended to read as follows:

34 **28-12-4.3. Exemptions.** -- (a) The provisions of §§ 28-12-4.1 and 28-12-4.2 do not apply

1 to the following employees:

2 (1) Any employee of a summer camp when it is open no more than six (6) months of the
3 year.

4 (2) Police officers, firefighters, and rescue service personnel employed by the cities and
5 towns.

6 (3) Employees of the state or political subdivision of the state who may elect through a
7 collective bargaining agreement, memorandum of understanding, or any other agreement between
8 the employer and representatives of the employees, or if the employees are not represented by an
9 exclusive bargaining agent, through an agreement or understanding arrived at between the
10 employer and the employee prior to the performance of work, to receive compensatory time off
11 for hours worked in excess of forty (40) in a week. The compensatory hours shall at least equal
12 one and one half (1 1/2) times the hours worked over forty (40) in a week. If compensation is paid
13 to an employee for accrued compensatory time, the compensation shall be paid at the regular rate
14 earned by the employee at the time of payment. At the time of termination, unused accrued
15 compensatory time shall be paid at a rate not less than:

16 (i) The average regular rate received by the employee during the last three (3) years of the
17 employee's employment, or

18 (ii) The final regular rate received by the employee, whichever is higher.

19 (4) Any employee employed in a bona fide executive, administrative, or professional
20 capacity, as defined by the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.,
21 compensated for services on a salary basis of not less than two hundred dollars (\$200) per week.

22 (5) Any employee as defined in subparagraph (a)(4) of this section unless the wages of
23 the employee, if computed on an hourly basis, would violate the applicable minimum wage law.

24 (6) Any salaried employee of a nonprofit national voluntary health agency who elects to
25 receive compensatory time off for hours worked in excess of forty (40) hours per week.

26 (7) Any employee, including drivers, driver's helpers, mechanics, and loaders of any
27 motor carrier, including private carriers, with respect to whom the U.S. secretary of transportation
28 has power to establish qualifications and maximum hours of service pursuant to the provisions of
29 49 U.S.C. § 3102.

30 (8) Any employee who is a salesperson, parts person, or mechanic primarily engaged in
31 the sale and/or servicing of automobiles, trucks or farm implements, and is employed by a non-
32 manufacturing employer primarily engaged in the business of selling vehicles or farm implements
33 to ultimate purchasers, to the extent that the employers are exempt under the federal Wage-Hour
34 and Equal Pay Act, 29 U.S.C. § 201 et seq. and 29 U.S.C. § 213(b)(10); provided, that the

1 employee's weekly, bi-weekly, or monthly actual earnings exceed an amount equal to the
2 employee's basic contractual hourly rate of pay times the number of hours actually worked plus
3 the employee's basic contractual hourly rate of pay times one-half (1/2) the number of hours
4 actually worked in excess of forty (40) hours per week.

5 (9) Any employee employed in agriculture; however, this exemption applies to all
6 agricultural enterprises that produce greenhouse crops, fruit and vegetable crops, herbaceous
7 crops, sod crops, viticulture, viniculture, floriculture, feed for livestock, forestry, dairy farming,
8 aquaculture, the raising of livestock, furbearing animals, poultry and eggs, bees and honey,
9 mushrooms, and nursery stock. This exemption also applies to nursery workers.

10 [\(10\) Correctional officers employed by the state.](#)

11 (b) Nothing in this section exempts any employee who under applicable federal law is
12 entitled to overtime pay or benefits related to overtime pay.

13 SECTION 2. Section 42-56-10 of the General Laws in Chapter 42-56 entitled
14 "Corrections Department" is hereby amended to read to as follows:

15 **42-56-10. Powers of the director.--** In addition to exercising the powers and performing
16 the duties, which are otherwise given to him or her by law, the director of the department of
17 corrections shall:

18 (1) Designate, establish, maintain, and administer those state correctional facilities that he
19 or she deems necessary, and may discontinue the use of those state correctional facilities that he
20 or she deems appropriate for that action;

21 (2) Maintain security, safety, and order at all state correctional facilities, utilize the
22 resources of the department to prevent escapes from any state correctional facility, take all
23 necessary precautions to prevent the occurrence or spread of any disorder, riot, or insurrection of
24 any state correctional facility, including, but not limited to, the development, planning, and
25 coordination of emergency riot procedures, and take suitable measures for the restoration of
26 order;

27 (3) Establish and enforce standards for all state correctional facilities;

28 (4) Supervise and/or approve the administration by the assistant directors of the
29 department;

30 (5) Manage, direct, and supervise the operations of the department;

31 (6) Direct employees in the performance of their official duties;

32 (7) Hire, promote, transfer, assign, and retain employees and suspend, demote, discharge,
33 or take other necessary disciplinary action;

34 (8) Maintain the efficiency of the operations of the department;

- 1 (9) Determine the methods, means, and personnel by which those operations of the
2 department are to be conducted;
- 3 (10) Relieve employees from duties because of lack of work or for other legitimate
4 reasons;
- 5 (11) Establish, maintain, and administer programs, including, but not limited to,
6 education, training, and employment, of persons committed to the custody of the department,
7 designed as far as practicable to prepare and assist each person to assume the responsibilities and
8 exercise the rights of a citizen of this state;
- 9 (12) Establish a system of classification of persons committed to the custody of the
10 department for the purpose of developing programs for each person in order to effectively
11 develop an individualized program for each sentenced inmate that will address each offender's
12 individual treatment and rehabilitative needs, the department of corrections is authorized to
13 receive, with the express consent of the inmate, and upon request to the department of children,
14 youth and families, the offender's juvenile arrest and/or adjudication records. Information related
15 to the juvenile's family members and other third parties, excluding law enforcement personnel,
16 shall be redacted from the records provided prior to their release to the department. The records
17 will be disclosed to only those department personnel directly responsible for, and only for the
18 purpose of, developing the individualized program for the offender.
- 19 (13) Determine at the time of commitment, and from time to time thereafter, the custody
20 requirements and program needs of each person committed to the custody of the department and
21 assign or transfer those persons to appropriate facilities and programs;
- 22 (14) Establish training programs for employees of the department;
- 23 (15) Investigate grievances and inquire into alleged misconduct within the department;
- 24 (16) Maintain adequate records of persons committed to the custody of the department;
- 25 (17) Establish and maintain programs of research, statistics, and planning, and conduct
26 studies relating to correctional programs and responsibilities of the department;
- 27 (18) Utilize, as far as practicable, the services and resources of specialized community
28 agencies and other local community groups in the development of programs, recruitment of
29 volunteers, and dissemination of information regarding the work and needs of the department;
- 30 (19) Make and enter into any contracts and agreements necessary or incidental to the
31 performance of the duties and execution of the powers of the department, including, but not
32 limited to, contracts to render services to committed offenders, and to provide for training or
33 education for correctional officers and staff;
- 34 (20) Seek to develop civic interest in the work of the department and educate the public

1 to the needs and goals of the corrections process;

2 (21) Expend annually in the exercise of his or her powers, performance of his or her
3 duties, and for the necessary operations of the department those sums that may be appropriated by
4 the general assembly; and

5 (22) Make and promulgate necessary rules and regulations incident to the exercise of his
6 or her powers and the performance of his or her duties, including, but not limited to, rules and
7 regulations regarding nutrition, sanitation, safety, discipline, recreation, religious services,
8 communication, and visiting privileges, classification, education, training, employment, care, and
9 custody for all persons committed to correctional facilities.

10 (23) Make and promulgate regulations to provide:

11 (a) Written notice to licensed nursing facilities, licensed assisted living residences, and
12 housing for the elderly whenever a person seeking to reside in one of these facilities or residences
13 is being released on parole for any of the following offenses: murder, voluntary manslaughter,
14 involuntary manslaughter, first degree sexual assault, second degree sexual assault, third degree
15 sexual assault, assault on persons sixty (60) years of age or older, assault with intent to commit
16 specified felonies (murder, robbery, rape, or burglary), felony assault, patient abuse, neglect or
17 mistreatment of patients, burglary, first degree arson, felony larceny or robbery;

18 (b) A risk assessment process to identify and recommend safety or security measures
19 necessary for the protection of other residents or clients including whether the parolee should be
20 prohibited from residing in any such facility or residence or segregated from other residents or
21 clients to protect the security and safety of other residents;

22 (c) The written notice to licensed nursing facilities, assisted living residences, or housing
23 for the elderly shall include charge information and disposition about the offense for which the
24 resident or client has been paroled, contact information for the resident's or client's parole
25 supervisor, a copy of the risk assessment and recommendations, if any, regarding safety and
26 security measures. A copy of the written notice shall be provided to the parolee; and

27 (d) A process for notifying the appropriate state regulatory agency and the state long-term
28 care ombudsman whenever notice as required in subdivision 42-56-10(23)(a) above has been
29 given.

30 ~~(24) Notwithstanding the enumeration of the powers of the director as set forth in this~~
31 ~~section, and notwithstanding any other provision of the general laws, the validity and~~
32 ~~enforceability of the provisions of a collective bargaining agreement shall not be contested,~~
33 ~~affected, or diminished, nor shall any arbitration award be vacated, remanded or set aside on the~~
34 ~~basis of an alleged conflict with this section or with any other provision of the general laws.~~

1 SECTION 3. This article shall take effect upon passage.

2 **ARTICLE 23**

3 RELATING TO COMPENSATION OF BOARD MEMBERS

4 SECTION 1. Section 17-7-4 of the General Laws in Chapter 17-7 entitled "State Board
5 of Elections" is hereby amended to read as follows:

6 **17-7-4. Oath of members — Compensation. --** Before entering upon his or her duties,
7 each member of the board shall take an oath of office before the supreme court in which the
8 member shall swear or affirm faithfully and impartially to administer the duties of his or her
9 office without regard to partisan or political considerations. Members of the board of elections
10 shall ~~be compensated at the rate of seven thousand dollars (\$7,000) per year~~ not be compensated
11 for their service on the board, but shall be reimbursed for all actual traveling, incidental, and
12 clerical expenses that they incur in carrying out the provisions of this chapter.

13 SECTION 2. Section 28-7-7 of the General Laws in Chapter 28-7 entitled "Labor
14 Relations Act" is hereby amended to read as follows:

15 **28-7-7. Compensation and e-Expenses of members – Provision of assistance. --** ~~The~~
16 ~~compensation for members of the board shall be established by the unclassified pay plan board.~~
17 The members of the Rhode Island state labor relations board shall not be compensated for their
18 service on the board, but shall be reimbursed for all actual traveling, incidental, and clerical
19 expenses that they incur in carrying out the provisions of this chapter. The director of labor and
20 training is authorized and directed to provide the board with any clerical, legal and other
21 assistance that shall be necessary to permit the board to perform its duties as provided in this
22 chapter. ~~The reasonable and necessary traveling and other expenses of the members of the board~~
23 ~~while actually engaged in the performance of their duties shall be paid from the state treasury~~
24 ~~upon the audit and warrant of the controller, upon vouchers approved by the director of labor and~~
25 ~~training and the chairperson.~~ The board shall have the authority to select its own legal counsel
26 consistent with available funds and the counsel shall work at the direction of the board.

27 SECTION 3. Section 36-3-8 of the General Laws in Chapter 36-3 entitled "Division of
28 Personnel Administration" is hereby amended to read as follows:

29 **36-3-8. Organization and meetings of board – Compensation of members. --** The
30 board shall elect one of its members chairperson. Each member shall take the oath of office
31 before entering upon the duties of the office. Members of the board shall ~~be reimbursed for~~
32 ~~necessary travel and other expenses and each member of the board shall be paid an annual salary~~
33 ~~of seven thousand two hundred dollars (\$7,200).~~ not be compensated for their service on the
34 board, but shall be reimbursed for all actual traveling, incidental, and clerical expenses that they

1 [incur in carrying out the provisions of this chapter](#). The board shall meet at times and places as
2 shall be specified by call of the chairperson or the governor. Notice of each meeting shall be
3 given in writing to each member. Three (3) members shall constitute a quorum for the transaction
4 of business.

5 SECTION 4. This article shall take effect as of July 1, 2012.

6 ARTICLE 24

7 RELATING TO TAXATION AND REVENUES

8 SECTION 1. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled
9 “Licensing of Health Care Facilities” is hereby amended to read as follows:

10 **23-17-38.1. Hospitals – Licensing fee.** -- ~~(a) There is imposed a hospital licensing fee at~~
11 ~~the rate of five and four hundred sixty five thousandths percent (5.465%) upon the net patient~~
12 ~~services revenue of every hospital for the hospital's first fiscal year ending on or after January 1,~~
13 ~~2009. This licensing fee shall be administered and collected by the tax administrator, division of~~
14 ~~taxation within the department of administration, and all the administration, collection and other~~
15 ~~provisions of chapters 50 and 51 of title 44 shall apply. Every hospital shall pay the licensing fee~~
16 ~~to the tax administrator on or before July 18, 2011 and payments shall be made by electronic~~
17 ~~transfer of monies to the general treasurer and deposited to the general fund in accordance with §~~
18 ~~44-50-11 [repealed]. Every hospital shall, on or before June 20, 2011, make a return to the tax~~
19 ~~administrator containing the correct computation of net patient services revenue for the hospital~~
20 ~~fiscal year ending September 30, 2009, and the licensing fee due upon that amount. All returns~~
21 ~~shall be signed by the hospital's authorized representative, subject to the pains and penalties of~~
22 ~~perjury.~~

23 ~~(b)~~(a) There is ~~also~~ imposed a hospital licensing fee at the rate of five and forty-three
24 hundredths percent (5.43%) upon the net patient services revenue of every hospital for the
25 hospital's first fiscal year ending on or after January 1, 2010. This licensing fee shall be
26 administered and collected by the tax administrator, division of taxation within the department of
27 administration, and all the administration, collection and other provisions of chapters 50 and 51 of
28 title 44 shall apply. Every hospital shall pay the licensing fee to the tax administrator on or before
29 July 16, 2012 and payments shall be made by electronic transfer of monies to the general
30 treasurer and deposited to the general fund in accordance with section 44-50-11 [repealed]. Every
31 hospital shall, on or before June 18, 2012, make a return to the tax administrator containing the
32 correct computation of net patient services revenue for the hospital fiscal year ending September
33 30, 2010, and the licensing fee due upon that amount. All returns shall be signed by the hospital's
34 authorized representative, subject to the pains and penalties of perjury.

1 **(b) There is also imposed a hospital licensing fee at the rate of five and forty-three**
2 **hundredths percent (5.43%) upon the net patient services revenue of every hospital for the**
3 **hospital's first fiscal year ending on or after January 1, 2010. This licensing fee shall be**
4 **administered and collected by the tax administrator, division of taxation within the department of**
5 **revenue, and all the administration, collection and other provisions of 51 of title 44 shall apply.**
6 **Every hospital shall pay the licensing fee to the tax administrator on or before July 15, 2013 and**
7 **payments shall be made by electronic transfer of monies to the general treasurer and deposited to**
8 **the general fund. Every hospital shall, on or before June 17, 2013, make a return to the tax**
9 **administrator containing the correct computation of net patient services revenue for the hospital**
10 **fiscal year ending September 30, 2010, and the licensing fee due upon that amount. All returns**
11 **shall be signed by the hospital's authorized representative, subject to the pains and penalties of**
12 **perjury.**

13 (c) For purposes of this section the following words and phrases have the following
14 meanings:

15 (1) "Hospital" means a person or governmental unit duly licensed in accordance with this
16 chapter to establish, maintain, and operate a hospital, except a hospital whose primary service and
17 primary bed inventory are psychiatric.

18 (2) "Gross patient services revenue" means the gross revenue related to patient care
19 services.

20 (3) "Net patient services revenue" means the charges related to patient care services less
21 (i) charges attributable to charity care, (ii) bad debt expenses, and (iii) contractual allowances.

22 (d) The tax administrator shall make and promulgate any rules, regulations, and
23 procedures not inconsistent with state law and fiscal procedures that he or she deems necessary
24 for the proper administration of this section and to carry out the provisions, policy and purposes
25 of this section.

26 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein
27 which are duly licensed on July 1, 2011, and shall be in addition to the inspection fee imposed by
28 § 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

29 SECTION 2. Sections 42-63.1-2 and 42-63.1-13 of the General Laws in Chapter 42-63.1
30 entitled "Tourism and Development" are hereby amended to read as follows:

31 **42-63.1-2. Definitions.** -- For the purposes of this chapter:

32 (1) "Consideration" means the monetary charge for the use of space devoted to transient
33 lodging accommodations.

34 (2) "Corporation" means the Rhode Island economic development corporation.

1 (3) "District" means the regional tourism districts set forth in § 42-63.1-5.

2 (4) "Hotel" means any facility offering a minimum of ~~three (3)~~ one (1) rooms for which
3 the public may, for a consideration, obtain transient lodging accommodations. The term "hotel"
4 shall include bed and breakfast (or B&B), hotels, motels, tourist homes, tourist camps, lodging
5 houses, and inns. The term "hotel" shall also include houses, condominiums or other dwelling
6 units which are rented out for a total of fifteen (15) days or more per year. ~~and~~ The term
7 "hotel" shall not exclude include schools, hospitals, sanitariums, nursing homes, and chronic care
8 centers.

9 (5) "Occupancy" means a person, firm or corporation's use of space ordinarily used for
10 transient lodging accommodations not to exceed thirty (30) days. Excluded from "occupancy" is
11 the use of space for which the occupant has a written lease for the space, which lease covers a
12 rental period of twelve (12) months or more.

13 (6) "Tax" means the hotel tax imposed by subsection 44-18-36.1(a).

14 **42-63.1-13. Annual report.** -- Each entity which administers a regional tourism district
15 pursuant to § 42-63.1-5 shall submit to the state budget office, the state tax administrator, the
16 chairperson of the house finance committee, and the chairperson of the senate finance committee
17 by the first day of ~~March~~ February and the first day of ~~September~~ August of each year, a
18 complete and detailed report, for the prior six (6) month period ending thirty (30) days prior to the
19 reporting date, setting forth: (1) the district's operations and accomplishments; and (2) the
20 district's receipts and expenditures of funds received pursuant to § 42-63.1-3. If these reports are
21 not submitted by the required due dates, the tax administrator is authorized to withhold the
22 transfer of funds due the respective district pursuant to § 46-63.1-3, until such time that the
23 district complies with this requirement.

24 SECTION 3. Section 42-64-20 of the General Laws in Chapter 42-64 entitled
25 "Exemption from Taxation" is hereby amended to read as follows:

26 **42-64-20. Exemption from taxation.** -- (a) The exercise of the powers granted by this
27 chapter will be in all respects for the benefit of the people of this state, the increase of their
28 commerce, welfare, and prosperity and for the improvement of their health and living conditions
29 and will constitute the performance of an essential governmental function and the corporation
30 shall not be required to pay any taxes or assessments upon or in respect of any project or of any
31 property or moneys of the Rhode Island economic development corporation, levied by any
32 municipality or political subdivision of the state; provided, that the corporation shall make
33 payments in lieu of real property taxes and assessments to municipalities and political
34 subdivisions with respect to projects of the corporation located in the municipalities and political

1 subdivisions during those times that the corporation derives revenue from the lease or operation
2 of the projects. Payments in lieu of taxes shall be in amounts agreed upon by the corporation and
3 the affected municipalities and political subdivisions. Failing the agreement, the amounts of
4 payments in lieu of taxes shall be determined by the corporation using a formula that shall
5 reasonably ensure that the amounts approximate the average amount of real property taxes due
6 throughout the state with respect to facilities of a similar nature and size. Any municipality or
7 political subdivision is empowered to accept at its option an amount of payments in lieu of taxes
8 less than that determined by the corporation. If, pursuant to § 42-64-13(f), the corporation shall
9 have agreed with a municipality or political subdivision that it shall not provide all of the
10 specified services, the payments in lieu of taxes shall be reduced by the cost incurred by the
11 corporation or any other person in providing the services not provided by the municipality or
12 political subdivision.

13 (b) The corporation shall not be required to pay state taxes of any kind, and the
14 corporation, its projects, property, and moneys and, except for estate, inheritance, and gift taxes,
15 any bonds or notes issued under the provisions of this chapter and the income (including gain
16 from sale or exchange) from these shall at all times be free from taxation of every kind by the
17 state and by the municipalities and all political subdivisions of the state. The corporation shall not
18 be required to pay any transfer tax of any kind on account of instruments recorded by it or on its
19 behalf.

20 (c) For purposes of the exemption from taxes and assessments upon or in respect of any
21 project under subsections (a) or (b) of this section, the corporation shall not be required to hold
22 legal title to any real or personal property, including any fixtures, furnishings or equipment which
23 are acquired and used in the construction and development of the project, but the legal title may
24 be held in the name of a lessee (including sublessees) from the corporation. This property, which
25 shall not include any goods or inventory used in the project after completion of construction, shall
26 be exempt from taxation to the same extent as if legal title of the property were in the name of the
27 corporation; provided that the board of directors of the corporation adopts a resolution confirming
28 use of the tax exemption for the project by the lessee. Such resolution shall not take effect until
29 thirty (30) days from passage. The resolution shall include findings that: (1) the project is a
30 project of the corporation under § 42-64-3(20), and (2) it is in the interest of the corporation and
31 of the project that legal title be held by the lessee from the corporation. In adopting the resolution,
32 the board of directors may consider any factors it deems relevant to the interests of the
33 corporation or the project including, for example, but without limitation, reduction in potential
34 liability or costs to the corporation or designation of the project as a "Project of Critical Economic

1 Concern" pursuant to Chapter 117 of this title. Projects approved by the corporation pursuant to
2 this section shall be referred to as "Rhode Island Sales Tax Exemption for Jobs Credit (RISE for
3 Jobs Credit)" projects.

4 (d) For purposes of the exemption from taxes and assessments for any project of the
5 corporation held by a lessee of the corporation under subsection (c) of this section, any such
6 project shall be subject to the following additional requirements:

7 (1) The total sales tax exemption benefit to the lessee will be implemented through a
8 reimbursement process as determined by the division of taxation rather than an up-front purchase
9 exemption;

10 (2) The sales tax benefits granted pursuant to RIGL 42-64-20(c) shall only apply to
11 projects approved prior to July 1, ~~2011~~ 2022: (i) only apply to materials used in the construction,
12 reconstruction or rehabilitation of the project and to the acquisition of furniture, fixtures and
13 equipment, except automobiles, trucks or other motor vehicles, or materials that otherwise are
14 depreciable and have a useful life of one year or more, for the project for a period not to exceed
15 six (6) months after receipt of a certificate of occupancy for any given phase of the project for
16 which sales tax benefits are utilized; and (ii) not exceed an amount equal to the income tax
17 revenue received by the state from the new full-time jobs with benefits excluding project
18 construction jobs, generated by the project within a period of three (3) years from after the receipt
19 of a certificate of occupancy for any given phase of the project. "Full- time jobs with benefits"
20 means jobs that require working a minimum of thirty (30) hours per week within the state, with a
21 median wage that exceeds by five percent (5%) the median annual wage for the preceding year
22 for full-time jobs in Rhode Island, as certified by the department of labor and training with a
23 benefit package that is typical of companies within the lessee's industry, which, at minimum, shall
24 include health insurance coverage. The sales tax benefits granted pursuant to Rhode Island
25 general laws subsection 42-64-20(c) shall not be effective for projects approved on or after July 1,
26 ~~2011~~ 2022. The corporation shall set a term for each RISE for Jobs Credit project, which shall not
27 exceed five (5) years.

28 (3) The corporation shall transmit the analysis required by RIGL 42-64-10(a)(2) to the
29 house and senate fiscal committee chairs, the department of labor and training and the division of
30 taxation promptly upon completion. Annually thereafter, the department of labor and training
31 shall certify to the house and senate fiscal committee chairs, the house and senate fiscal advisors,
32 the corporation and the division of taxation the actual number of new full-time jobs with benefits
33 created by the project, in addition to construction jobs, and whether such new jobs are on target to
34 meet or exceed the estimated number of new jobs identified in the analysis above. This

1 certification shall no longer be required when the total amount of new income tax revenue
2 received by the state exceeds the amount of the sales tax exemption benefit granted above.

3 (4) The department of labor and training shall certify to the house and senate fiscal
4 committee chairs and the division of taxation that jobs created by the project are "new jobs" in the
5 state of Rhode Island, meaning that the employees of the project are in addition to, and without a
6 reduction of, those employees of the lessee currently employed in Rhode Island, are not relocated
7 from another facility of the lessee's in Rhode Island or are employees assumed by the lessee as
8 the result of a merger or acquisition of a company already located in Rhode Island. Additionally,
9 the corporation, with the assistance of the lessee, the department of labor and training, the
10 department of human services and the division of taxation shall provide annually an analysis of
11 whether any of the employees of the project qualify for RIte Care or RIte Share benefits and the
12 impact such benefits or assistance may have on the state budget.

13 (5) Notwithstanding any other provision of law, the division of taxation, the department
14 of labor and training and the department of human services are authorized to present, review and
15 discuss lessee specific tax or employment information or data with the corporation, the house and
16 senate fiscal committee chairs, and/or the house and senate fiscal advisors for the purpose of
17 verification and compliance with this resolution; and

18 (6) The corporation and the project lessee shall agree that, if at any time prior to the state
19 recouping the amount of the sales tax exemption through new income tax collections from the
20 project, not including construction job income taxes, the lessee will be unable to continue the
21 project, or otherwise defaults on its obligations to the corporation, the lessee shall be liable to the
22 state for all the sales tax benefits granted to the project plus interest, as determined in RIGL 44-1-
23 7, calculated from the date the lessee received the sales tax benefits.

24 (7) Notwithstanding anything to the contrary in this section 42-64-20, no project
25 comprised of retail, including without limitation retail banking, shall be eligible for the RISE for
26 Jobs Credit program or eligible for any sales tax exemption benefit described in this section 42-
27 64-20.

28 SECTION 4. Title 44 of the General Laws entitled "TAXATION" is hereby amended by
29 adding thereto the following chapter:

30 CHAPTER 44-6.4
31 2012 RHODE ISLAND TAX AMNESTY ACT

32 44-6.4-1. Short title. -- This chapter shall be known as the "2012 Rhode Island Tax
33 Amnesty Act".

34 44-6.4-2. Definitions. -- As used in this chapter, the following terms have the meaning

1 ascribed to them in this section, except when the context clearly indicates a different meaning:

2 (1) "Taxable period" means any period for which a tax return is required by law to be
3 filed with the tax administrator;

4 (2) "Taxpayer" means any person, corporation, or other entity subject to any tax imposed
5 by any law of the state of Rhode Island and payable to the state of Rhode Island and collected by
6 the tax administrator.

7 **44-6.4-3. Establishment of tax amnesty. --** (a) The tax administrator shall establish a tax
8 amnesty program for all taxpayers owing any tax imposed by reason of or pursuant to
9 authorization by any law of the state of Rhode Island and collected by the tax administrator.
10 Amnesty tax return forms shall be prepared by the tax administrator and shall provide that the
11 taxpayer clearly specify the tax due and the taxable period for which amnesty is being sought by
12 the taxpayer.

13 (b) The amnesty program shall be conducted for a seventy-five (75) day period ending on
14 November 15, 2012. The amnesty program shall provide that, upon written application by a
15 taxpayer and payment by the taxpayer of all taxes and interest due from the taxpayer to the state
16 of Rhode Island for any taxable period ending on or prior to December 31, 2011, the tax
17 administrator shall not seek to collect any penalties which may be applicable and shall not seek
18 the civil or criminal prosecution of any taxpayer for the taxable period for which amnesty has
19 been granted. Amnesty shall be granted only to those taxpayers applying for amnesty during the
20 amnesty period who have paid the tax and interest due upon filing the amnesty tax return, or who
21 have entered into an installment payment agreement for reasons of financial hardship and upon
22 terms and conditions set by the tax administrator. In the case of the failure of a taxpayer to pay
23 any installment due under the agreement, such an agreement shall cease to be effective and the
24 balance of the amounts required to be paid thereunder shall be due immediately. Amnesty shall be
25 granted for only the taxable period specified in the application and only if all amnesty conditions
26 are satisfied by the taxpayer.

27 (c) The provisions of this section shall include a taxable period for which a bill or notice
28 of deficiency determination has been sent to the taxpayer and a taxable period in which an audit
29 has been completed but has not yet been billed.

30 (d) Amnesty shall not be granted to taxpayers who are under any criminal investigation or
31 are a party to any civil or criminal proceeding, pending in any court of the United States or the
32 state of Rhode Island, for fraud in relation to any state tax imposed by the law of the state and
33 collected by the tax administrator.

34 **44-6.4-4. Interest under tax amnesty. --** Notwithstanding any provision of law to the

1 contrary, interest on any taxes paid for periods covered under the amnesty provisions of this
2 chapter shall be computed at the rate imposed under section 44-1-7, reduced by twenty five
3 percent (25%).

4 **44-6.4-5. Appropriation.** -- There is hereby appropriated, out of any money in the
5 treasury not otherwise appropriated for the 2013 fiscal year, the sum of three hundred thousand
6 dollars (\$300,000) to the division of taxation to carry out the purposes of this chapter. The state
7 controller is hereby authorized and directed to draw his or her orders upon the general treasurer
8 for the payment of the sum or so much thereof as may be required from time to time and upon
9 receipt by him of properly authenticated vouchers.

10 **44-6.4-6. Implementation.** -- Notwithstanding any provision of law to the contrary, the
11 tax administrator may do all things necessary in order to provide for the timely implementation of
12 this chapter, including, but not limited to, procurement of printing and other services and
13 expenditure of appropriated funds as provided for in section 44-6.4-5.

14 **44-6.4-7. Disposition of monies.** -- (a) Except as provided in subsection (b) within, all
15 monies collected pursuant to any tax imposed by the state of Rhode Island under the provisions of
16 this chapter shall be accounted for separately and paid into the general fund.

17 (b) Monies collected for the establishment of the TDI Reserve Fund (section 28-39-7),
18 the Employment Security Fund (section 28-42-18), the Employment Security Interest Fund
19 (section 28-42-75), the Job Development Fund (section 28-42-83), and the Employment Security
20 Reemployment Fund (section 28-42-87) shall be deposited in said respective funds.

21 **44-6.4-8. Analysis of amnesty program by tax administrator.** -- The tax administrator
22 shall provide an analysis of the amnesty program to the chairpersons of the house finance
23 committee and senate finance committee, with copies to the members of the revenue estimating
24 conference, by January 1, 2013. The report shall include an analysis of revenues received by tax
25 source, distinguishing between the tax collected and interest collected for each source. In
26 addition, the report shall further identify the amounts that are new revenues from those already
27 included in the general revenue receivable taxes, defined under generally accepted accounting
28 principles and the state's audited financial statements.

29 **44-6.4-9. Rules and regulations.**-- The tax administrator may promulgate such rules and
30 regulations as are necessary to implement the provisions of this chapter.

31 SECTION 5. Sections 44-18-7, 44-18-8, 44-18-12, 44-18-15, 44-18-18, 44-18-18.1, 44-
32 18-20, 44-18-21, 44-18-22, 44-18-23, 44-18-25 and 44-18-30 of the General Laws in Chapter 44-
33 18 entitled "Sales and Use Taxes – Liability and Computation" are hereby amended to read as
34 follows:

1 **44-18-7. Sales defined.** --"Sales" means and includes:

2 (1) Any transfer of title or possession, exchange, barter, lease, or rental, conditional or
3 otherwise, in any manner or by any means of tangible personal property for a consideration.
4 "Transfer of possession", "lease", or "rental" includes transactions found by the tax administrator
5 to be in lieu of a transfer of title, exchange, or barter.

6 (2) The producing, fabricating, processing, printing, or imprinting of tangible personal
7 property for a consideration for consumers who furnish either directly or indirectly the materials
8 used in the producing, fabricating, processing, printing, or imprinting.

9 (3) The furnishing and distributing of tangible personal property for a consideration by
10 social, athletic, and similar clubs and fraternal organizations to their members or others.

11 (4) The furnishing, preparing, or serving for consideration of food, meals, or drinks,
12 including any cover, minimum, entertainment, or other charge in connection therewith.

13 (5) A transaction whereby the possession of tangible personal property is transferred, but
14 the seller retains the title as security for the payment of the price.

15 (6) Any withdrawal, except a withdrawal pursuant to a transaction in foreign or interstate
16 commerce, of tangible personal property from the place where it is located for delivery to a point
17 in this state for the purpose of the transfer of title or possession, exchange, barter, lease, or rental,
18 conditional or otherwise, in any manner or by any means whatsoever, of the property for a
19 consideration.

20 (7) A transfer for a consideration of the title or possession of tangible personal property,
21 which has been produced, fabricated, or printed to the special order of the customer, or any
22 publication.

23 (8) The furnishing and distributing of electricity, natural gas, artificial gas, steam,
24 refrigeration, and water.

25 (9) The furnishing for consideration of intrastate, interstate and international
26 telecommunications service sourced in this state in accordance with subsections 44-18.1(15) and
27 (16) and all ancillary services, any maintenance services of telecommunication equipment other
28 than as provided for in subdivision 44-18-12(b)(ii). For the purposes of chapters 18 and 19 of this
29 title only, telecommunication service does not include service rendered using a prepaid telephone
30 calling arrangement.

31 (ii) Notwithstanding the provisions of paragraph (i) of this subdivision, in accordance
32 with the Mobile Telecommunications Sourcing Act (4 U.S.C. §§ 116 – 126), subject to the
33 specific exemptions described in 4 U.S.C. § 116(c), and the exemptions provided in §§ 44-18-8
34 and 44-18-12, mobile telecommunications services that are deemed to be provided by the

1 customer's home service provider are subject to tax under this chapter if the customer's place of
2 primary use is in this state regardless of where the mobile telecommunications services originate,
3 terminate or pass through. Mobile telecommunications services provided to a customer, the
4 charges for which are billed by or for the customer's home service provider, shall be deemed to be
5 provided by the customer's home service provider.

6 (10) The furnishing of service for transmission of messages by telegraph, cable, or radio
7 and the furnishing of community antenna television, subscription television, and cable television
8 services.

9 (11) The rental of living quarters in any hotel, rooming house, or tourist camp.

10 (12) The transfer for consideration of prepaid telephone calling arrangements and the
11 recharge of prepaid telephone calling arrangements sourced to this state in accordance with §§
12 44-18.1-11 and 44-18.1-15. "Prepaid telephone calling arrangement" means and includes prepaid
13 calling service and prepaid wireless calling service.

14 (13) The furnishing of package tour and scenic and sightseeing transportation services as
15 set forth in the 2007 North American Industrial Classification System codes 561520 and 487
16 provided that such services are conducted in the state, in whole or in part. Said services include
17 all activities engaged in for other persons for a fee, retainer, commission, or other monetary
18 charge, which activities involve the performance of a service as distinguished from selling
19 property.

20 (14) The sale, storage, use or other consumption of over-the-counter drugs as defined in
21 paragraph 44-18-7.1(h)(ii).

22 (15) The sale, storage, use or other consumption of prewritten computer software
23 delivered electronically or by load and leave as defined in paragraph 44-18-7.1(v).

24 (16) The sale, storage, use or other consumption of medical marijuana as defined in §21-
25 28.6-3.

26 [\(17\) The furnishing of services in this state as defined in section 44-18-7.3.](#)

27 **44-18-8. Retail sale or sale at retail defined.** -- A "retail sale" or "sale at retail" means
28 any sale, lease or rentals of tangible personal property, prewritten computer software delivered
29 electronically or by load and leave, ~~and/or~~ package tour and scenic and sightseeing transportation
30 services, [or services as defined in section 44-18-7.3](#) for any purpose other than resale, sublease or
31 subrent in the regular course of business. The sale of tangible personal property to be used for
32 purposes of rental in the regular course of business is considered to be a sale for resale. In regard
33 to telecommunications service as defined in § 44-18-7(9), retail sale does not include the
34 purchase of telecommunications service by a telecommunications provider from another

1 telecommunication provider for resale to the ultimate consumer; provided, that the purchaser
2 submits to the seller a certificate attesting to the applicability of this exclusion, upon receipt of
3 which the seller is relieved of any tax liability for the sale.

4 **44-18-12. Sale price" defined.** -- (a) "Sales price" applies to the measure subject to sales
5 tax and means the total amount of consideration, including cash, credit, property, and services, for
6 which personal property or services are sold, leased, or rented, valued in money, whether received
7 in money or otherwise, without any deduction for the following:

8 (i) The seller's cost of the property sold;

9 (ii) The cost of materials used, labor or service cost, interest, losses, all costs of
10 transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

11 (iii) Charges by the seller for any services necessary to complete the sale, other than
12 delivery and installation charges;

13 (iv) Delivery charges, as defined in § 44-18-7.1(i);

14 (v) Credit for any trade-in, as determined by state law;

15 (vi) The amount charged for package tour and scenic and sightseeing transportation
16 services; or

17 [\(vii\) The amount charged for services, as defined in section 44-18-7.3.](#)

18 (b) "Sales price" shall not include:

19 (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party
20 that are allowed by a seller and taken by a purchaser on a sale;

21 (ii) The amount charged for labor or services, except for package tours and scenic and
22 sightseeing transportation services, rendered in installing or applying the property sold when the
23 charge is separately stated by the retailer to the purchaser; provided that in transactions subject to
24 the provisions of this chapter the retailer shall separately state such charge when requested by the
25 purchaser and, further, the failure to separately state such charge when requested may be
26 restrained in the same manner as other unlawful acts or practices prescribed in chapter 13.1 of
27 title 6.

28 (iii) Interest, financing, and carrying charges from credit extended on the sale of personal
29 property or services, if the amount is separately stated on the invoice, bill of sale or similar
30 document given to the purchaser; and

31 (iv) Any taxes legally imposed directly on the consumer that are separately stated on the
32 invoice, bill of sale or similar document given to the purchaser.

33 (v) Manufacturer rebates allowed on the sale of motor vehicles.

34 (c) "Sales price" shall include consideration received by the seller from third parties if:

1 (i) The seller actually receives consideration from a party other than the purchaser and the
2 consideration is directly related to a price reduction or discount on the sale;

3 (ii) The seller has an obligation to pass the price reduction or discount through to the
4 purchaser;

5 (iii) The amount of the consideration attributable to the sale is fixed and determinable by
6 the seller at the time of the sale of the item to the purchaser; and

7 (iv) One of the following criteria is met:

8 (A) The purchaser presents a coupon, certificate or other documentation to the seller to
9 claim a price reduction or discount where the coupon, certificate or documentation is authorized,
10 distributed or granted by a third party with the understanding that the third party will reimburse
11 any seller to whom the coupon, certificate or documentation is presented;

12 (B) The purchaser identifies himself or herself to the seller as a member of a group or
13 organization entitled to a price reduction or discount (a "preferred customer" card that is available
14 to any patron does not constitute membership in such a group), or

15 (C) The price reduction or discount is identified as a third party price reduction or
16 discount on the invoice received by the purchaser or on a coupon, certificate or other
17 documentation presented by the purchaser.

18 **44-18-15. "Retailer" defined.--** (a) "Retailer" includes:

19 (1) Every person engaged in the business of making sales at retail, including prewritten
20 computer software delivered electronically or by load and leave, ~~and/or~~ sales of package tour and
21 scenic and sightseeing transportation services, sales of services as defined in section 44-18-7.3,
22 ~~including~~ and sales at auction of tangible personal property owned by the person or others.

23 (2) Every person making sales of tangible personal property, including prewritten
24 computer software delivered electronically or by load and leave, ~~and/or~~ sales of package tour and
25 scenic and sightseeing transportation services, or sales of services as defined in section 44-18-
26 7.3, through an independent contractor or other representative, if the retailer enters into an
27 agreement with a resident of this state, under which the resident, for a commission or other
28 consideration, directly or indirectly refers potential customers, whether by a link on an Internet
29 website or otherwise, to the retailer, provided the cumulative gross receipts from sales by the
30 retailer to customers in the state who are referred to the retailer by all residents with this type of
31 an agreement with the retailer, is in excess of five thousand dollars (\$5,000) during the preceding
32 four (4) quarterly periods ending on the last day of March, June, September and December. Such
33 retailer shall be presumed to be soliciting business through such independent contractor or other
34 representative, which presumption may be rebutted by proof that the resident with whom the

1 retailer has an agreement did not engage in any solicitation in the state on behalf of the retailer
2 that would satisfy the nexus requirement of the United States Constitution during such four (4)
3 quarterly periods.

4 (3) Every person engaged in the business of making sales for storage, use, or other
5 consumption, ~~of: (i) tangible personal property, (ii) or the business of making~~ sales at auction of
6 tangible personal property, ~~owned by the person or others for storage, use, or other consumption,~~
7 (iii) prewritten computer software delivered electronically or by load and leave, and/or (iv)
8 package tour and scenic and sightseeing transportation services, and (v) services as defined in
9 section 44-18-7.3, ~~owned by the person or others for storage, use, or other consumption.~~

10 (4) A person conducting a horse race meeting with respect to horses, which are claimed
11 during the meeting.

12 (5) Every person engaged in the business of renting any living quarters in any hotel as
13 defined in section 42-63.1-2, rooming house, or tourist camp.

14 (6) Every person maintaining a business within or outside of this state who engages in the
15 regular or systematic solicitation of sales of tangible personal property, prewritten computer
16 software delivered electronically or by load and leave, and/or package tour and scenic and
17 sightseeing transportation services, in this state by means of:

18 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
19 sold over the counter in this state or sold by subscription to residents of this state, billboards
20 located in this state, airborne advertising messages produced or transported in the airspace above
21 this state, display cards and posters on common carriers or any other means of public conveyance
22 incorporated or operated primarily in this state, brochures, catalogs, circulars, coupons,
23 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
24 residents of this state;

25 (ii) Telephone;

26 (iii) Computer assisted shopping networks; and

27 (iv) Television, radio or any other electronic media, which is intended to be broadcast to
28 consumers located in this state.

29 (b) When the tax administrator determines that it is necessary for the proper
30 administration of chapters 18 and 19 of this title to regard any salespersons, representatives,
31 truckers, peddlers, or canvassers as the agents of the dealers, distributors, supervisors, employers,
32 or persons under whom they operate or from whom they obtain the tangible personal property
33 sold by them, irrespective of whether they are making sales on their own behalf or on behalf of
34 the dealers, distributors, supervisors, or employers, the tax administrator may so regard them and

1 may regard the dealers, distributors, supervisors, or employers as retailers for purposes of
2 chapters 18 and 19 of this title.

3 **44-18-18. Sales tax imposed.** -- A tax is imposed upon sales at retail in this state
4 including charges for rentals of living quarters in hotels [as defined in section 42-63.1-2](#), rooming
5 houses, or tourist camps, at the rate of six percent (6%) of the gross receipts of the retailer from
6 the sales or rental charges; provided, that the tax imposed on charges for the rentals applies only
7 to the first period of not exceeding thirty (30) consecutive calendar days of each rental; provided,
8 further, that for the period commencing July 1, 1990, the tax rate is seven percent (7%). The tax
9 is paid to the tax administrator by the retailer at the time and in the manner provided. Excluded
10 from this tax are those living quarters in hotels, rooming houses, or tourist camps for which the
11 occupant has a written lease for the living quarters which lease covers a rental period of twelve
12 (12) months or more. In recognition of the work being performed by the Streamlined Sales and
13 Use Tax Governing Board, upon any federal law which requires remote sellers to collect and
14 remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following the change,
15 the rate imposed under § 44-18-18 shall be six and one-half percent (6.5%).

16 **44-18-18.1. Local meals and beverage tax.** -- (a) There is hereby levied and imposed,
17 upon every purchaser of a meal and/or beverage, in addition to all other taxes and fees now
18 imposed by law, a local meals and beverage tax upon each and every meal and/or beverage sold
19 within the state of Rhode Island in or from an eating and/or drinking establishment, whether
20 prepared in the eating and/or drinking establishment or not and whether consumed at the premises
21 or not, at a rate of one percent of the gross receipts. [Notwithstanding, for the period commencing](#)
22 [July 1, 2012, the rate is three percent \(3.0 %\) of gross receipts.](#) The tax shall be paid to the tax
23 administrator by the retailer at the time and in the manner provided.

24 (b) All sums received by the division of taxation [for sales prior to July 1, 2012](#) under this
25 section as taxes, penalties or forfeitures, interest, costs of suit and fines shall be distributed at
26 least quarterly, credited and paid by the state treasurer to the city or town where the meals and
27 beverages are delivered.

28 [\(c\) For sales on or after July 1, 2012, one percent \(1.0%\) of the total three percent \(3.0%\)](#)
29 [of the gross receipts paid under subsection 44-18-18.1\(a\), received by the division of taxation as](#)
30 [taxes, penalties or forfeitures, interest, costs of suit and fines, shall be distributed at least](#)
31 [quarterly, credited and paid by the state treasurer to the city or town where the meals and](#)
32 [beverages are delivered. The remaining two percent \(2.0%\) of the total three percent \(3.0%\) of](#)
33 [the gross receipts paid under subsection 44-18-18.1\(a\) as taxes, penalties or forfeitures, interest,](#)
34 [costs of suit and fines shall be deposited into the general fund.](#)

1 ~~(d)~~ When used in this section, the following words have the following meanings:

2 (1) "Beverage" means all nonalcoholic beverages, as well as alcoholic beverages, beer,
3 lager beer, ale, porter, wine, similar fermented malt or vinous liquor.

4 (2) "Eating and/or drinking establishments" mean and include restaurants, bars, taverns,
5 lounges, cafeterias, lunch counters, drive-ins, roadside ice cream and refreshment stands, fish and
6 chip places, fried chicken places, pizzerias, food and drink concessions, or similar facilities in
7 amusement parks, bowling alleys, clubs, caterers, drive-in theatres, industrial plants, race tracks,
8 shore resorts or other locations, lunch carts, mobile canteens and other similar vehicles, and other
9 like places of business which furnish or provide facilities for immediate consumption of food at
10 tables, chairs or counters or from trays, plates, cups or other tableware or in parking facilities
11 provided primarily for the use of patrons in consuming products purchased at the location.
12 Ordinarily, eating establishments do not mean and include food stores and supermarkets. Eating
13 establishments do not mean "vending machines," a self-contained automatic device that dispenses
14 for sale foods, beverages, or confection products. Retailers selling prepared foods in bulk either in
15 customer-furnished containers or in the seller's containers, for example "Soup and Sauce"
16 establishments, are deemed to be selling prepared foods ordinarily for immediate consumption
17 and, as such, are considered eating establishments.

18 (3) "Meal" means any prepared food or beverage offered or held out for sale by an eating
19 and/or drinking establishment for the purpose of being consumed by any person to satisfy the
20 appetite and which is ready for immediate consumption. All such food and beverage, unless
21 otherwise specifically exempted or excluded herein shall be included, whether intended to be
22 consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack,
23 dinner, supper or by some other name, and without regard to the manner, time or place of service.

24 ~~(e)~~ This local meals and beverage tax shall be administered and collected by the
25 division of taxation and unless provided to the contrary in this chapter, all of the administration,
26 collection, and other provisions of chapters 18 and 19 of this article apply.

27 **44-18-20. Use tax imposed.** -- (a) An excise tax is imposed on the storage, use, or other
28 consumption in this state of tangible personal property, ~~or~~ prewritten computer software delivered
29 electronically or by load and leave, ~~and/or~~ package tour and scenic and sightseeing transportation
30 services, or services as defined section 44-18-7.3; including a motor vehicle, a boat, an airplane,
31 or a trailer, purchased from any retailer at the rate of six percent (6%) of the sale price of the
32 property.

33 (b) An excise tax is imposed on the storage, use, or other consumption in this state of a
34 motor vehicle, a boat, an airplane, or a trailer purchased from other than a licensed motor vehicle

1 dealer or other than a retailer of boats, airplanes, or trailers respectively, at the rate of six percent
2 (6%) of the sale price of the motor vehicle, boat, airplane, or trailer.

3 (c) The word "trailer" as used in this section and in § 44-18-21 means and includes those
4 defined in § 31-1-5(a) – (e) and also includes boat trailers, camping trailers, house trailers, and
5 mobile homes.

6 (d) Notwithstanding the provisions contained in this section and in § 44-18-21 relating to
7 the imposition of a use tax and liability for this tax on certain casual sales, no tax is payable in
8 any casual sale:

9 (1) When the transferee or purchaser is the spouse, mother, father, brother, sister, or child
10 of the transferor or seller;

11 (2) When the transfer or sale is made in connection with the organization, reorganization,
12 dissolution, or partial liquidation of a business entity; provided:

13 (i) The last taxable sale, transfer, or use of the article being transferred or sold was
14 subjected to a tax imposed by this chapter;

15 (ii) The transferee is the business entity referred to or is a stockholder, owner, member, or
16 partner; and

17 (iii) Any gain or loss to the transferor is not recognized for income tax purposes under the
18 provisions of the federal income tax law and treasury regulations and rulings issued thereunder;

19 (3) When the sale or transfer is of a trailer, other than a camping trailer, of the type
20 ordinarily used for residential purposes and commonly known as a house trailer or as a mobile
21 home; or

22 (4) When the transferee or purchaser is exempt under the provisions of § 44-18-30 or
23 other general law of this state or special act of the general assembly of this state.

24 (e) The term "casual" means a sale made by a person other than a retailer; provided, that
25 in the case of a sale of a motor vehicle, the term means a sale made by a person other than a
26 licensed motor vehicle dealer or an auctioneer at an auction sale. In no case is the tax imposed
27 under the provisions of subsections (a) and (b) of this section on the storage, use, or other
28 consumption in this state of a used motor vehicle less than the product obtained by multiplying
29 the amount of the retail dollar value at the time of purchase of the motor vehicle by the applicable
30 tax rate; provided, that where the amount of the sale price exceeds the amount of the retail dollar
31 value, the tax is based on the sale price. The tax administrator shall use as his or her guide the
32 retail dollar value as shown in the current issue of any nationally recognized used vehicle guide
33 for appraisal purposes in this state. On request within thirty (30) days by the taxpayer after
34 payment of the tax, if the tax administrator determines that the retail dollar value as stated in this

1 subsection is inequitable or unreasonable, he or she shall, after affording the taxpayer reasonable
2 opportunity to be heard, re-determine the tax.

3 (f) Every person making more than five (5) retail sales of tangible personal property or
4 prewritten computer software delivered electronically or by load and leave, ~~and/or~~ package tour
5 and scenic and sightseeing transportation services, or services as defined in section 44-18-7.3
6 during any twelve (12) month period, including sales made in the capacity of assignee for the
7 benefit of creditors or receiver or trustee in bankruptcy, is considered a retailer within the
8 provisions of this chapter.

9 (g) "Casual sale" includes a sale of tangible personal property not held or used by a seller
10 in the course of activities for which the seller is required to hold a seller's permit or permits or
11 would be required to hold a seller's permit or permits if the activities were conducted in this state;
12 provided, that the sale is not one of a series of sales sufficient in number, scope, and character
13 (more than five (5) in any twelve (12) month period) to constitute an activity for which the seller
14 is required to hold a seller's permit or would be required to hold a seller's permit if the activity
15 were conducted in this state.

16 (2) Casual sales also include sales made at bazaars, fairs, picnics, or similar events by
17 nonprofit organizations, which are organized for charitable, educational, civic, religious, social,
18 recreational, fraternal, or literary purposes during two (2) events not to exceed a total of six (6)
19 days duration each calendar year. Each event requires the issuance of a permit by the division of
20 taxation. Where sales are made at events by a vendor, which holds a sales tax permit and is not a
21 nonprofit organization, the sales are in the regular course of business and are not exempt as casual
22 sales.

23 (h) The use tax imposed under this section for the period commencing July 1, 1990 is at
24 the rate of seven percent (7%). In recognition of the work being performed by the Streamlined
25 Sales and Use Tax Governing Board, upon any federal law which requires remote sellers to
26 collect and remit taxes, effective the first (1st) day of the first (1st) state fiscal quarter following
27 the change, the rate imposed under § 44-18-18 shall be six and one-half percent (6.5%).

28 **44-18-21. Liability for use tax.** -- (a) Every person storing, using, or consuming in this
29 state tangible personal property, including a motor vehicle, boat, airplane, or trailer, purchased
30 from a retailer, and a motor vehicle, boat, airplane, or trailer, purchased from other than a
31 licensed motor vehicle dealer or other than a retailer of boats, airplanes, or trailers respectively; or
32 storing, using or consuming specified prewritten computer software delivered electronically or by
33 load and leave, ~~and/or~~ package tour and scenic and sightseeing transportation services, or services
34 as defined in section 44-18-7.3 is liable for the use tax. The person's liability is not extinguished

1 until the tax has been paid to this state, except that a receipt from a retailer engaging in business
2 in this state or from a retailer who is authorized by the tax administrator to collect the tax under
3 rules and regulations that he or she may prescribe, given to the purchaser pursuant to the
4 provisions of § 44-18-22, is sufficient to relieve the purchaser from further liability for the tax to
5 which the receipt refers.

6 (b) Each person before obtaining an original or transferral registration for any article or
7 commodity in this state, which article or commodity is required to be licensed or registered in the
8 state, shall furnish satisfactory evidence to the tax administrator that any tax due under this
9 chapter with reference to the article or commodity has been paid, and for the purpose of effecting
10 compliance, the tax administrator, in addition to any other powers granted to him or her, may
11 invoke the provisions of § 31-3-4 in the case of a motor vehicle. The tax administrator, when he
12 or she deems it to be for the convenience of the general public, may authorize any agency of the
13 state concerned with the licensing or registering of these articles or commodities to collect the use
14 tax on any articles or commodities which the purchaser is required by this chapter to pay before
15 receiving an original or transferral registration. The general assembly shall annually appropriate a
16 sum that it deems necessary to carry out the purposes of this section. Notwithstanding the
17 provisions of §§ 44-18-19, 44-18-22, and 44-18-24, the sales or use tax on any motor vehicle
18 and/or recreational vehicle requiring registration by the administrator of the division of motor
19 vehicles shall not be added by the retailer to the sale price or charge but shall be paid directly by
20 the purchaser to the tax administrator, or his or her authorized deputy or agent as provided in this
21 section.

22 (c) In cases involving total loss or destruction of a motor vehicle occurring within one
23 hundred twenty (120) days from the date of purchase and upon which the purchaser has paid the
24 use tax, the amount of the tax constitutes an overpayment. The amount of the overpayment may
25 be credited against the amount of use tax on any subsequent vehicle which the owner acquires to
26 replace the lost or destroyed vehicle or may be refunded, in whole or in part.

27 **44-18-22. Collection of use tax by retailer.** -- Every retailer engaging in business in this
28 state and making sales of tangible personal property or prewritten computer software delivered
29 electronically or by load and leave, ~~for storage, use, or other consumption in this state, and/or~~
30 providing package tour and scenic and sightseeing transportation services, or services as defined
31 in section 44-18-7.3, for storage, use, or other consumption in this state, not exempted under this
32 chapter shall, at the time of making the sales, or if the storage, use, or other consumption of the
33 tangible personal property, prewritten computer software delivered electronically or by load and
34 leave, ~~and/or~~ providing package tour and scenic and sightseeing transportation services, or

1 [services as defined in section 44-18-7.3](#), is not then taxable under this chapter, at the time the
2 storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to
3 the purchaser a receipt in the manner and form prescribed by the tax administrator.

4 **44-18-23. "Engaging in business" defined.** -- As used in §§ 44-18-21 and 44-18-22 the
5 term "engaging in business in this state" means the selling or delivering in this state, or any
6 activity in this state related to the selling or delivering in this state of tangible personal property,
7 or prewritten computer software delivered electronically or by load and leave for storage, use, or
8 other consumption in this state;~~;~~ as well as providing package tour and scenic and sightseeing
9 transportation services, [or services as defined in section 44-18-7.3 in this state](#). This term
10 includes, but is not limited to, the following acts or methods of transacting business:

11 (1) Maintaining, occupying, or using in this state permanently or temporarily, directly or
12 indirectly or through a subsidiary, representative, or agent by whatever name called and whether
13 or not qualified to do business in this state, any office, place of distribution, sales or sample room
14 or place, warehouse or storage place, or other place of business;

15 (2) Having any subsidiary, representative, agent, salesperson, canvasser, or solicitor
16 permanently or temporarily, and whether or not the subsidiary, representative, or agent is
17 qualified to do business in this state, operate in this state for the purpose of selling, delivering, or
18 the taking of orders for any tangible personal property, or prewritten computer software delivered
19 electronically or by load and leave, ~~and/or~~ package tour and scenic and sightseeing transportation
20 services, [or services as defined in section 44-18-7.3](#);

21 (3) The regular or systematic solicitation of sales of tangible personal property, or
22 prewritten computer software delivered electronically or by load and leave, ~~and/or~~ package tour
23 and scenic and sightseeing transportation services, [or services as defined in section 44-18-7.3](#), in
24 this state by means of:

25 (i) Advertising in newspapers, magazines, and other periodicals published in this state,
26 sold over the counter in this state or sold by subscription to residents of this state, billboards
27 located in this state, airborne advertising messages produced or transported in the air space above
28 this state, display cards and posters on common carriers or any other means of public conveyance
29 incorporated or operating primarily in this state, brochures, catalogs, circulars, coupons,
30 pamphlets, samples, and similar advertising material mailed to, or distributed within this state to
31 residents of this state;

32 (ii) Telephone;

33 (iii) Computer-assisted shopping networks; and

34 (iv) Television, radio or any other electronic media, which is intended to be broadcast to

1 consumers located in this state.

2 **44-18-25. Presumption that sale is for storage, use, or consumption – Resale**
3 **certificate.** -- It is presumed that all gross receipts are subject to the sales tax, and that the use of
4 all tangible personal property, or prewritten computer software delivered electronically or by load
5 and leave, ~~and~~/or package tour and scenic and sightseeing transportation services, or services as
6 defined in § 44-18-7.3, are subject to the use tax, and that all tangible personal property, or
7 prewritten computer software delivered electronically or by load and leave, ~~and~~/or package tour
8 and scenic and sightseeing transportation services, or services as defined in section 44-18-7.3,
9 sold or in processing or intended for delivery or delivered in this state is sold or delivered for
10 storage, use, or other consumption in this state, until the contrary is established to the satisfaction
11 of the tax administrator. The burden of proving the contrary is upon the person who makes the
12 sale and the purchaser, unless the person who makes the sale takes from the purchaser a
13 certificate to the effect that the purchase was for resale. The certificate shall contain any
14 information and be in the form that the tax administrator may require.

15 **44-18-30. Gross receipts exempt from sales and use taxes.** -- There are exempted from
16 the taxes imposed by this chapter the following gross receipts:

17 (1) *Sales and uses beyond constitutional power of state.* From the sale and from the
18 storage, use, or other consumption in this state of tangible personal property the gross receipts
19 from the sale of which, or the storage, use, or other consumption of which, this state is prohibited
20 from taxing under the Constitution of the United States or under the constitution of this state.

21 (2) *Newspapers.*

22 (i) From the sale and from the storage, use, or other consumption in this state of any
23 newspaper.

24 (ii) "Newspaper" means an unbound publication printed on newsprint, which contains
25 news, editorial comment, opinions, features, advertising matter, and other matters of public
26 interest.

27 (iii) "Newspaper" does not include a magazine, handbill, circular, flyer, sales catalog, or
28 similar item unless the item is printed for and distributed as a part of a newspaper.

29 (3) *School meals.* From the sale and from the storage, use, or other consumption in this
30 state of meals served by public, private, or parochial schools, school districts, colleges,
31 universities, student organizations, and parent teacher associations to the students or teachers of a
32 school, college, or university whether the meals are served by the educational institutions or by a
33 food service or management entity under contract to the educational institutions.

34 (4) *Containers.*

1 (i) From the sale and from the storage, use, or other consumption in this state of:

2 (A) Non-returnable containers, including boxes, paper bags, and wrapping materials
3 which are biodegradable and all bags and wrapping materials utilized in the medical and healing
4 arts, when sold without the contents to persons who place the contents in the container and sell
5 the contents with the container.

6 (B) Containers when sold with the contents if the sale price of the contents is not required
7 to be included in the measure of the taxes imposed by this chapter.

8 (C) Returnable containers when sold with the contents in connection with a retail sale of
9 the contents or when resold for refilling.

10 (ii) As used in this subdivision, the term "returnable containers" means containers of a
11 kind customarily returned by the buyer of the contents for reuse. All other containers are "non-
12 returnable containers."

13 (5) *Charitable, educational, and religious organizations.* From the sale to as in defined
14 in this section, and from the storage, use, and other consumption in this state or any other state of
15 the United States of America of tangible personal property by hospitals not operated for a profit,
16 "educational institutions" as defined in subdivision (18) not operated for a profit, churches,
17 orphanages, and other institutions or organizations operated exclusively for religious or charitable
18 purposes, interest free loan associations not operated for profit, nonprofit organized sporting
19 leagues and associations and bands for boys and girls under the age of nineteen (19) years, the
20 following vocational student organizations that are state chapters of national vocational students
21 organizations: Distributive Education Clubs of America, (DECA); Future Business Leaders of
22 America, phi beta lambda (FBLA/PBL); Future Farmers of America (FFA); Future Homemakers
23 of America/Home Economics Related Occupations (FHA/HERD); and Vocational Industrial
24 Clubs of America (VICA), organized nonprofit golden age and senior citizens clubs for men and
25 women, and parent teacher associations.

26 (ii) In the case of contracts entered into with the federal government, its agencies or
27 instrumentalities, this state or any other state of the United States of America, its agencies, any
28 city, town, district, or other political subdivision of the states, hospitals not operated for profit,
29 educational institutions not operated for profit, churches, orphanages, and other institutions or
30 organizations operated exclusively for religious or charitable purposes, the contractor may
31 purchase such materials and supplies (materials and/or supplies are defined as those which are
32 essential to the project) that are to be utilized in the construction of the projects being performed
33 under the contracts without payment of the tax.

34 (iii) The contractor shall not charge any sales or use tax to any exempt agency,

1 institution, or organization but shall in that instance provide his or her suppliers with certificates
2 in the form as determined by the division of taxation showing the reason for exemption; and the
3 contractor's records must substantiate the claim for exemption by showing the disposition of all
4 property so purchased. If any property is then used for a nonexempt purpose, the contractor must
5 pay the tax on the property used.

6 (6) *Gasoline.* From the sale and from the storage, use, or other consumption in this state
7 of: (i) gasoline and other products taxed under chapter 36 of title 31, and (ii) fuels used for the
8 propulsion of airplanes.

9 (7) *Purchase for manufacturing purposes.*

10 (i) From the sale and from the storage, use, or other consumption in this state of computer
11 software, tangible personal property, electricity, natural gas, artificial gas, steam, refrigeration,
12 and water, when the property or service is purchased for the purpose of being manufactured into a
13 finished product for resale, and becomes an ingredient, component, or integral part of the
14 manufactured, compounded, processed, assembled, or prepared product, or if the property or
15 service is consumed in the process of manufacturing for resale computer software, tangible
16 personal property, electricity, natural gas, artificial gas, steam, refrigeration, or water.

17 (ii) "Consumed" means destroyed, used up, or worn out to the degree or extent that the
18 property cannot be repaired, reconditioned, or rendered fit for further manufacturing use.

19 (iii) "Consumed" includes mere obsolescence.

20 (iv) "Manufacturing" means and includes manufacturing, compounding, processing,
21 assembling, preparing, or producing.

22 (v) "Process of manufacturing" means and includes all production operations performed
23 in the producing or processing room, shop, or plant, insofar as the operations are a part of and
24 connected with the manufacturing for resale of tangible personal property, electricity, natural gas,
25 artificial gas, steam, refrigeration, or water and all production operations performed insofar as the
26 operations are a part of and connected with the manufacturing for resale of computer software.

27 (vi) "Process of manufacturing" does not mean or include administration operations such
28 as general office operations, accounting, collection, sales promotion, nor does it mean or include
29 distribution operations which occur subsequent to production operations, such as handling,
30 storing, selling, and transporting the manufactured products, even though the administration and
31 distribution operations are performed by or in connection with a manufacturing business.

32 (8) *State and political subdivisions.* From the sale to, and from the storage, use, or other
33 consumption by, this state, any city, town, district, or other political subdivision of this state.
34 Every redevelopment agency created pursuant to chapter 31 of title 45 is deemed to be a

1 subdivision of the municipality where it is located.

2 (9) *Food and food ingredients.* From the sale and storage, use, or other consumption in
3 this state of food and food ingredients as defined in § 44-18-7.1(l).

4 For the purposes of this exemption "food and food ingredients" shall not include candy,
5 soft drinks, dietary supplements, alcoholic beverages, tobacco, food sold through vending
6 machines or prepared food (as those terms are defined in § 44-18-7.1, unless the prepared food is:

7 (i) Sold by a seller whose primary NAICS classification is manufacturing in sector 311,
8 except sub-sector 3118 (bakeries);

9 (ii) Sold in an unheated state by weight or volume as a single item;

10 (iii) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries,
11 donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, tortillas; and is not sold with
12 utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or
13 straws.

14 (10) *Medicines, drugs and durable medical equipment.* From the sale and from the
15 storage, use, or other consumption in this state, of;

16 (i) "Drugs" as defined in § 44-18-7.1(h)(i), sold on prescriptions, medical oxygen, and
17 insulin whether or not sold on prescription. For purposes of this exemption, drugs shall not
18 include over the counter drugs, and grooming and hygiene products as defined in § 44-18-
19 7.1(h)(iii).

20 (ii) Durable medical equipment as defined in section 44-18-7.1(k) for home use only,
21 including, but not limited to, syringe infusers, ambulatory drug delivery pumps, hospital beds,
22 convalescent chairs, and chair lifts. Supplies used in connection with syringe infusers and
23 ambulatory drug delivery pumps which are sold on prescription to individuals to be used by them
24 to dispense or administer prescription drugs, and related ancillary dressings and supplies used to
25 dispense or administer prescription drugs shall also be exempt from tax.

26 (11) *Prosthetic devices and mobility enhancing equipment.* From the sale and from the
27 storage, use, or other consumption in this state, of prosthetic devices as defined in § 44-18-7.1(t),
28 sold on prescription, including but not limited to, artificial limbs, dentures, spectacles and
29 eyeglasses, and artificial eyes; artificial hearing devices and hearing aids, whether or not sold on
30 prescription and mobility enhancing equipment as defined in § 44-18-7.1(p) including
31 wheelchairs, crutches and canes.

32 (12) *Coffins, caskets, and burial garments.* From the sale and from the storage, use, or
33 other consumption in this state of coffins or caskets, and shrouds or other burial garments which
34 are ordinarily sold by a funeral director as part of the business of funeral directing.

1 (13) *Motor vehicles sold to nonresidents.*

2 (i) From the sale, subsequent to June 30, 1958, of a motor vehicle to a bona fide
3 nonresident of this state who does not register the motor vehicle in this state, whether the sale or
4 delivery of the motor vehicle is made in this state or at the place of residence of the nonresident.
5 A motor vehicle sold to a bona fide nonresident whose state of residence does not allow a like
6 exemption to its nonresidents is not exempt from the tax imposed under § 44-18-20. In that event
7 the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the rate that
8 would be imposed in his or her state of residence not to exceed the rate that would have been
9 imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed motor vehicle
10 dealer shall add and collect the tax required under this subdivision and remit the tax to the tax
11 administrator under the provisions of chapters 18 and 19 of this title. When a Rhode Island
12 licensed motor vehicle dealer is required to add and collect the sales and use tax on the sale of a
13 motor vehicle to a bona fide nonresident as provided in this section, the dealer in computing the
14 tax takes into consideration the law of the state of the nonresident as it relates to the trade-in of
15 motor vehicles.

16 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
17 require any licensed motor vehicle dealer to keep records of sales to bona fide nonresidents as the
18 tax administrator deems reasonably necessary to substantiate the exemption provided in this
19 subdivision, including the affidavit of a licensed motor vehicle dealer that the purchaser of the
20 motor vehicle was the holder of, and had in his or her possession a valid out of state motor
21 vehicle registration or a valid out of state driver's license.

22 (iii) Any nonresident who registers a motor vehicle in this state within ninety (90) days of
23 the date of its sale to him or her is deemed to have purchased the motor vehicle for use, storage,
24 or other consumption in this state, and is subject to, and liable for the use tax imposed under the
25 provisions of § 44-18-20.

26 (14) *Sales in public buildings by blind people.* From the sale and from the storage, use,
27 or other consumption in all public buildings in this state of all products or wares by any person
28 licensed under § 40-9-11.1.

29 (15) *Air and water pollution control facilities.* From the sale, storage, use, or other
30 consumption in this state of tangible personal property or supplies acquired for incorporation into
31 or used and consumed in the operation of a facility, the primary purpose of which is to aid in the
32 control of the pollution or contamination of the waters or air of the state, as defined in chapter 12
33 of title 46 and chapter 25 of title 23, respectively, and which has been certified as approved for
34 that purpose by the director of environmental management. The director of environmental

1 management may certify to a portion of the tangible personal property or supplies acquired for
2 incorporation into those facilities or used and consumed in the operation of those facilities to the
3 extent that that portion has as its primary purpose the control of the pollution or contamination of
4 the waters or air of this state. As used in this subdivision, "facility" means any land, facility,
5 device, building, machinery, or equipment.

6 (16) *Camps.* From the rental charged for living quarters, or sleeping or housekeeping
7 accommodations at camps or retreat houses operated by religious, charitable, educational, or
8 other organizations and associations mentioned in subdivision (5), or by privately owned and
9 operated summer camps for children.

10 (17) *Certain institutions.* From the rental charged for living or sleeping quarters in an
11 institution licensed by the state for the hospitalization, custodial, or nursing care of human beings.

12 (18) *Educational institutions.* From the rental charged by any educational institution for
13 living quarters, or sleeping or housekeeping accommodations or other rooms or accommodations
14 to any student or teacher necessitated by attendance at an educational institution. "Educational
15 institution" as used in this section means an institution of learning not operated for profit which is
16 empowered to confer diplomas, educational, literary, or academic degrees, which has a regular
17 faculty, curriculum, and organized body of pupils or students in attendance throughout the usual
18 school year, which keeps and furnishes to students and others records required and accepted for
19 entrance to schools of secondary, collegiate, or graduate rank, no part of the net earnings of which
20 inures to the benefit of any individual.

21 (19) *Motor vehicle and adaptive equipment for persons with disabilities.*

22 (i) From the sale of: (A) special adaptations, (B) the component parts of the special
23 adaptations, or (C) a specially adapted motor vehicle; provided, that the owner furnishes to the
24 tax administrator an affidavit of a licensed physician to the effect that the specially adapted motor
25 vehicle is necessary to transport a family member with a disability or where the vehicle has been
26 specially adapted to meet the specific needs of the person with a disability. This exemption
27 applies to not more than one motor vehicle owned and registered for personal, noncommercial
28 use.

29 (ii) For the purpose of this subsection the term "special adaptations" includes, but is not
30 limited to: wheelchair lifts; wheelchair carriers; wheelchair ramps; wheelchair securements; hand
31 controls; steering devices; extensions, relocations, and crossovers of operator controls; power-
32 assisted controls; raised tops or dropped floors; raised entry doors; or alternative signaling
33 devices to auditory signals.

34 (iii) From the sale of: (a) special adaptations, (b) the component parts of the special

1 adaptations, for a "wheelchair accessible taxicab" as defined in § 39-14-1 and/or a "wheelchair
2 accessible public motor vehicle" as defined in § 39-14.1-1.

3 (iv) For the purpose of this subdivision the exemption for a "specially adapted motor
4 vehicle" means a use tax credit not to exceed the amount of use tax that would otherwise be due
5 on the motor vehicle, exclusive of any adaptations. The use tax credit is equal to the cost of the
6 special adaptations, including installation.

7 (20) *Heating fuels.* From the sale and from the storage, use, or other consumption in this
8 state of every type of fuel used in the heating of homes and residential premises.

9 (21) *Electricity and gas.* From the sale and from the storage, use, or other consumption
10 in this state of electricity and gas furnished for domestic use by occupants of residential premises.

11 (22) *Manufacturing machinery and equipment.*

12 (i) From the sale and from the storage, use, or other consumption in this state of tools,
13 dies, and molds, and machinery and equipment (including replacement parts), and related items to
14 the extent used in an industrial plant in connection with the actual manufacture, conversion, or
15 processing of tangible personal property, or to the extent used in connection with the actual
16 manufacture, conversion or processing of computer software as that term is utilized in industry
17 numbers 7371, 7372, and 7373 in the standard industrial classification manual prepared by the
18 technical committee on industrial classification, office of statistical standards, executive office of
19 the president, United States bureau of the budget, as revised from time to time, to be sold, or that
20 machinery and equipment used in the furnishing of power to an industrial manufacturing plant.
21 For the purposes of this subdivision, "industrial plant" means a factory at a fixed location
22 primarily engaged in the manufacture, conversion, or processing of tangible personal property to
23 be sold in the regular course of business;

24 (ii) Machinery and equipment and related items are not deemed to be used in connection
25 with the actual manufacture, conversion, or processing of tangible personal property, or in
26 connection with the actual manufacture, conversion or processing of computer software as that
27 term is utilized in industry numbers 7371, 7372, and 7373 in the standard industrial classification
28 manual prepared by the technical committee on industrial classification, office of statistical
29 standards, executive office of the president, United States bureau of the budget, as revised from
30 time to time, to be sold to the extent the property is used in administration or distribution
31 operations;

32 (iii) Machinery and equipment and related items used in connection with the actual
33 manufacture, conversion, or processing of any computer software or any tangible personal
34 property which is not to be sold and which would be exempt under subdivision (7) or this

1 subdivision if purchased from a vendor or machinery and equipment and related items used
2 during any manufacturing, converting or processing function is exempt under this subdivision
3 even if that operation, function, or purpose is not an integral or essential part of a continuous
4 production flow or manufacturing process;

5 (iv) Where a portion of a group of portable or mobile machinery is used in connection
6 with the actual manufacture, conversion, or processing of computer software or tangible personal
7 property to be sold, as previously defined, that portion, if otherwise qualifying, is exempt under
8 this subdivision even though the machinery in that group is used interchangeably and not
9 otherwise identifiable as to use.

10 (23) *Trade-in value of motor vehicles.* From the sale and from the storage, use, or other
11 consumption in this state of so much of the purchase price paid for a new or used automobile as is
12 allocated for a trade-in allowance on the automobile of the buyer given in trade to the seller, or of
13 the proceeds applicable only to the automobile as are received from the manufacturer of
14 automobiles for the repurchase of the automobile whether the repurchase was voluntary or not
15 towards the purchase of a new or used automobile by the buyer. For the purpose of this
16 subdivision, the word "automobile" means a private passenger automobile not used for hire and
17 does not refer to any other type of motor vehicle.

18 (24) *Precious metal bullion.* (i) From the sale and from the storage, use, or other
19 consumption in this state of precious metal bullion, substantially equivalent to a transaction in
20 securities or commodities.

21 (ii) For purposes of this subdivision, "precious metal bullion" means any elementary
22 precious metal which has been put through a process of smelting or refining, including, but not
23 limited to, gold, silver, platinum, rhodium, and chromium, and which is in a state or condition
24 that its value depends upon its content and not upon its form.

25 (iii) The term does not include fabricated precious metal which has been processed or
26 manufactured for some one or more specific and customary industrial, professional, or artistic
27 uses.

28 (25) *Commercial vessels.* From sales made to a commercial ship, barge, or other vessel
29 of fifty (50) tons burden or over, primarily engaged in interstate or foreign commerce, and from
30 the repair, alteration, or conversion of the vessels, and from the sale of property purchased for the
31 use of the vessels including provisions, supplies, and material for the maintenance and/or repair
32 of the vessels.

33 (26) *Commercial fishing vessels.* From the sale and from the storage, use, or other
34 consumption in this state of vessels and other water craft which are in excess of five (5) net tons

1 and which are used exclusively for "commercial fishing", as defined in this subdivision, and from
2 the repair, alteration, or conversion of those vessels and other watercraft, and from the sale of
3 property purchased for the use of those vessels and other watercraft including provisions,
4 supplies, and material for the maintenance and/or repair of the vessels and other watercraft and
5 the boats nets, cables, tackle, and other fishing equipment appurtenant to or used in connection
6 with the commercial fishing of the vessels and other watercraft. "Commercial fishing" means the
7 taking or the attempting to take any fish, shellfish, crustacea, or bait species with the intent of
8 disposing of them for profit or by sale, barter, trade, or in commercial channels. The term does
9 not include subsistence fishing, i.e., the taking for personal use and not for sale or barter; or sport
10 fishing; but shall include vessels and other watercraft with a Rhode Island party and charter boat
11 license issued by the department of environmental management pursuant to § 20-2-27.1 which
12 meet the following criteria: (i) the operator must have a current U.S.C.G. license to carry
13 passengers for hire; (ii) U.S.C.G. vessel documentation in the coast wide fishery trade; (iii)
14 U.S.C.G. vessel documentation as to proof of Rhode Island home port status or a Rhode Island
15 boat registration to prove Rhode Island home port status; (iv) the vessel must be used as a
16 commercial passenger carrying fishing vessel to carry passengers for fishing. The vessel must be
17 able to demonstrate that at least fifty percent (50%) of its annual gross income derives from
18 charters or provides documentation of a minimum of one hundred (100) charter trips annually; (v)
19 the vessel must have a valid Rhode Island party and charter boat license. The tax administrator
20 shall implement the provisions of this subdivision by promulgating rules and regulations relating
21 thereto.

22 (27) *Clothing and footwear.* From the sales of articles of clothing, including footwear,
23 intended to be worn or carried on or about the human body [for sales prior to July 1, 2012.](#)
24 [Effective July 1, 2012, the exemption will apply to the sales of articles of clothing, including](#)
25 [footwear, intended to be worn or carried on or about the human body up to one hundred seventy](#)
26 [five dollars \(\\$175.00\) of the sales price per item.](#) For the purposes of this section, "clothing or
27 footwear" does not include clothing accessories or equipment or special clothing or footwear
28 primarily designed for athletic activity or protective use as these terms are defined in § 44-18-
29 7.1(f). [In recognition of the work being performed by the Streamlined Sales and Use Tax](#)
30 [Governing Board, upon any federal law which requires remote sellers to collect and remit taxes,](#)
31 [effective the first \(1st\) day of the first \(1st\) state fiscal quarter following the change, this](#)
32 [exemption will apply as it did prior to July 1, 2012.](#)

33 (28) *Water for residential use.* From the sale and from the storage, use, or other
34 consumption in this state of water furnished for domestic use by occupants of residential

1 premises.

2 (29) *Bibles*. [Unconstitutional; see *Ahlburn v. Clark*, 728 A.2d 449 (R.I. 1999); see
3 Notes to Decisions.] From the sale and from the storage, use, or other consumption in the state of
4 any canonized scriptures of any tax-exempt nonprofit religious organization including, but not
5 limited to, the Old Testament and the New Testament versions.

6 (30) *Boats*.

7 (i) From the sale of a boat or vessel to a bona fide nonresident of this state who does not
8 register the boat or vessel in this state, or document the boat or vessel with the United States
9 government at a home port within the state, whether the sale or delivery of the boat or vessel is
10 made in this state or elsewhere; provided, that the nonresident transports the boat within thirty
11 (30) days after delivery by the seller outside the state for use thereafter solely outside the state.

12 (ii) The tax administrator, in addition to the provisions of §§ 44-19-17 and 44-19-28, may
13 require the seller of the boat or vessel to keep records of the sales to bona fide nonresidents as the
14 tax administrator deems reasonably necessary to substantiate the exemption provided in this
15 subdivision, including the affidavit of the seller that the buyer represented himself or herself to be
16 a bona fide nonresident of this state and of the buyer that he or she is a nonresident of this state.

17 (31) *Youth activities equipment*. From the sale, storage, use, or other consumption in this
18 state of items for not more than twenty dollars (\$20.00) each by nonprofit Rhode Island
19 eleemosynary organizations, for the purposes of youth activities which the organization is formed
20 to sponsor and support; and by accredited elementary and secondary schools for the purposes of
21 the schools or of organized activities of the enrolled students.

22 (32) *Farm equipment*. From the sale and from the storage or use of machinery and
23 equipment used directly for commercial farming and agricultural production; including, but not
24 limited to, tractors, ploughs, harrows, spreaders, seeders, milking machines, silage conveyors,
25 balers, bulk milk storage tanks, trucks with farm plates, mowers, combines, irrigation equipment,
26 greenhouses and greenhouse coverings, graders and packaging machines, tools and supplies and
27 other farming equipment, including replacement parts, appurtenant to or used in connection with
28 commercial farming and tools and supplies used in the repair and maintenance of farming
29 equipment. "Commercial farming" means the keeping or boarding of five (5) or more horses or
30 the production within this state of agricultural products, including, but not limited to, field or
31 orchard crops, livestock, dairy, and poultry, or their products, where the keeping, boarding, or
32 production provides at least two thousand five hundred dollars (\$2,500) in annual gross sales to
33 the operator, whether an individual, a group, a partnership, or a corporation for exemptions issued
34 prior to July 1, 2002; for exemptions issued or renewed after July 1, 2002, there shall be two (2)

1 levels. Level I shall be based on proof of annual gross sales from commercial farming of at least
2 twenty-five hundred dollars (\$2,500) and shall be valid for purchases subject to the exemption
3 provided in this subdivision except for motor vehicles with an excise tax value of five thousand
4 dollars (\$5,000) or greater; Level II shall be based on proof of annual gross sales from
5 commercial farming of at least ten thousand dollars (\$10,000) or greater and shall be valid for
6 purchases subject to the exemption provided in this subdivision including motor vehicles with an
7 excise tax value of five thousand dollars (\$5,000) or greater. For the initial issuance of the
8 exemptions, proof of the requisite amount of annual gross sales from commercial farming shall be
9 required for the prior year; for any renewal of an exemption granted in accordance with this
10 subdivision at either Level I or Level II, proof of gross annual sales from commercial farming at
11 the requisite amount shall be required for each of the prior two (2) years. Certificates of
12 exemption issued or renewed after July 1, 2002, shall clearly indicate the level of the exemption
13 and be valid for four (4) years after the date of issue. This exemption applies even if the same
14 equipment is used for ancillary uses, or is temporarily used for a non-farming or a non-
15 agricultural purpose, but shall not apply to motor vehicles acquired after July 1, 2002, unless the
16 vehicle is a farm vehicle as defined pursuant to § 31-1-8 and is eligible for registration displaying
17 farm plates as provided for in § 31-3-31.

18 (33) *Compressed air.* From the sale and from the storage, use, or other consumption in
19 the state of compressed air.

20 (34) *Flags.* From the sale and from the storage, consumption, or other use in this state of
21 United States, Rhode Island or POW-MIA flags.

22 (35) *Motor vehicle and adaptive equipment to certain veterans.* From the sale of a motor
23 vehicle and adaptive equipment to and for the use of a veteran with a service-connected loss of or
24 the loss of use of a leg, foot, hand, or arm, or any veteran who is a double amputee, whether
25 service connected or not. The motor vehicle must be purchased by and especially equipped for
26 use by the qualifying veteran. Certificate of exemption or refunds of taxes paid is granted under
27 rules or regulations that the tax administrator may prescribe.

28 (36) *Textbooks.* From the sale and from the storage, use, or other consumption in this
29 state of textbooks by an "educational institution" as defined in subdivision (18) of this section and
30 as well as any educational institution within the purview of § 16-63-9(4) and used textbooks by
31 any purveyor.

32 (37) *Tangible personal property and supplies used in on-site hazardous waste recycling,*
33 *reuse, or treatment.* From the sale, storage, use, or other consumption in this state of tangible
34 personal property or supplies used or consumed in the operation of equipment, the exclusive

1 function of which is the recycling, reuse, or recovery of materials (other than precious metals, as
2 defined in subdivision (24)(ii) of this section) from the treatment of "hazardous wastes", as
3 defined in § 23-19.1-4, where the "hazardous wastes" are generated in Rhode Island solely by the
4 same taxpayer and where the personal property is located at, in, or adjacent to a generating
5 facility of the taxpayer in Rhode Island. The taxpayer shall procure an order from the director of
6 the department of environmental management certifying that the equipment and/or supplies as
7 used, or consumed, qualify for the exemption under this subdivision. If any information relating
8 to secret processes or methods of manufacture, production, or treatment is disclosed to the
9 department of environmental management only to procure an order, and is a "trade secret" as
10 defined in § 28-21-10(b), it is not open to public inspection or publicly disclosed unless
11 disclosure is required under chapter 21 of title 28 or chapter 24.4 of title 23.

12 (38) *Promotional and product literature of boat manufacturers.* From the sale and from
13 the storage, use, or other consumption of promotional and product literature of boat
14 manufacturers shipped to points outside of Rhode Island which either: (i) accompany the product
15 which is sold, (ii) are shipped in bulk to out of state dealers for use in the sale of the product, or
16 (iii) are mailed to customers at no charge.

17 (39) *Food items paid for by food stamps.* From the sale and from the storage, use, or
18 other consumption in this state of eligible food items payment for which is properly made to the
19 retailer in the form of U.S. government food stamps issued in accordance with the Food Stamp
20 Act of 1977, 7 U.S.C. § 2011 et seq.

21 (40) *Transportation charges.* From the sale or hiring of motor carriers as defined in § 39-
22 12-2(1) to haul goods, when the contract or hiring cost is charged by a motor freight tariff filed
23 with the Rhode Island public utilities commission on the number of miles driven or by the
24 number of hours spent on the job.

25 (41) *Trade-in value of boats.* From the sale and from the storage, use, or other
26 consumption in this state of so much of the purchase price paid for a new or used boat as is
27 allocated for a trade-in allowance on the boat of the buyer given in trade to the seller or of the
28 proceeds applicable only to the boat as are received from an insurance claim as a result of a stolen
29 or damaged boat, towards the purchase of a new or used boat by the buyer.

30 (42) *Equipment used for research and development.* From the sale and from the storage,
31 use, or other consumption of equipment to the extent used for research and development purposes
32 by a qualifying firm. For the purposes of this subdivision, "qualifying firm" means a business for
33 which the use of research and development equipment is an integral part of its operation, and
34 "equipment" means scientific equipment, computers, software, and related items.

1 (43) *Coins.* From the sale and from the other consumption in this state of coins having
2 numismatic or investment value.

3 (44) *Farm structure construction materials.* Lumber, hardware and other materials used
4 in the new construction of farm structures, including production facilities such as, but not limited
5 to, farrowing sheds, free stall and stanchion barns, milking parlors, silos, poultry barns, laying
6 houses, fruit and vegetable storages, rooting cellars, propagation rooms, greenhouses, packing
7 rooms, machinery storage, seasonal farm worker housing, certified farm markets, bunker and
8 trench silos, feed storage sheds, and any other structures used in connection with commercial
9 farming.

10 (45) *Telecommunications carrier access service.* Carrier access service or
11 telecommunications service when purchased by a telecommunications company from another
12 telecommunications company to facilitate the provision of telecommunications service.

13 (46) *Boats or vessels brought into the state exclusively for winter storage, maintenance,*
14 *repair or sale.* Notwithstanding the provisions of §§ 44-18-10, 44-18-11, 44-18-20, the tax
15 imposed by § 44-18-20 is not applicable for the period commencing on the first day of October in
16 any year to and including the 30th day of April next succeeding with respect to the use of any
17 boat or vessel within this state exclusively for purposes of: (i) delivery of the vessel to a facility in
18 this state for storage, including dry storage and storage in water by means of apparatus preventing
19 ice damage to the hull, maintenance, or repair; (ii) the actual process of storage, maintenance, or
20 repair of the boat or vessel; or (iii) storage for the purpose of selling the boat or vessel.

21 (47) *Jewelry display product.* From the sale and from the storage, use, or other
22 consumption in this state of tangible personal property used to display any jewelry product;
23 provided, that title to the jewelry display product is transferred by the jewelry manufacturer or
24 seller and that the jewelry display product is shipped out of state for use solely outside the state
25 and is not returned to the jewelry manufacturer or seller.

26 (48) *Boats or vessels generally.* Notwithstanding the provisions of this chapter, the tax
27 imposed by §§ 44-18-20 and 44-18-18 shall not apply with respect to the sale and to the storage,
28 use, or other consumption in this state of any new or used boat. The exemption provided for in
29 this subdivision does not apply after October 1, 1993, unless prior to October 1, 1993, the federal
30 ten percent (10%) surcharge on luxury boats is repealed.

31 (49) *Banks and Regulated investment companies interstate toll-free calls.*
32 Notwithstanding the provisions of this chapter, the tax imposed by this chapter does not apply to
33 the furnishing of interstate and international, toll-free terminating telecommunication service that
34 is used directly and exclusively by or for the benefit of an eligible company as defined in this

1 subdivision; provided, that an eligible company employs on average during the calendar year no
2 less than five hundred (500) "full-time equivalent employees", as that term is defined in § 42-
3 64.5-2. For purposes of this section, an "eligible company" means a "regulated investment
4 company" as that term is defined in the Internal Revenue Code of 1986, 26 U.S.C. § 1 et seq., or a
5 corporation to the extent the service is provided, directly or indirectly, to or on behalf of a
6 regulated investment company, an employee benefit plan, a retirement plan or a pension plan or a
7 state chartered bank.

8 (50) *Mobile and manufactured homes generally.* From the sale and from the storage, use,
9 or other consumption in this state of mobile and/or manufactured homes as defined and subject to
10 taxation pursuant to the provisions of chapter 44 of title 31.

11 (51) *Manufacturing business reconstruction materials.*

12 (i) From the sale and from the storage, use or other consumption in this state of lumber,
13 hardware, and other building materials used in the reconstruction of a manufacturing business
14 facility which suffers a disaster, as defined in this subdivision, in this state. "Disaster" means any
15 occurrence, natural or otherwise, which results in the destruction of sixty percent (60%) or more
16 of an operating manufacturing business facility within this state. "Disaster" does not include any
17 damage resulting from the willful act of the owner of the manufacturing business facility.

18 (ii) Manufacturing business facility includes, but is not limited to, the structures housing
19 the production and administrative facilities.

20 (iii) In the event a manufacturer has more than one manufacturing site in this state, the
21 sixty percent (60%) provision applies to the damages suffered at that one site.

22 (iv) To the extent that the costs of the reconstruction materials are reimbursed by
23 insurance, this exemption does not apply.

24 (52) *Tangible personal property and supplies used in the processing or preparation of*
25 *floral products and floral arrangements.* From the sale, storage, use, or other consumption in this
26 state of tangible personal property or supplies purchased by florists, garden centers, or other like
27 producers or vendors of flowers, plants, floral products, and natural and artificial floral
28 arrangements which are ultimately sold with flowers, plants, floral products, and natural and
29 artificial floral arrangements or are otherwise used in the decoration, fabrication, creation,
30 processing, or preparation of flowers, plants, floral products, or natural and artificial floral
31 arrangements, including descriptive labels, stickers, and cards affixed to the flower, plant, floral
32 product or arrangement, artificial flowers, spray materials, floral paint and tint, plant shine, flower
33 food, insecticide and fertilizers.

34 (53) *Horse food products.* From the sale and from the storage, use, or other consumption

1 in this state of horse food products purchased by a person engaged in the business of the boarding
2 of horses.

3 (54) *Non-motorized recreational vehicles sold to nonresidents.*

4 (i) From the sale, subsequent to June 30, 2003, of a non-motorized recreational vehicle to
5 a bona fide nonresident of this state who does not register the non-motorized recreational vehicle
6 in this state, whether the sale or delivery of the non-motorized recreational vehicle is made in this
7 state or at the place of residence of the nonresident; provided, that a non-motorized recreational
8 vehicle sold to a bona fide nonresident whose state of residence does not allow a like exemption
9 to its nonresidents is not exempt from the tax imposed under § 44-18-20; provided, further, that in
10 that event the bona fide nonresident pays a tax to Rhode Island on the sale at a rate equal to the
11 rate that would be imposed in his or her state of residence not to exceed the rate that would have
12 been imposed under § 44-18-20. Notwithstanding any other provisions of law, a licensed non-
13 motorized recreational vehicle dealer shall add and collect the tax required under this subdivision
14 and remit the tax to the tax administrator under the provisions of chapters 18 and 19 of this title.
15 Provided, that when a Rhode Island licensed non-motorized recreational vehicle dealer is required
16 to add and collect the sales and use tax on the sale of a non-motorized recreational vehicle to a
17 bona fide nonresident as provided in this section, the dealer in computing the tax takes into
18 consideration the law of the state of the nonresident as it relates to the trade-in of motor vehicles.

19 (ii) The tax administrator, in addition to the provisions of §§ 44-19-27 and 44-19-28, may
20 require any licensed non-motorized recreational vehicle dealer to keep records of sales to bona
21 fide nonresidents as the tax administrator deems reasonably necessary to substantiate the
22 exemption provided in this subdivision, including the affidavit of a licensed non-motorized
23 recreational vehicle dealer that the purchaser of the non-motorized recreational vehicle was the
24 holder of, and had in his or her possession a valid out-of-state non-motorized recreational vehicle
25 registration or a valid out-of-state driver's license.

26 (iii) Any nonresident who registers a non-motorized recreational vehicle in this state
27 within ninety (90) days of the date of its sale to him or her is deemed to have purchased the non-
28 motorized recreational vehicle for use, storage, or other consumption in this state, and is subject
29 to, and liable for the use tax imposed under the provisions of § 44-18-20.

30 (iv) "Non-motorized recreational vehicle" means any portable dwelling designed and
31 constructed to be used as a temporary dwelling for travel, camping, recreational, and vacation use
32 which is eligible to be registered for highway use, including, but not limited to, "pick-up coaches"
33 or "pick-up campers," "travel trailers," and "tent trailers" as those terms are defined in chapter 1
34 of title 31.

1 (55) *Sprinkler and fire alarm systems in existing buildings.* From the sale in this state of
2 sprinkler and fire alarm systems, emergency lighting and alarm systems, and from the sale of the
3 materials necessary and attendant to the installation of those systems, that are required in
4 buildings and occupancies existing therein in July 2003, in order to comply with any additional
5 requirements for such buildings arising directly from the enactment of the Comprehensive Fire
6 Safety Act of 2003, and that are not required by any other provision of law or ordinance or
7 regulation adopted pursuant to that Act. The exemption provided in this subdivision shall expire
8 on December 31, 2008.

9 (56) *Aircraft.* Notwithstanding the provisions of this chapter, the tax imposed by §§ 44-
10 18-18 and 44-18-20 shall not apply with respect to the sale and to the storage, use, or other
11 consumption in this state of any new or used aircraft or aircraft parts.

12 (57) *Renewable energy products.* Notwithstanding any other provisions of Rhode Island
13 general laws the following products shall also be exempt from sales tax: solar photovoltaic
14 modules or panels, or any module or panel that generates electricity from light; solar thermal
15 collectors, including, but not limited to, those manufactured with flat glass plates, extruded
16 plastic, sheet metal, and/or evacuated tubes; geothermal heat pumps, including both water-to-
17 water and water-to-air type pumps; wind turbines; towers used to mount wind turbines if
18 specified by or sold by a wind turbine manufacturer; DC to AC inverters that interconnect with
19 utility power lines; manufactured mounting racks and ballast pans for solar collector, module or
20 panel installation. Not to include materials that could be fabricated into such racks; monitoring
21 and control equipment, if specified or supplied by a manufacturer of solar thermal, solar
22 photovoltaic, geothermal, or wind energy systems or if required by law or regulation for such
23 systems but not to include pumps, fans or plumbing or electrical fixtures unless shipped from the
24 manufacturer affixed to, or an integral part of, another item specified on this list; and solar storage
25 tanks that are part of a solar domestic hot water system or a solar space heating system. If the tank
26 comes with an external heat exchanger it shall also be tax exempt, but a standard hot water tank is
27 not exempt from state sales tax.

28 (58) *Returned property.* The amount charged for property returned by customers upon
29 rescission of the contract of sale when the entire amount exclusive of handling charges paid for
30 the property is refunded in either cash or credit, and where the property is returned within one
31 hundred twenty (120) days from the date of delivery.

32 (59) *Dietary Supplements.* From the sale and from the storage, use or other consumption
33 of dietary supplements as defined in § 44-18-7.1(l)(v), sold on prescriptions.

34 (60) *Blood.* From the sale and from the storage, use or other consumption of human

1 blood.

2 (61) *Agricultural products for human consumption.* From the sale and from the storage,
3 use or other consumption of livestock and poultry of the kinds of products of which ordinarily
4 constitute food for human consumption and of livestock of the kind the products of which
5 ordinarily constitute fibers for human use.

6 (62) *Diesel emission control technology.* From the sale and use of diesel retrofit
7 technology that is required by § 31-47.3-4 of the general laws.

8 SECTION 6. Chapter 44-18 of the General Laws entitled “Sales and Use Taxes –
9 Liability and Computation” is hereby amended by adding thereto the following section:

10 **44-18-7.3. Services defined.--** (a) “Services” means all activities engaged in for other
11 persons for a fee, retainer, commission, or other monetary charge, which activities involve the
12 performance of a service in this state as distinguished from selling property.

13 (b) The following businesses and services performed in this state, along with the
14 applicable 2007 North American Industrial Classification System (NAICS) codes, are included in
15 the definition of services:

16 (1) Taxicab and limousine services including but not limited to:

17 (a) taxicab services including taxi dispatchers (485310); and

18 (b) limousine services (485320).

19 (2) Other road transportation service including but not limited to:

20 (a) charter bus service (485510); and

21 (b) all other transit and ground passenger transportation (485999).

22 (3) Moving, storage and freight services, including but not limited to:

23 (a) general freight services - local (484110);

24 (b) household and office goods moving services (484210);

25 (c) general warehousing and storage (493110);

26 (d) refrigerated warehousing and storage (493120);

27 (e) farm product warehousing and storage (493130);

28 (f) other warehousing and storage (493190); and

29 (g) mini-warehouses and self-storage units (531130).

30 (4) Pet care services (812910) except veterinary and testing laboratories services.

31 (5) Car washes (811192).

32 (c) The tax administrator is authorized to promulgate rules and regulations in accordance
33 with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this
34 chapter.

1 SECTION 7. Section 44-19-7 of the General Laws in Chapter 44-19 entitled "Sales and
2 Use Taxes – Enforcement and Collection" is hereby amended to read as follows:

3 **44-19-7. Registration of retailers.** -- Every retailer selling tangible personal property, or
4 prewritten computer software delivered electronically or by load and leave for storage, use, or
5 other consumption in this state, as well as ~~and/or~~ package tour and scenic and sightseeing
6 transportation services, or services as defined in section 44-18-7.3, in this state, or renting living
7 quarters in any hotel as defined in section 42-63.1-2, rooming house, or tourist camp in this state
8 must register with the tax administrator and give the name and address of all agents operating in
9 this state, the location of all distribution or sales houses or offices, or of any hotel as defined in
10 section 42-63.1-2, rooming house, or tourist camp or other places of business in this state, and
11 other information that the tax administrator may require.

12 SECTION 8. Sections 44-20-1, 44-20-2, 44-20-3, 44-20-4.1, 44-20-12, 44-20-13, 44-20-
13 13.2, 44-20-33, 44-20-39 and 44-20-45 of the General Laws in Chapter 44-20 entitled "Cigarette
14 Tax" are hereby amended to read as follows:

15 **44-20-1. Definitions.** -- Whenever used in this chapter, unless the context requires
16 otherwise:

17 (1) "Administrator" means the tax administrator;

18 (2) "Cigarettes" means and includes any cigarettes suitable for smoking in cigarette form,
19 and each sheet of cigarette rolling paper;

20 (3) "Dealer" means any person whether located within or outside of this state, who sells
21 or distributes cigarettes to a consumer in this state;

22 (4) "Distributor" means any person:

23 (A) Whether located within or outside of this state, other than a dealer, who sells or
24 distributes cigarettes within or into this state. Such term shall not include any cigarette
25 manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. §
26 5712, if such person sells or distributes cigarettes in this state only to licensed distributors, or to
27 an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. §
28 5712;

29 (B) Selling cigarettes directly to consumers in this state by means of at least twenty-five
30 (25) cigarette vending machines;

31 (C) Engaged in this state in the business of manufacturing cigarettes or any person
32 engaged in the business of selling cigarettes to dealers, or to other persons, for the purpose of
33 resale only; provided, that seventy-five percent (75%) of all cigarettes sold by that person in this
34 state are sold to dealers or other persons for resale and selling cigarettes directly to at least forty

1 (40) dealers or other persons for resale; or

2 (D) Maintaining one or more regular places of business in this state for that purpose;
3 provided, that seventy-five percent (75%) of the sold cigarettes are purchased directly from the
4 manufacturer and selling cigarettes directly to at least forty (40) dealers or other persons for
5 resale;

6 (5) "Importer" means any person who imports into the United States, either directly or
7 indirectly, a finished cigarette for sale or distribution;

8 (6) "Licensed", when used with reference to a manufacturer, importer, distributor or
9 dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
10 the type of business being engaged in. When the term "licensed" is used before a list of entities,
11 such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
12 deemed to apply to each entity in such list;

13 (7) "Manufacturer" means any person who manufactures, fabricates, assembles,
14 processes, or labels a finished cigarette;

15 (8) "Person" means any individual, [including an employee or agent](#), firm, fiduciary,
16 partnership, corporation, trust, or association, however formed;

17 (9) "Place of business" means and includes any place where cigarettes are sold or where
18 cigarettes are stored or kept for the purpose of sale or consumption, including any vessel, vehicle,
19 airplane, train, or vending machine;

20 (10) "Sale" or "sell" includes and applies to gifts, exchanges, and barter;

21 (11) "Stamp" means the impression, device, stamp, label, or print manufactured, printed,
22 or made as prescribed by the administrator to be affixed to packages of cigarettes, as evidence of
23 the payment of the tax provided by this chapter or to indicate that the cigarettes are intended for a
24 sale or distribution in this state that is exempt from state tax under the provisions of state law; and
25 also includes impressions made by metering machines authorized to be used under the provisions
26 of this chapter.

27 **44-20-2. Importer, distributor, and dealer licenses required – Licenses required. --**

28 Each person engaging in the business of selling cigarette [and/or any tobacco](#) products in this state,
29 including any distributor or dealer, shall secure a license from the administrator before engaging
30 in that business, or continuing to engage in it. A separate application and license is required for
31 each place of business operated by a distributor or dealer; provided, that an operator of vending
32 machines for cigarette products is not required to obtain a distributor's license for each machine.
33 If the applicant for a license does not have a place of business in this state, the license shall be
34 issued for such applicant's principal place of business, wherever located. A licensee shall notify

1 the administrator within thirty (30) days in the event that it changes its principal place of
2 business. A separate license is required for each class of business if the applicant is engaged in
3 more than one of the activities required to be licensed by this section. No person shall maintain or
4 operate or cause to be operated a vending machine for cigarette products without procuring a
5 dealer's license for each machine.

6 **44-20-3. Penalties for unlicensed business.** -- Any distributor or dealer who sells, offers
7 for sale, or possesses ~~with intent to sell~~, cigarettes and/or any tobacco products without a license
8 as provided in § 44-20-2, shall be fined in accordance with the provisions of and the penalties
9 contained in § 11-9-13.15.

10 **44-20-4.1. License availability.** -- (a) No license under this chapter may be granted,
11 maintained or renewed if the applicant, or any combination of persons owning directly or
12 indirectly, ~~in the aggregate, more than ten percent (10%) of the ownership~~ any interests in the
13 applicant:

14 (1) Owes five hundred dollars (\$500) or more in delinquent cigarette taxes;

15 (2) Is delinquent in any tax filings for one month or more;

16 ~~(2)(3)~~ Had a license under this chapter revoked by the administrator within the past two
17 (2) years;

18 ~~(3)(4)~~ Has been convicted of a crime relating to cigarettes stolen or counterfeit cigarettes;

19 ~~(4)(5)~~ Is a cigarette manufacturer or importer that is neither: (i) a participating
20 manufacturer as defined in subsection II (jj) of the "Master Settlement Agreement" as defined in
21 § 23-71-2; nor (ii) in full compliance with chapter 20.2 of this title and § 23-71-3;

22 ~~(5)(6)~~ Has imported, or caused to be imported, into the United States any cigarette in
23 violation of 19 U.S.C. § 1681a; or

24 ~~(6)(7)~~ Has imported, or caused to be imported into the United States, or manufactured for
25 sale or distribution in the United States any cigarette that does not fully comply with the Federal
26 Cigarette Labeling and Advertising Act (15 U.S.C. § 1331, et. seq).

27 (b) No person shall apply for a new license or permit (as defined in § 44-19-1) or renewal
28 of a license or permit, and no license or permit shall be issued or renewed for any person, unless
29 all outstanding fines, fees or other charges relating to any license or permit held by that person
30 have been paid.

31 (2) No license or permit shall be issued relating to a business at any specific location until
32 all prior licenses or permits relating to that location have been officially terminated and all fines,
33 fees or charges relating to the prior licenses have been paid or otherwise resolved or the
34 administrator has found that the person applying for the new license or permit is not acting as an

1 agent for the prior licensee or permit holder who is subject to any such related fines, fees or
2 charges that are still due. Evidence of such agency status includes, but is not limited to, a direct
3 familial relationship and/or an employment, contractual or other formal financial or business
4 relationship with the prior licensee or permit holder.

5 (3) No person shall apply for a new license or permit pertaining to a specific location in
6 order to evade payment of any fines, fees or other charges relating to a prior license or permit for
7 that location.

8 (4) No new license or permit shall be issued for a business at a specific location for which
9 a license or permit already has been issued unless there is a bona fide, good faith change in
10 ownership of the business at that location.

11 (5) No license or permit shall be issued, renewed or maintained for any person, including
12 the owners of the business being licensed or having applied and received a permit, that has been
13 convicted of violating any criminal law relating to tobacco products, the payment of taxes or
14 fraud or has been ordered to pay civil fines of more than twenty-five thousand dollars (\$25,000)
15 dollars for violations of any civil law relating to tobacco products, the payment of taxes or fraud.

16 **44-20-12. Tax imposed on cigarettes sold.** -- A tax is imposed on all cigarettes sold or
17 held for sale in the state. The payment of the tax to be evidenced by stamps, which may be
18 affixed only by licensed distributors to the packages containing such cigarettes. Any cigarettes on
19 which the proper amount of tax provided for in this chapter has been paid, payment being
20 evidenced by the stamp, is not subject to a further tax under this chapter. The tax is at the rate of
21 ~~one hundred seventy three (173)~~ one hundred seventy five (175) mills for each cigarette.

22 **44-20-13. Tax imposed on unstamped cigarettes.** -- A tax is imposed at the rate of ~~one~~
23 ~~hundred seventy three (173)~~ one hundred seventy five (175) mills for each cigarette upon the
24 storage or use within this state of any cigarettes not stamped in accordance with the provisions of
25 this chapter in the possession of any consumer within this state.

26 **44-20-13.2. Tax imposed on smokeless tobacco, cigars, and pipe tobacco products.** --

27 (a) A tax is imposed on all smokeless tobacco, cigars, and pipe tobacco products sold or held for
28 sale in the state by any person, the payment of the tax to be accomplished according to a
29 mechanism established by the administrator, division of taxation, department of administration.
30 Any tobacco product on which the proper amount of tax provided for in this chapter has been
31 paid, payment being evidenced by a stamp, is not subject to a further tax under this chapter. The
32 tax imposed by this section shall be as follows:

33 (1) At the rate of eighty percent (80%) of the wholesale cost of cigars, pipe tobacco
34 products and smokeless tobacco other than snuff.

1 (2) Notwithstanding the eighty percent (80%) rate in subsection (a) above, in the case of
2 cigars, the tax shall not exceed ~~fifty cents (\$.50)~~ one dollar (\$1.00) for each cigar.

3 (3) At the rate of one dollar (\$1.00) per ounce of snuff, and a proportionate tax at the like
4 rate on all fractional parts of an ounce thereof. Such tax shall be computed based on the net
5 weight as listed by the manufacturer, provided, however, that any product listed by the
6 manufacturer as having a net weight of less than 1.2 ounces shall be taxed as if the product has a
7 net weight of 1.2 ounces.

8 (b) Any dealer having in his or her possession any tobacco, cigars, and pipe tobacco
9 products with respect to the storage or use of which a tax is imposed by this section shall, within
10 five (5) days after coming into possession of the tobacco, cigars, and pipe tobacco in this state,
11 file a return with the tax administrator in a form prescribed by the tax administrator. The return
12 shall be accompanied by a payment of the amount of the tax shown on the form to be due.
13 Records required under this section shall be preserved on the premises described in the relevant
14 license in such a manner as to ensure permanency and accessibility for inspection at reasonable
15 hours by authorized personnel of the administrator.

16 (c) The proceeds collected are paid into the general fund.

17 **44-20-33. Sale of unstamped cigarettes prohibited.** -- No distributor shall sell, and no
18 other person shall sell, offer for sale, display for sale, or possess ~~with intent~~ to sell any cigarettes,
19 the packages or boxes containing which do not bear stamps evidencing the payment of the tax
20 imposed by this chapter.

21 **44-20-39. Forgery and counterfeiting – Tampering with meters – Reuse of stamps or**
22 **containers.** -- Any person who fraudulently makes or utters or forges or counterfeits any stamp,
23 disc, license, or marker, prescribed by the tax administrator under the provisions of this chapter,
24 or who causes or procures this to be done, or who ~~willfully~~ utters, publishes, passes or renders as
25 true, any false, altered, forged, or counterfeited stamp, license, disc, or marker, or who ~~knowingly~~
26 possesses more than twenty (20) packs of cigarettes containing any false, altered, forged, or
27 counterfeited stamp, license, disc, or marker, or who tampers with or causes to be tampered with
28 any metering machine authorized to be used under the provisions of this chapter, or who removes
29 or prepares any stamp with intent to use, or cause that stamp to be used, after it has already been
30 used, or who buys, sells, offers for sale, or gives away any washed or removed or restored stamp
31 to any person, or who has in his or her possession any washed or restored or removed or altered
32 stamp which was removed from the article to which it was affixed, or who reuses or refills with
33 cigarettes any package, box, or container required to be stamped under this chapter from which
34 cigarettes have been removed, is deemed guilty of a felony, and, upon conviction, shall be fined

1 ten thousand dollars (\$10,000), or be imprisoned for not more than ten (10) years, or both.

2 **44-20-45. Importation of cigarettes with intent to evade tax.** -- Any person, firm,
3 corporation, club, or association of persons, ~~not having a license as provided in this chapter,~~ who
4 orders any cigarettes for another or pools orders for cigarettes from any persons or connives with
5 others for pooling orders, or receives in this state any shipment of unstamped cigarettes on which
6 the tax imposed by this chapter has not been paid, for the purpose and intention of violating the
7 provisions of this chapter or to avoid payment of the tax imposed in this chapter, is guilty of a
8 felony and shall be fined ten thousand dollars (\$10,000) or five (5) times the retail value of the
9 cigarettes involved, whichever is greater, or imprisoned not more than five (5) years, or both.

10 SECTION 9. Chapter 44-20 of the General Laws entitled "Cigarette Tax" is hereby
11 amended by adding thereto the following section:

12 **44-20-12.4. Floor stock tax on cigarettes and stamps.** -- (a) Whenever used in this
13 section, unless the context requires otherwise:

14 (1) "Cigarette" means and includes any cigarette as defined in section 44-20-1(2);

15 (2) "Person" means and includes each individual, firm, fiduciary, partnership,
16 corporation, trust, or association, however formed.

17 (b) Each person engaging in the business of selling cigarettes at retail in this state shall
18 pay a tax or excise to the state for the privilege of engaging in that business during any part of the
19 calendar year 2012. In calendar year 2012, the tax shall be measured by the number of cigarettes
20 held by the person in this state at 12:01 a.m. on July 1, 2012 and is computed at the rate of two
21 (2.0) mills for each cigarette on July 1, 2012.

22 (c) Each distributor licensed to do business in this state pursuant to this chapter shall pay
23 a tax or excise to the state for the privilege of engaging in business during any part of the calendar
24 year 2012. The tax is measured by the number of stamps, whether affixed or to be affixed to
25 packages of cigarettes, as required by section 44-20-28. In calendar year 2012 the tax is measured
26 by the number of stamps, as defined in section 44-20-1(10), whether affixed or to be affixed, held
27 by the distributor at 12:01 a.m. on July 1, 2012, and is computed at the rate of two (2.0) mills per
28 cigarette in the package to which the stamps are affixed or to be affixed.

29 (d) Each person subject to the payment of the tax imposed by this section shall, on or
30 before July 10, 2012, file a return with the tax administrator on forms furnished by him or her,
31 under oath or certified under the penalties of perjury, showing the amount of cigarettes or stamps
32 in that person's possession in this state at 12:01 a.m. on July 1, 2012, and the amount of tax due,
33 and shall at the time of filing the return pay the tax to the tax administrator. Failure to obtain
34 forms shall not be an excuse for the failure to make a return containing the information required

1 [by the tax administrator.](#)

2 [\(e\) The tax administrator may promulgate rules and regulations, not inconsistent with](#)
3 [law, with regard to the assessment and collection of the tax imposed by this section.](#)

4 SECTION 10. Section 44-20.2-1 of the General Laws in Chapter 44-20.2 entitled "Little
5 Cigar Tax" are hereby amended to read as follows:

6 **44-20.2-1. Definitions.** -- Whenever used in this chapter, unless the context requires
7 otherwise:

8 (1) "Administrator" means the tax administrator;

9 (2) "Dealer" means any person whether located within or outside of this state, who sells
10 or distributes little cigars to a consumer in this state;

11 (3) "Distributor" means any person:

12 (i) Whether located within or outside of this state, other than a dealer, who sells or
13 distributes little cigars within or into this state. Such term shall not include any little cigar
14 manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. §
15 5712, if such person sells or distributes little cigars in this state only to licensed distributors, or to
16 an export warehouse proprietor or another manufacturer with a valid permit under 26 U.S.C. §
17 5712;

18 (ii) Selling little cigars directly to consumers in this state by means of at least twenty-five
19 (25) little cigar vending machines.

20 (4) "Importer" means any person who imports into the United States, either directly or
21 indirectly, a finished little cigar for sale or distribution;

22 (5) "Licensed" when used with reference to a manufacturer, importer, distributor or
23 dealer, means only those persons who hold a valid and current license issued under § 44-20-2 for
24 the type of business being engaged in. When the term "licensed" is used before a list of entities,
25 such as "licensed manufacturer, importer, wholesale dealer, or retailer dealer," such term shall be
26 deemed to apply to each entity in such list;

27 (6) "Little cigars" means and includes any roll, made wholly or in part of tobacco,
28 irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or
29 mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco
30 wrapped in leaf tobacco or any substance containing tobacco paper or any other material, except
31 where such wrapper is wholly or in greater part made of tobacco [and where such roll has an](#)
32 [integrated filter](#) and ~~such roll~~ weighs over ~~three (3)~~ [four \(4\)](#) pounds per thousand (1,000);

33 (7) "Manufacturer" means any person who manufactures, fabricates, assembles,
34 processes, or labels a finished little cigar;

1 (8) "Person" means any individual, firm, fiduciary, partnership, corporation, trust, or
2 association, however formed;

3 (9) "Place of business" means and includes any place where little cigars are sold or where
4 little cigars are stored or kept for the purpose of sale or consumption, including any vessel,
5 vehicle, airplane, train, or vending machine;

6 (10) "Sale" or "Sell" includes and applies to gifts, exchanges, and barter;

7 (11) "Snuff" means any finely cut, ground, or powdered tobacco that is not intended to be
8 smoked;

9 (12) "Stamp" means the impression, device, stamp, label, or print manufactured, printed,
10 or made as prescribed by the administrator to be affixed to packages of little cigars, as evidence
11 of the payment of the tax provided by this chapter or to indicate that the little cigars are intended
12 for a sale or distribution in this state that is exempt from state tax under the provisions of state
13 law and also includes impressions made by metering machines authorized to be used under the
14 provisions of this chapter.

15 SECTION 11. Sections 44-31.2-2, 44-31.2-5, and 44-31.2-6 of the General Laws in
16 Chapter 44-31.2 entitled "Motion Picture Production Tax Credit" are hereby amended to read as
17 follows:

18 **44-31.2-2. Definitions.** -- For the purposes of this chapter:

19 (1) "Accountant's certification" as provided in this chapter means a certified audit by a
20 Rhode Island certified public accountant licensed in accordance with section 5-3.1.

21 (2) "Base investment" means the actual investment made and expended by a state-
22 certified production in the state as production-related costs.

23 (3) "Documentary Production" means a non-fiction production intended for educational
24 or commercial distribution that may require out of state principal photography.

25 ~~(3)~~(4) "Domiciled in Rhode Island" means a corporation incorporated in Rhode Island or
26 a partnership, limited liability company, or other business entity formed under the laws of the
27 state of Rhode Island for the purpose of producing motion pictures as defined in this section, or
28 an individual who is a domiciled resident of the state of Rhode Island as defined in chapter 30 of
29 this title.

30 (5) "Final Production Budget" means and includes the total pre-production, production
31 and post-production out-of-pocket costs incurred and paid in connection with the making of the
32 motion picture. The final production budget excludes costs associated with the promotion or
33 marketing of the motion picture

34 ~~(4)~~(6) "Motion picture" means a feature-length film, documentary production, video,

1 video games, television series, or commercial made in Rhode Island, in whole or in part, for
2 theatrical or television viewing or as a television pilot [or for educational distribution](#). The term
3 "motion picture" shall not include the production of television coverage of news or athletic
4 events, nor shall it apply to any film, video, television series or commercial or a production for
5 which records are required under section 2257 of title 18, U.S.C., to be maintained with respect to
6 any performer in such production or reporting of books, films, etc. with respect to sexually
7 explicit conduct.

8 ~~(5)~~[\(7\)](#) "Motion picture production company" means a corporation, partnership, limited
9 liability company or other business entity engaged in the business of producing one or more
10 motion pictures as defined in this section. Motion picture production company shall not mean or
11 include: (a) any company owned, affiliated, or controlled, in whole or in part by any company or
12 person which is in default: (i) on taxes owed to the state; or (ii) on a loan made by the state; or
13 (iii) a loan guaranteed by the state; nor (iv) any company or person who has even declared
14 bankruptcy under which an obligation of the company or person to pay or repay public funds or
15 monies was discharged as a part of such bankruptcy.

16 ~~(6)~~[\(8\)](#) "Primary locations" means the locations within which [\(1\)](#) at least fifty-one percent
17 (51%) of the motion picture principal photography days are filmed- ; [or \(2\) at least fifty-one](#)
18 [percent \(51%\) of the motion picture's final production budget is spent and employs at least five](#)
19 [\(5\) individuals during the production in this state; or \(3\) for documentary productions, the](#)
20 [location of at least fifty-one percent \(51%\) of the total productions days, which shall include pre-](#)
21 [production and post-production locations.](#)

22 ~~(7)~~[\(9\)](#) "Rhode Island film and television office" means an office within the Rhode Island
23 state council on the arts that has been established in order to promote and encourage the locating
24 of film and television productions within the state of Rhode Island. The office is also referred to
25 within as the "film office".

26 ~~(8)~~[\(10\)](#) "State-certified production" means a motion picture production approved by the
27 Rhode Island film office and produced by a motion picture production company domiciled in
28 Rhode Island, whether or not such company owns or controls the copyright and distribution rights
29 in the motion picture; provided, that such company has either: (a) signed a viable distribution
30 plan; or (b) is producing the motion picture for: (i) a major motion picture distributor; (ii) a major
31 theatrical exhibitor; (iii) television network; or (iv) cable television programmer.

32 ~~(9)~~[\(11\)](#) "State certified production cost" means any pre-production, production and post-
33 production cost that a motion picture production company incurs and pays to the extent it occurs
34 within the state of Rhode Island. Without limiting the generality of the foregoing, "state certified

1 production costs" include: set construction and operation; wardrobes, make-up, accessories, and
2 related services; costs associated with photography and sound synchronization, lighting, and
3 related services and materials; editing and related services, including, but not limited to, film
4 processing, transfers of film to tape or digital format, sound mixing, computer graphics services,
5 special effects services, and animation services, salary, wages, and other compensation, including
6 related benefits, of persons employed, either director or indirectly, in the production of a film
7 including writer, motion picture director, producer (provided the work is performed in the state of
8 Rhode Island); rental of facilities and equipment used in Rhode Island; leasing of vehicles; costs
9 of food and lodging; music, if performed, composed, or recorded by a Rhode Island musician, or
10 released or published by a person domiciled in Rhode Island; travel expenses incurred to bring
11 persons employed, either directly or indirectly, in the production of the motion picture, to Rhode
12 Island (but not expenses of such persons departing from Rhode Island); and legal (but not the
13 expense of a completion bond or insurance and accounting fees and expenses related to the
14 production's activities in Rhode Island); provided such services are provided by Rhode Island
15 licensed attorneys or accountants.

16 **44-31.2-5. Motion picture production company tax credit.** -- (a) A motion picture
17 production company shall be allowed a credit to be computed as provided in this chapter against a
18 tax imposed by chapters 11, 14, 17 and 30 of this title. The amount of the credit shall be twenty-
19 five percent (25%) of the state certified production costs incurred directly attributable to activity
20 within the state, provided that the primary locations ~~are within~~ being the state of Rhode Island
21 and the total production budget as defined herein is a minimum of ~~three~~ one hundred thousand
22 dollars ~~(\$300,000)~~ (\$100,000). The credit shall be earned in the taxable year in which production
23 in Rhode Island is completed, as determined by the film office in final certification pursuant to
24 subsection 44-31.2-6(c).

25 (b) For the purposes of this section: "total production budget" means and includes the
26 motion picture production company's pre-production, production and post-production costs
27 incurred for the production activities of the motion picture production company in Rhode Island
28 in connection with the production of a state-certified production. The budget shall not include
29 costs associated with the promotion or marketing of the film, video or television product.

30 (c) The credit shall not exceed the total production budget and shall be allowed against
31 the tax for the taxable period in which the credit is earned and can be carried forward for not
32 more than three (3) succeeding tax years.

33 (d) Credits allowed to a motion picture production company, which is a subchapter S
34 corporation, partnership, or a limited liability company that is taxed as a partnership, shall be

1 passed through respectively to persons designated as partners, members or owners on a pro rata
2 basis or pursuant to an executed agreement among such persons designated as subchapter S
3 corporation shareholders, partners, or members documenting an alternate distribution method
4 without regard to their sharing of other tax or economic attributes of such entity.

5 (e) No more than fifteen million dollars (\$15,000,000) may be issued for any tax year
6 beginning after December 31, 2007.

7 **44-31.2-6. Certification and administration.** -- (a) *Initial certification of a production.*

8 The applicant shall properly prepare, sign and submit to the film office an application for initial
9 certification of the Rhode Island production. The application shall include such information and
10 data as the film office deems necessary for the proper evaluation and administration of said
11 application, including, but not limited to, any information about the motion picture production
12 company, and a specific Rhode Island motion picture. The film office shall review the completed
13 application and determine whether it meets the requisite criteria and qualifications for the initial
14 certification for the production. If the initial certification is granted, the film office shall issue a
15 notice of initial certification of the motion picture production to the motion picture production
16 company and to the tax administrator. The notice shall state that, after appropriate review, the
17 initial application meets the appropriate criteria for conditional eligibility. The notice of initial
18 certification will provide a unique identification number for the production and is only a
19 statement of conditional eligibility for the production and, as such, does not grant or convey any
20 Rhode Island tax benefits.

21 (b) *Final certification of a production.* Upon completion of the Rhode Island production
22 activities, the applicant shall request a certificate of good standing from the Rhode Island division
23 of taxation. ~~The division shall expedite the process for reviewing the issuance of such certificates.~~
24 Such certificates shall verify to the film office the motion picture production company's
25 compliance with the requirements of subsection 44-31.2-2(5). The applicant shall properly
26 prepare, sign and submit to the film office an application for final certification of the production
27 and which must include the certificate of good standing from the division of taxation. In addition,
28 the application shall contain such information and data as the film office determines is necessary
29 for the proper evaluation and administration, including, but not limited to, any information about
30 the motion picture production company, its investors and information about the production
31 previously granted initial certification. The final application shall also contain a cost report and an
32 "accountant's certification". The film office and tax administrator may rely without independent
33 investigation, upon the accountant's certification, in the form of an opinion, confirming the
34 accuracy of the information included in the cost report. Upon review of a duly completed and

1 filed application, the film office will make a determination pertaining to the final certification of
2 the production ~~and the resultant credits for § 44-31.2-5~~. Within ninety (90) days after the division
3 of taxation's receipt of the motion picture production company final certification and cost report,
4 the division of taxation shall issue a certification of the amount of credit for which the motion
5 picture production company qualifies under section 44-31.2-5. To claim the tax credit, the
6 division of taxation's certification as to the amount of the tax credit shall be attached to all state
7 tax returns on which the credit is claimed.

8 (c) *Final certification and credits.* Upon determination that the motion picture production
9 company qualifies for final certification ~~and the resultant credits~~, the film office shall issue a
10 letter to the production company indicating "certificate of completion of a state certified
11 production" ~~and shall provide specifically designed certificates for the motion picture production~~
12 ~~company credit under § 44-31.2-5~~. All documents that are issued by the film office pursuant to
13 this section shall reference the identification number that was issued to the production as part of
14 its initial certification.

15 (d) The director of the Rhode Island film and television office, in consultation as needed
16 with the tax administrator, shall promulgate such rules and regulations as are necessary to carry
17 out the intent and purposes of this chapter in accordance with the general guidelines provided
18 herein for the certification of the production and the resultant production credit.

19 (e) The tax administrator of the division of taxation, in consultation with the director of
20 the Rhode Island film and television office, shall promulgate such rules and regulations as are
21 necessary to carry out the intent and purposes of this chapter in accordance with the general
22 guidelines for the tax credit provided herein.

23 (f) Any motion picture production company applying for the credit shall be required to
24 reimburse the division of taxation for any audits required in relation to granting the credit.

25 SECTION 12. Chapter 44-31.2 of the General Laws entitled "Motion Picture Production
26 Tax Credit" is hereby amended by adding thereto the following section:

27 **44-31.2-6. Sunset.** -- No credits shall be issued on or after July 1, 2019 unless the
28 production has received initial certification under subsection 44-31.2-6(a) prior to July 1, 2019.

29 SECTION 13. Section 44-44-2 of the General Laws in Chapter 44-44 entitled "Taxation
30 of Beverage Containers, Hard-to-Dispose Material and Litter Control Participation" is hereby
31 amended to read as follows:

32 **44-44-2. Definitions.** -- As used in this chapter:

33 (1) "Beverage" ~~means carbonated soft drinks, soda water, mineral water, bottled water,~~
34 ~~and~~ all non alcoholic drinks for human consumption, except milk but including beer and other

1 malt beverages.

2 (2) "Beverage container" means any sealable bottle, can, jar, or carton which contains a
3 beverage.

4 (3) "Beverage retailer" means any person who engages in the sale of a beverage container
5 to a consumer within the state of Rhode Island, including any operator of a vending machine.

6 (4) "Beverage wholesaler" means any person who engages in the sale of beverage
7 containers to beverage retailers in this state, including any brewer, manufacturer, or bottler who
8 engages in those sales.

9 (5) "Case" means:

10 (i) Forty-eight (48) beverage containers sold or offered for sale within this state when
11 each beverage container has a liquid capacity of seven (7) fluid ounces or less;

12 (ii) Twenty-four (24) beverage containers sold or offered for sale within this state when
13 each beverage container has a liquid capacity in excess of seven (7) fluid ounces but less than or
14 equal to sixteen and nine tenths (16.9) fluid ounces;

15 (iii) Twelve (12) beverage containers sold or offered for sale within this state when each
16 beverage container has a liquid capacity in excess of sixteen and nine tenths (16.9) fluid ounces
17 but less than thirty-three and nine tenths (33.9) fluid ounces; and

18 (iv) Six (6) beverage containers sold or offered for sale within this state when each
19 beverage container has a liquid capacity of thirty-three and nine tenths (33.9) fluid ounces or
20 more.

21 (6) A permit issued in accordance with § 44-44-3.1(1) is called a Class A permit.

22 (7) A permit issued in accordance with § 44-44-3.1(2) is called a Class B permit.

23 (8) A permit issued in accordance with § 44-44-3.1(3) is called a Class C permit.

24 (9) A permit issued in accordance with § 44-44-3.1(4) is called a Class D permit.

25 (10) A permit issued in accordance with § 44-44-3.1(5) is called a Class E permit.

26 (11) "Consumer" means any person who purchases a beverage in a beverage container for
27 use or consumption with no intent to resell that filled beverage container.

28 (12) "Gross receipts" means those receipts reported for each location to the tax
29 administrator included in the measure of tax imposed under chapter 18 of this title, as amended.
30 For those persons having multiple locations' receipts reported to the tax administrator the "gross
31 receipts" to be aggregated shall be determined by each individual sales tax permit number. The
32 term gross receipts shall be computed without deduction for retail sales of items in activities other
33 than those which this state is prohibited from taxing under the constitution of the United States.

34 (13) "Hard-to-dispose material" is as defined in § 37-15.1-3.

1 (14) "Hard-to-dispose material retailer" means any person who engages in the retail sale
2 of hard-to-dispose material (as defined in § 37-15.1-3) in this state.

3 (15) "Hard-to-dispose material wholesaler" means any person, wherever located, who
4 engages in the sale of hard-to-dispose material (as defined in § 37-15.1-3) to customers for sale in
5 this state (including manufacturers, refiners, and distributors and retailers), and to other persons
6 as defined above.

7 (16) "New vehicle" means any mode of transportation for which a certificate of title is
8 required pursuant to title 31 and for which a certificate of title has not been previously issued in
9 this state or any other state or country.

10 (17) "Organic solvent" is as defined in § 37-15.1-3.

11 (18) "Person" means any natural person, corporation, partnership, joint venture,
12 association, proprietorship, firm, or other business entity.

13 (19) "Prior calendar year" means the period beginning with January 1 and ending with
14 December 31 immediately preceding the permit application due date.

15 (20) "Qualifying activities" means selling or offering for retail sale food or beverages for
16 immediate consumption and/or packaged for sale on a take out or to go basis regardless of
17 whether or not the items are subsequently actually eaten on or off the vendor's premises.

18 (21) "Vending machine" means a self-contained automatic device that dispenses for sale
19 foods, beverages, or confection products.

20 SECTION 14. This article shall take effect as of July 1, 2012.

21 **ARTICLE 25**

22 **RELATING TO DIVISION OF MOTOR VEHICLES**

23 SECTION 1. Section 31-22-11 of the General Laws in Chapter 31-22 entitled
24 "Miscellaneous Rules" is hereby amended to read as follows:

25 **31-22-11. Inspection of school buses.** -- (a) The division of motor vehicles shall inspect
26 or cause to be inspected all school buses used for the transportation of school children as defined
27 in § 31-1-3(v) at least twice throughout the year. Both of the inspections are to be done at a state
28 certified facility on a semiannual scheduled basis. These inspections will be known as tear down
29 inspections that will include pulling wheels at least once each year if the school bus is equipped
30 with drum brakes and any other work deemed necessary by the state employed or state certified
31 inspectors. Reports of the inspections shall be made in writing and shall be filed with the
32 inspection division of the department of revenue, and the reports shall be available at no cost for
33 public inspection during usual business hours of the division. [In the event that a school bus does](#)
34 [not pass an inspection and a re-inspection is required, the division of motor vehicles shall impose](#)

1 [a fee of one hundred dollars \(\\$100\) for each re-inspection.](#)

2 (b) Upon receipt of the report, the inspection division shall immediately forward a copy
3 to the registered owner and to the superintendent and school committee of the school district for
4 which the school bus transports children.

5 SECTION 2. Section 39-18.1-4 of the General Laws in Chapter 39-18.1 entitled
6 “Transportation Investment and Debt Reduction Act of 2011” is hereby amended to read as
7 follows:

8 **39-18.1-4. Rhode Island highway maintenance trust fund created.** -- (a) There is
9 hereby created a special account in the general fund to be known as the Rhode Island Highway
10 Maintenance Trust Fund.

11 (b) The fund shall consist of all those moneys which the state may from time to time
12 direct to the fund, including, but not necessarily limited to, moneys derived from the following
13 sources:

14 (1) [Beginning on January 1, 2013,](#) ~~There is imposed a surcharge of thirty dollars~~
15 ~~(\$30.00) per passenger car and light truck to be paid by each car and light truck owner in order to~~
16 ~~register that owner's vehicle and upon each subsequent biennial registration. This surcharge shall~~
17 ~~be phased in at the rate of ten dollars (\$10.00) each year. The total surcharge will be ten dollars~~
18 ~~(\$10.00) from July 1, 2013 through June 30, 2014, twenty dollars (\$20.00) from July 1, 2014~~
19 ~~through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015 through June 30, 2016 and~~
20 ~~each year thereafter.~~

21 (2) [Beginning on January 1, 2013,](#) ~~There is imposed a surcharge of fifteen dollars~~
22 ~~(\$15.00) per car and truck, for those cars and trucks subject to annual registration, to be paid~~
23 ~~annually by each car and truck owner in order to register that owner's vehicle and upon each~~
24 ~~subsequent annual registration. This surcharge will be phased in at the rate of five dollars (\$5.00)~~
25 ~~each year. The total surcharge will be five dollars (\$5.00) from July 1, 2013 through June 30,~~
26 ~~2014, ten dollars (\$10.00) from July 1, 2014 through June 30, 2015, and fifteen dollars (\$15.00)~~
27 ~~from July 1, 2015 through June 30, 2016 and each year thereafter.~~

28 (3) [Beginning on January 1, 2013,](#) ~~There is imposed a surcharge of thirty dollars~~
29 ~~(\$30.00) per operator's license to be paid every five (5) years by each licensed operator of motor~~
30 ~~vehicles. This surcharge will be phased in at the rate of ten dollars (\$10.00) each year. The total~~
31 ~~surcharge will be ten dollars (\$10.00) from July 1, 2013 through June 30, 2014, twenty dollars~~
32 ~~(\$20.00) from July 1, 2014 through June 30, 2015, and thirty dollars (\$30.00) from July 1, 2015~~
33 ~~through June 30, 2016 and each year thereafter.~~

34 (c) [For the fiscal year ending June 30, 2013, all revenues collected pursuant to this](#)

1 section shall be deposited in the intermodal surface transportation fund as established in section
2 35-4-11. For the fiscal year beginning July 1, 2013 and ending June 30, 2014, one-third (1/3) of
3 the revenues collected pursuant to this section shall be deposited in the Rhode Island highway
4 maintenance trust fund with two-thirds (2/3) of the revenues collected pursuant to this section
5 deposited in the intermodal surface transportation fund. For the fiscal year beginning July 1,
6 2014 and ending June 30, 2015, two-thirds (2/3) of the revenues collected pursuant to this section
7 shall be deposited in the Rhode Island highway maintenance trust fund with one-third (1/3) of the
8 revenues collected pursuant to this section deposited in the intermodal surface transportation
9 fund. Effective for the fiscal years beginning on July 1, 2015 and thereafter, aAll funds collected
10 pursuant to this section shall be deposited in the highway maintenance trust fund and shall be
11 used only for the purposes set forth in this chapter.

12 (d) Unexpended balances and any earnings thereon shall not revert to the general fund but
13 shall remain in the highway maintenance fund. There shall be no requirement that moneys
14 received into the highway maintenance trust fund during any given calendar year or fiscal year be
15 expended during the same calendar year or fiscal year.

16 (e) The highway maintenance trust fund shall be administered by the director, who shall
17 allocate and spend moneys from the fund only in accordance with the purposes and procedures
18 set forth in this chapter.

19 SECTION 3. This article shall take effect upon passage.

20 ARTICLE 26

21 RELATING TO MUNICIPALITIES

22 SECTION 1. Section 42-61.2-7 of the General Laws in Chapter 42-61.2 entitled "Video
23 Lottery Terminal" is hereby amended to read as follows:

24 **42-61.2-7. Division of revenue.--** (a) Notwithstanding the provisions of § 42-61-15, the
25 allocation of net terminal income derived from video lottery games is as follows:

26 (1) For deposit in the general fund and to the state lottery division fund for administrative
27 purposes: Net terminal income not otherwise disbursed in accordance with subdivisions (a)(2) –
28 (a)(6) herein;

29 (i) Except for the fiscal year ending June 30, 2008, nineteen one hundredths of one
30 percent (0.19%) up to a maximum of twenty million dollars (\$20,000,000) shall be equally
31 allocated to the distressed communities as defined in § 45-13-12 provided that no eligible
32 community shall receive more than twenty-five percent (25%) of that community's currently
33 enacted municipal budget as its share under this specific subsection. Distributions made under
34 this specific subsection are supplemental to all other distributions made under any portion of

1 general laws § 45-13-12. For the fiscal year ending June 30, 2008 distributions by community
2 shall be identical to the distributions made in the fiscal year ending June 30, 2007 and shall be
3 made from general appropriations. For the fiscal year ending June 30, 2009, the total state
4 distribution shall be the same total amount distributed in the fiscal year ending June 30, 2008 and
5 shall be made from general appropriations. For the fiscal year ending June 30, 2010, the total
6 state distribution shall be the same total amount distributed in the fiscal year ending June 30,
7 2009 and shall be made from general appropriations, provided however that \$784,458 of the total
8 appropriation shall be distributed equally to each qualifying distressed community. For each of
9 the fiscal years ending June 30, 2011, ~~and~~ June 30, 2012, and June 30, 2013 seven hundred
10 eighty-four thousand four hundred fifty-eight dollars (\$784,458) of the total appropriation shall
11 be distributed equally to each qualifying distressed community.

12 (ii) Five one hundredths of one percent (0.05%) up to a maximum of five million dollars
13 (\$5,000,000) shall be appropriated to property tax relief to fully fund the provisions of § 44-33-
14 2.1. The maximum credit defined in subdivision 44-33-9(2) shall increase to the maximum
15 amount to the nearest five dollar (\$5.00) increment within the allocation until a maximum credit
16 of five hundred dollars (\$500) is obtained. In no event shall the exemption in any fiscal year be
17 less than the prior fiscal year.

18 (iii) One and twenty-two one hundredths of one percent (1.22%) to fund § 44-34.1-1,
19 entitled "Motor Vehicle and Trailer Excise Tax Elimination Act of 1998", to the maximum
20 amount to the nearest two hundred fifty dollar (\$250) increment within the allocation. In no event
21 shall the exemption in any fiscal year be less than the prior fiscal year.

22 (iv) Except for the fiscal year ending June 30, 2008, ten one hundredths of one percent
23 (0.10%) to a maximum of ten million dollars (\$10,000,000) for supplemental distribution to
24 communities not included in paragraph (a)(1)(i) above distributed proportionately on the basis of
25 general revenue sharing distributed for that fiscal year. For the fiscal year ending June 30, 2008
26 distributions by community shall be identical to the distributions made in the fiscal year ending
27 June 30, 2007 and shall be made from general appropriations. For the fiscal year ending June 30,
28 2009, no funding shall be disbursed. For the fiscal year ending June 30, 2010 and thereafter,
29 funding shall be determined by appropriation.

30 (2) To the licensed video lottery retailer:

31 (a)(i) Prior to the effective date of the NGJA Master Contract, Newport Jai Ali twenty-six
32 percent (26%) minus three hundred eighty four thousand nine hundred ninety-six dollars
33 (\$384,996);

34 (ii) On and after the effective date of the NGJA Master Contract, to the licensed video

1 lottery retailer who is a party to the NGJA Master Contract, all sums due and payable under said
2 Master Contract minus three hundred eighty four thousand nine hundred ninety-six dollars
3 (\$384,996).

4 (b)(i) Prior to the effective date of the UTGR Master Contract, to the present licensed
5 video lottery retailer at Lincoln Park which is not a party to the UTGR Master Contract, twenty-
6 eight and eighty-five one hundredths percent (28.85%) minus seven hundred sixty-seven
7 thousand six hundred eighty-seven dollars (\$767,687);

8 (ii) On and after the effective date of the UTGR Master Contract, to the licensed video
9 lottery retailer who is a party to the UTGR Master Contract, all sums due and payable under said
10 Master Contract minus seven hundred sixty-seven thousand six hundred eighty-seven dollars
11 (\$767,687).

12 (3)(i) To the technology providers who are not a party to the GTECH Master Contract as
13 set forth and referenced in Public Law 2003, Chapter 32, seven percent (7%) of the net terminal
14 income of the provider's terminals; in addition thereto, technology providers who provide
15 premium or licensed proprietary content or those games that have unique characteristics such as
16 3D graphics, unique math/game play features or merchandising elements to video lottery
17 terminals may receive incremental compensation, either in the form of a daily fee or as an
18 increased percentage, if all of the following criteria are met:

19 (A) A licensed video lottery retailer has requested the placement of premium or licensed
20 proprietary content at its licensed video lottery facility;

21 (B) The division of lottery has determined in its sole discretion that the request is likely to
22 increase net terminal income or is otherwise important to preserve or enhance the competitiveness
23 of the licensed video lottery retailer;

24 (C) After approval of the request by the division of lottery, the total number of premium
25 or licensed propriety content video lottery terminals does not exceed ten percent (10%) of the
26 total number of video lottery terminals authorized at the respective licensed video lottery retailer;
27 and

28 (D) All incremental costs are shared between the division and the respective licensed
29 video lottery retailer based upon their proportionate allocation of net terminal income. The
30 division of lottery is hereby authorized to amend agreements with the licensed video lottery
31 retailers, or the technology providers, as applicable, to effect the intent herein.

32 (ii) To contractors who are a party to the Master Contract as set forth and referenced in
33 Public Law 2003, Chapter 32, all sums due and payable under said Master Contract;

34 (iii) Notwithstanding paragraphs (i) and (ii) above, there shall be subtracted

1 proportionately from the payments to technology providers the sum of six hundred twenty-eight
2 thousand seven hundred thirty-seven dollars (\$628,737);

3 (4) To the city of Newport one and one hundredth percent (1.01%) of net terminal income
4 of authorized machines at Newport Grand except that effective November 9, 2009 until June 30,
5 2012, the allocation shall be one and two tenths percent (1.2%) of net terminal income of
6 authorized machines at Newport Grand for each week the facility operates video lottery games on
7 a twenty-four (24) hour basis for all eligible hours authorized and to the town of Lincoln one and
8 twenty-six hundredths percent (1.26%) of net terminal income of authorized machines at Lincoln
9 Park except that effective November 9, 2009 until June 30, 2012, the allocation shall be one and
10 forty-five hundredths percent (1.45%) of net terminal income of authorized machines at Lincoln
11 Park for each week the facility operates video lottery games on a twenty-four (24) hour basis for
12 all eligible hours authorized; and

13 (5) To the Narragansett Indian Tribe, seventeen hundredths of one percent (0.17%) of net
14 terminal income of authorized machines at Lincoln Park up to a maximum of ten million dollars
15 (\$10,000,000) per year, which shall be paid to the Narragansett Indian Tribe for the account of a
16 Tribal Development Fund to be used for the purpose of encouraging and promoting: home
17 ownership and improvement, elderly housing, adult vocational training; health and social
18 services; childcare; natural resource protection; and economic development consistent with state
19 law. Provided, however, such distribution shall terminate upon the opening of any gaming facility
20 in which the Narragansett Indians are entitled to any payments or other incentives; and provided
21 further, any monies distributed hereunder shall not be used for, or spent on previously contracted
22 debts; and

23 (6) Unclaimed prizes and credits shall remit to the general fund of the state; and

24 (7) Payments into the state's general fund specified in subdivisions (a)(1) and (a)(6) shall
25 be made on an estimated monthly basis. Payment shall be made on the tenth day following the
26 close of the month except for the last month when payment shall be on the last business day.

27 (b) Notwithstanding the above, the amounts payable by the Division to UTGR related to
28 the Marketing Program shall be paid on a frequency agreed by the Division, but no less
29 frequently than annually.

30 (c) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the
31 Director is authorized to fund the Marketing Program as described above in regard to the First
32 Amendment to the UTGR Master Contract.

33 (d) Notwithstanding the above, the amounts payable by the Division to Newport Grand
34 related to the Marketing Program shall be paid on a frequency agreed by the Division, but no less

1 frequently than annually.

2 (e) Notwithstanding anything in this chapter 61.2 of this title 42 to the contrary, the
3 Director is authorized to fund the Marketing Program as described above in regard to the First
4 Amendment to the Newport Grand Master Contract.

5 SECTION 2. Section 45-13-12 of the General Laws in Chapter 45-13 entitled "Distressed
6 communities relief fund" is hereby amended to read as follows:

7 **45-13-12. Distressed communities relief fund.** -- (a) There is established a fund to
8 provide state assistance to those Rhode Island cities and towns which have the highest property
9 tax burdens relative to the wealth of taxpayers.

10 (b) *Establishment of indices.* Four (4) indices of distress shall be established to determine
11 eligibility for the program. Each community shall be ranked by each distress index and any
12 community which falls into the lowest twenty percent (20%) of at least three (3) of the four (4)
13 indices shall be eligible to receive assistance. The four (4) indices are established as follows:

14 (1) *Percent of tax levy to full value of property.* This shall be computed by dividing the
15 tax levy of each municipality by the full value of property for each municipality. For the 1990-91
16 fiscal year, tax levy and full value shall be as of the assessment date December 31, 1986.

17 (2) *Per capita income.* This shall be the most recent estimate reported by the U.S.
18 Department of Commerce, Bureau of the Census.

19 (3) *Percent of personal income to full value of property.* This shall be computed by
20 multiplying the per capita income above by the most recent population estimate as reported by the
21 U.S. Department of Commerce, Bureau of the Census, and dividing the result by the full value of
22 property.

23 (4) *Per capita full value of property.* This shall be the full value of property divided by
24 the most recent estimate of population by the U.S. Department of Commerce, Bureau of the
25 Census.

26 (c) *Distribution of funds.* Funds shall be distributed to each eligible community on the
27 basis of the community's tax levy relative to the total tax levy of all eligible communities. For the
28 fiscal year 1990-91, the reference year for the tax levy shall be the assessment date of December
29 31, 1988. For each fiscal year thereafter, except for fiscal year 2007-2008, the reference year and
30 the fiscal year shall bear the same relationship. For the fiscal year 2007-2008 the reference year
31 shall be the same as for the distributions made in fiscal year 2006-2007.

32 Any newly qualifying community shall be paid fifty percent (50%) of current law
33 requirements the first year it qualifies. The remaining fifty percent (50%) shall be distributed to
34 the other distressed communities proportionately. When any community falls out of the distressed

1 community program, it shall receive a one-time payment of fifty percent (50%) of the prior year
2 requirement exclusive of any reduction for first year qualification. The community shall be
3 considered a distressed community in the fall-out year.

4 (d) *Appropriation of funds.* The state of Rhode Island shall appropriate funds in the
5 annual appropriations act to support this program. For each of the fiscal years ending June 30,
6 2011, ~~and~~ June 30, 2012, [and June 30, 2013](#) seven hundred eighty-four thousand four hundred
7 fifty-eight dollars (\$784,458) of the total appropriation shall be distributed equally to each
8 qualifying distressed community.

9 (e) *Payments.* Payments shall be made to eligible communities each March equal to one
10 half of the appropriated amount and each August equal to one half of the appropriated amount.

11 SECTION 3. Section 45-65-6 of the General Laws in Chapter 45-65 entitled “Retirement
12 Security Act for Locally Administered Pension Funds” is hereby amended to read as follows:

13 **45-65-6. Certification and notice requirements.** -- (1) Every municipality that
14 maintains a locally administered plan shall submit its initial annual actuarial valuation study to
15 the study commission created herein under § 45-64-8 on or before April 1, 2012, and for each
16 plan year ending on or after December 31, 2012, within six (6) months of completing such plan
17 year. The initial actuarial experience study shall be submitted to the study commission on or
18 before April 1, 2012, and subsequent actuarial experience studies must be submitted to the study
19 commission no less frequently than once every three (3) years.

20 (2) In any case in which an actuary certifies that a locally administered plan is in critical
21 status for a plan year, the municipality administering such a plan shall, not later than thirty (30)
22 business days following the certification, provide notification of the critical status to the
23 participants and beneficiaries of the plan and to the general assembly, the governor, the general
24 treasurer, the director of revenue, and the auditor general. The notification shall also be posted
25 electronically on the general treasurer's website. Within one hundred eighty (180) days of sending
26 the critical status notice, the municipality shall submit to the study commission a reasonable
27 alternative funding improvement plan to emerge from critical status.

28 (3) The state shall reimburse every municipality for fifty percent (50%) of the cost of
29 undertaking its annual actuarial valuation study, [which is due on April 1, 2012.](#)

30 (4) Notwithstanding any other law to the contrary, the funding improvement plans and
31 actuarial valuation studies submitted pursuant to this section shall be public records.

32 SECTION 4. This article shall take effect upon passage.

33 **ARTICLE 27**

34 **RELATING TO HISTORIC PRESERVATION TAX CREDIT TRUST FUND**

1 SECTION 1. Section 44-33.2-4.1 of the General Laws in Chapter 44-33.2 entitled
2 “Historic Structures – Tax Credit” is hereby amended to read as follows:

3 **44-33.2-4.1. Historic preservation tax credit trust fund.** -- All processing fees
4 collected pursuant to this chapter after June 30, 2008 shall be deposited in a historic preservation
5 tax credit restricted receipt account within the ~~state general~~ historic preservation tax credit trust
6 fund, which shall be used, to the extent resources are available, ~~to fund historic structure tax~~
7 ~~credits taken by taxpayers~~ to refund or reimburse historic tax credit processing fees paid by
8 developers as certified by the division of taxation.

9 SECTION 2. This article shall take effect upon passage.

10 ARTICLE 28

11 RELATING TO CENTRAL FALLS

12 SECTION 1. In providing a one-time lump-sum appropriation to the City of Central
13 Falls for the benefit of municipal retirees who sustained significant pension reductions, the State
14 hereby restricts the use of said funds by Public Law otherwise referred to as “the Appropriation
15 Legislation.” The restrictions shall conform with the provisions in that certain Settlement
16 Agreement entered into by and among the Receiver for the City of Central Falls, the State of
17 Rhode Island Department of Revenue, Central Falls Police Retirees Association, Inc., Central
18 Falls Firefighter Retirees Association, Inc., and each and every one of the individuals who signed
19 the Settlement Agreement, including the Central Falls Police or Firefighter retirees, or each of
20 their surviving spouses or beneficiaries. This Settlement Agreement, approved by the Federal
21 Bankruptcy Court in the matter of In Re: City of Central Falls, Rhode Island Chapter 9, Case No.
22 11-13105-FJB on January 9, 2012, provides in relevant part as follows:

23 4.1. The Appropriation Legislation shall provide that the proceeds of the above-
24 referenced one-time lump sum payment be immediately deposited by the City into a restricted
25 federally backed or federally insured interest-bearing account under the name of the City and
26 denominated the “Participating Retirees’ Restricted 5-Year Account.” Within thirty (30) days
27 after receipt of the appropriation from the State, for fiscal year ending 2012, the City (jointly with
28 either the Receiver or an administrative and finance officer appointed by the Director for the
29 City) shall withdraw from the Participating Retirees’ Restricted 5-Year Account exactly the funds
30 needed to and shall thereupon promptly pay and distribute to Participating Retirees the so-called
31 “Appropriation Payments” set forth on APPENDIX B. Thereafter, during the months of July in
32 fiscal years ending 2013, 2014, 2015, and 2016, the City (jointly with either the Receiver or an
33 administrative and finance officer appointed by the Director for the City) shall withdraw from the
34 Participating Retirees’ Restricted 5-Year Account exactly the funds needed to and shall thereupon

1 promptly pay and distribute to Participating Retirees the so-called “Appropriation Payments” set
2 forth on APPENDIX B.

3 Any and all withdrawals, transfers and payments from the Participating Retirees’
4 Restricted 5-Year Account shall require the signature of two (2) persons, one of whom shall be
5 either the Receiver or an administrative and finance officer of the City after the Receiver’s duties
6 are completed. Within thirty (30) days of the end of fiscal year ending 2016, the City shall
7 withdraw the balance of the funds in the Participating Retirees’ Restricted 5-Year Account (*i.e.*
8 the accumulated interest and any remaining sums) and shall pay and distribute those funds to each
9 Participating Retiree based on the percentage assigned to each Participating Retiree in
10 APPENDIX B under the column entitled “Assigned Percentage,” (such Assigned Percentage
11 being the percentage portion that each individual Participating Retiree’s “Step 3” amount is to the
12 total of all Step 3 amounts for all Participating Retirees) including as the same may be adjusted
13 for any Participating Retiree added or deleted after the Contract Date. After all of the funds in the
14 Participating Retirees’ Restricted 5-Year Account have been appropriately distributed, the City
15 shall promptly close the Participating Retirees’ Restricted 5-Year Account. The Appropriation
16 Legislation shall provide that the Appropriation Payments shall be used solely for the purposes
17 and subject to the restrictions set forth in this Agreement and in the Plan, and shall provide for
18 and impose personal liability (among other penalties) on the part of any person who utilizes the
19 funds in the Participating Retirees’ Restricted 5-Year Account for any purpose other than as set
20 forth in this Agreement and the Plan.

21 4.2. The Appropriation Legislation and/or a City ordinance shall further provide that the
22 Participating Retirees’ Restricted 5-Year Account shall remain under the control of the City
23 jointly with either the Receiver or an administrative and finance officer appointed by the Director
24 for the City, and that it shall be segregated from and shall not be controlled or managed by any
25 third party managing the single Central Falls Pension Plan, whether administered by the City or if
26 transitioned into the state-administered Municipal Employee Retirement System (“MERS”).
27 Further, the Appropriation Payments shall be paid to Participating Retirees jointly by the City and
28 the Receiver or an administrative and finance officer appointed by the Director for the City, and
29 not by any third-party pension fund manager. Such Appropriation Payments shall cease after the
30 distribution at the end of fiscal year ending 2016 as provided for in Section 4.1 has been
31 completed.

32 The Appropriation Payments shall not be included in the calculation of the base pension
33 benefits of Participating Retirees for purposes of determining a Participating Retiree’s COLA.
34 However, a spouse or statutory beneficiary under R.I. Gen. Laws § 45-21.3-1 shall be entitled to

1 67.5% of a deceased Participating Retiree's Appropriation Payment.

2 4.3. The City, as overseen by the Receiver or an administrative and finance officer, as the
3 case may be, shall maintain appropriate account information and records relating to all receipts
4 into, maintenance of, and distributions from the Participating Retirees' Restricted 5-Year
5 Account, and shall allow at all reasonable times for the full inspection of and copying and sharing
6 of information about such account and any and all Appropriation Payments by and with any
7 Participating Retiree.

8 4.4. Any money distributed to a Participating Retiree from the Participating Retirees'
9 Restricted 5-Year Account and not claimed by a Participating Retiree after the City has exercised
10 good faith attempts over a six (6) month period to deliver it to the best last known address of such
11 Participating Retiree shall not escheat under state law, but shall be deposited in the "Participating
12 Retirees Wyatt Payments Account" as defined in Section 5.2, which shall thereafter be distributed
13 based on the Assigned Percentage to the remaining Participating Retirees at the time of the next
14 distribution in accordance with the assigned percentage set forth on APPENDIX B.

15 SECTION 2. Section 28-9.1-6 of the General Laws in Chapter 28-9.1 entitled
16 "Firefighters' Arbitration" is hereby amended to read as follows:

17 **28-9.1-6. Obligation to bargain.** -- It shall be the obligation of the city or town, acting
18 through its corporate authorities, to meet and confer in good faith with the representative or
19 representatives of the bargaining agent within ten (10) days after receipt of written notice from
20 the bargaining agent of the request for a meeting for collective bargaining purposes. This
21 obligation shall include the duty to cause any agreement resulting from the negotiations to be
22 reduced to a written contract, provided that no contract shall exceed the term of one year, unless a
23 longer period is agreed upon in writing by the corporate authorities and the bargaining agents, but
24 in no event shall the contract exceed the term of three (3) years [unless a receiver has been](#)
25 [appointed for a municipality pursuant to Chapter 45-9, in which case the contract shall not exceed](#)
26 [the term of five \(5\) years.](#) An unfair labor practice charge may be complained of by either the
27 employer's representative or the bargaining agent to the state labor relations board which shall
28 deal with the complaint in the manner provided in chapter 7 of this title.

29 SECTION 3. Section 28-9.2-6 of the General Laws in Chapter 28-9.2 entitled "Municipal
30 Police Arbitration" is hereby amended to read as follows:

31 **28-9.2-6. Obligation to bargain.** -- It shall be the obligation of the city or town, acting
32 through its corporate authorities, to meet and confer in good faith with the designated
33 representative or representatives of the bargaining agent, including any legal counsel selected by
34 the bargaining agent, within ten (10) days after receipt of written notice from the bargaining agent

1 of the request for a meeting for collective bargaining purposes. This obligation includes the duty
2 to cause any agreement resulting from the negotiations to be reduced to a written contract,
3 provided that no contract shall exceed the term of one year, unless a longer period is agreed upon
4 in writing by the corporate authorities and the bargaining agent, but in no event shall the contract
5 exceed the term of three (3) years [unless a receiver has been appointed for a municipality](#)
6 [pursuant to chapter 45-9, in which case the contract shall not exceed the term of five \(5\) years](#). An
7 unfair labor charge may be complained of by either the employer's representative or the
8 bargaining agent to the state labor relations board which shall deal with the complaint in the
9 manner provided in chapter 7 of this title.

10 SECTION 4. Section 28-9.3-4 of the General Laws in Chapter 28-9.3 entitled "Certified
11 School Teachers' Arbitration" is hereby amended to read as follows:

12 **28-9.3-4. Obligation to bargain.** -- It shall be the obligation of the school committee to
13 meet and confer in good faith with the representative or representatives of the negotiating or
14 bargaining agent within ten (10) days after receipt of written notice from the agent of the request
15 for a meeting for negotiating or collective bargaining purposes. This obligation includes the duty
16 to cause any agreement resulting from negotiations or bargaining to be reduced to a written
17 contract; provided, that no contract shall exceed the term of three (3) years [unless a receiver has](#)
18 [been appointed for a municipality pursuant to chapter 45-9, in which case the contract shall not](#)
19 [exceed the term of five \(5\) years](#). An unfair labor practice charge may be complained of by either
20 the bargaining agent or the school committee to the state labor relations board which shall deal
21 with the complaint in the manner provided in chapter 7 of this title.

22 SECTION 5. Section 28-9.4-5 of the General Laws in Chapter 28-9.4 entitled
23 "Municipal Employees' Arbitration" is hereby amended to read as follows:

24 **28-9.4-5. Obligation to bargain.** -- It shall be the obligation of the municipal employer
25 to meet and confer in good faith with the representative or representatives of the negotiating or
26 bargaining agent within ten (10) days after receipt of written notice from the agent of the request
27 for a meeting for negotiating or collective bargaining purposes. This obligation includes the duty
28 to cause any agreement resulting from negotiation or bargaining to be reduced to a written
29 contract; provided, that no contract shall exceed the term of three (3) years [unless a receiver has](#)
30 [been appointed for a municipality pursuant to chapter 45-9, in which case the contract shall not](#)
31 [exceed the term of five \(5\) years](#). Failure to negotiate or bargain in good faith may be
32 complained of by either the negotiating or bargaining agent or the municipal employer to the state
33 labor relations board, which shall deal with the complaint in the manner provided in chapter 7 of
34 this title. An unfair labor practice charge may be complained of by either the bargaining agent or

1 employer's representative to the state labor relations board, which shall deal with the complaint in
2 the manner provided in chapter 7 of this title.

3 SECTION 6. Under R.I. Gen. Laws §45-9-1 et seq. a municipality subject to the
4 jurisdiction of a fiscal overseer, budget commission or receiver, is responsible for payment of
5 expenses and costs incurred carrying out the responsibilities of the fiscal overseer, budget
6 commission and/or receiver. During fiscal 2011, the State incurred and paid on behalf of the City
7 of Central Falls expenses totaling \$ 1,174,205.32. On or about September 15, 2011, the State
8 billed the City of Central Falls for said \$1,174,205.32. Expenses for which the City of Central
9 Falls is responsible under the above-referenced law continue to be incurred and paid for by the
10 State on behalf of the city. The State intends to bill the City of Central Falls for those expenses.
11 Recognizing that the City of Central Falls does not currently have the financial ability to
12 reimburse the State in full for said expenses and may need additional time to reimburse the State
13 for expenses reflected in future bills rendered by the State for such expenses, the City of Central
14 Falls shall have up to June 30, 2021 to reimburse the State for all such expenses paid by the State
15 and billed to the city.

16 SECTION 7. This article shall be effective upon passage.

17 **ARTICLE 29**

18 **RELATING TO MUNICIPAL POLICE TRAINING ACADEMY**

19 SECTION 1. Chapter 42-28.2 of the General Laws entitled "Police Officers –
20 Commission on Standards and Training" is hereby amended by adding thereto the following
21 sections:

22 **42-28.2-2.1. Municipal Police Training Academy fee.--** The director of public safety is
23 hereby authorized to establish a fee structure in amounts necessary to fully finance the costs of
24 training candidates at the municipal police training academy. The fee structure will be established
25 by rules and regulations promulgated by the department of public safety.

26 **42-28.2-4.2. Municipal Police Training Academy restricted receipt account. --** There
27 is hereby created within the department of public safety a restricted receipt account referred to as
28 the municipal police training academy account. All receipts collected from tuition paid by
29 candidates and trainees, or paid by municipalities on behalf of candidates and trainees, shall be
30 deposited in this account and shall be used to fund costs associated with operating the municipal
31 police training academy. All amounts deposited into the municipal police training academy
32 restricted receipt account shall be exempt from the indirect cost recovery provisions of section
33 35-4-27.

34 SECTION 2. This article shall take effect as of January 1, 2013.

1 **ARTICLE 30**

2 RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

3 SECTION 1. Sections 46-12-4 and 46-12-4.1 of the General Laws in Chapter 46-12
4 entitled "Water Pollution" are hereby repealed.

5 ~~§ 46-12-4. Pollution monitoring system. The director shall establish a pollution
6 monitoring system, and a fee system for point source dischargers who discharge sewage into the
7 surface waters of the state. Money derived from the fee system shall be deposited as general
8 revenues. The director shall monitor the levels of conventional and hazardous pollutants
9 especially toxic pollutants discharged into the surface waters and shall assess the impact thereof.
10 Nothing herein shall be deemed to apply to dredging, disposal of dredge materials and/or the
11 transportation thereof regulated under § 46-23-18 and/or 46-23-18.1.~~

12 ~~§ 46-12-4.1. Fees — Limits — Recovery of costs. The fee established by the director
13 pursuant to § 46-12-4 shall be based on the individual discharger's need for monitoring and the
14 effluent's potential for environmental degradation as determined by the director; provided,
15 however, that any fees charged dischargers shall be in addition to and not substituted for funds
16 appropriated by or monitoring required by the state or federal government for similar purposes;
17 and further provided:~~

18 ~~(1) The director shall annually adopt by regulation, in accordance with the provisions of
19 chapter 35 of title 42, the maximum cost of the monitoring program for the next fiscal year. The
20 fee charged any discharger shall not exceed the actual cost of the pollution monitoring program of
21 that discharger.~~

22 ~~(2) The operating authority for any publicly owned treatment facility is hereby
23 empowered to recover any costs incurred under the provisions of this chapter, including
24 administrative costs, by levying an assessment on their customers. Money derived from the fees
25 shall be deposited as general revenues and shall be usable to match any federal funds
26 appropriated for these purposes.~~

27 SECTION 2. Sections 46-13.2-1, 46-13.2-3, 46-13.2-4, 46-13.2-5, and 46-13.2-7 of the
28 General Laws in Chapter 46-13.2 entitled "Drilling of Drinking Water Wells" are hereby
29 amended to read as follows:

30 **46-13.2-1. Definitions.** -- For the purpose of this chapter:

31 ~~(1) "Abandoned well" means a well whose use has been permanently discontinued; (1)~~
32 "Building official" means the local building official authorized in accordance with section 23-
33 27.3-107 or the state building code commissioner authorized in accordance with section 23-27.3-
34 108.2, as applicable;

1 ~~(2) "Board" means the Rhode Island well drilling board; (3) "Director" means the director~~
2 ~~of the department of environmental management;~~

3 ~~(4) "Groundwater" means subsurface water;~~

4 ~~(5)~~(2) "Person" means an individual, partnership, corporation, association, or
5 organization, or any combination thereof;

6 ~~(6)~~(3) "Well" means an artificial sanitary excavation or opening in the ground, by which
7 groundwater can be obtained or through which it flows under natural pressure or is artificially
8 withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or
9 structure.

10 ~~(7)~~(4) "Well driller contractor" means a person who engages in well drilling;

11 ~~(8)~~(5) "Well drilling" means and includes the industry, procedure and all operations
12 engaged in by any person, full-time or part-time, for compensation or otherwise, to obtain water
13 from a well or wells by drilling, or other methods, for any purpose or use.

14 **46-13.2-3. Regulations.** -- (a) ~~For the purpose of safeguarding the public health, the~~
15 ~~director, and the board shall promote and encourage cooperation among well drillers and~~
16 ~~governmental agencies in the development and protection of records of underground water~~
17 ~~formations and resources. The director shall prepare and disseminate such information as may be~~
18 ~~necessary for the benefit of the industry and the public.~~

19 ~~(b)~~ The ~~director~~ Rhode Island building standards committee, pursuant to section 23-27.3-
20 100.1.5 shall promulgate and maintain regulations incorporated as part of the state plumbing code
21 that ~~establishing~~ minimum standards for the location, design, construction and installation, ~~and~~
22 ~~maintenance~~ of wells that are appurtenances to buildings in consultation with ~~the board~~, the
23 department of health, ~~and~~ the division of statewide planning and the department of environmental
24 management, with due regard for the preservation of public health, the preservation, allocation,
25 and management of the groundwater of the state, the protection of the consuming public, and the
26 maintenance of geological and other scientific data.

27 ~~(b)~~ In those circumstances in which compliance with the requirements for locating a well
28 would result in undue hardship, the building official may authorize a variance, from any one or
29 more of the siting requirements, with the exceptions of the minimum distances set forth by the
30 department of environmental management to a wastewater disposal system, stormwater disposal
31 system, or underground storage tank, to the extent necessary to ameliorate the undue hardship and
32 to the extent the exemption can be granted without impairing the intent and purpose of this
33 chapter. Any variance from the minimum distance to a wastewater disposal system or well shall
34 require the approval of the department of environmental management.

1 ~~(e) Any regulations or amendments thereto promulgated by the director under this chapter~~
2 ~~shall be submitted to the board for approval.~~

3 **46-13.2-4. Registration for well drilling contractors and pump installers –**

4 **Suspension or revocation.** ~~-- (a) Subject to the approval of the board, the director shall establish~~
5 ~~registration requirements setting forth minimum standards for well drilling contractors and pump~~
6 ~~installers. The well drilling contractors shall be required to have ability and proficiency in the~~
7 ~~skill of well drilling demonstrated by experience or training and sufficient financial resources to~~
8 ~~have and maintain adequate tools and machines for the work. After the publication of these~~
9 ~~regulations by the director, a person, before engaging in the business of well drilling or pump~~
10 ~~installing, shall obtain a certificate of registration annually as a well drilling contractor or pump~~
11 ~~installer. The applicant shall pay a registration fee of two hundred dollars (\$200) and an annual~~
12 ~~renewal registration fee of one hundred dollars (\$100). A certificate of registration is not~~
13 ~~transferable and expires one year after issuance. After the renewal date, a certificate of~~
14 ~~registration may be renewed only upon application for renewal and payment of a late fee of ten~~
15 ~~dollars (\$10.00) in addition to the regular registration fee. A lost, destroyed, or mutilated~~
16 ~~certificate may be replaced by a duplicate upon payment of a fee of two dollars (\$2.00). One seal~~
17 ~~shall be issued to each registrant as provided in subsection (b) of this section, and additional seals~~
18 ~~may be obtained at a fee of two dollars (\$2.00) each. Effective January 1, 2013, no person shall~~
19 ~~install a drinking water well or a pump within any drinking water well unless registered with the~~
20 ~~Rhode Island Contractors Registration Board.~~

21 ~~(b) A well drilling contractor or pump installer shall place in a conspicuous location on~~
22 ~~both sides of his or her well drilling machine or service rig, his or her registration number in~~
23 ~~letters not less than two inches (2") high. A seal furnished by the director of the department of~~
24 ~~environmental management designating the year the certificate of registration was issued or~~
25 ~~renewed, and the words "Rhode Island registered water well drilling contractor or pump~~
26 ~~installation contractor", shall be affixed directly adjacent to the registration number.~~

27 ~~(e)(b)~~ A municipality engaged in well drilling shall be exempt from the registration
28 provisions of this chapter if the drilling is done by regular employees of, and with equipment
29 owned by, the municipality, and the work is on wells intended for use by the municipality.

30 ~~(d)(c)~~ This chapter shall not restrict a plumber or electrician from engaging in the trade
31 for which he or she has been licensed.

32 ~~(e) (1) A certificate of registration may be refused, or a certificate of registration duly~~
33 ~~issued may be suspended or revoked, or the renewal thereof refused by the director on the~~
34 ~~director's own investigation and motion or upon motion of an interested party or motion of the~~

1 ~~board if the director has good and sufficient reason to believe or finds that the applicant for or the~~
2 ~~holder of a certificate has:~~

3 ~~(1) Made a material misstatement in the application for a registration or any application~~
4 ~~for renewal thereof; or~~

5 ~~(ii) Obtained the registration through willful fraud or misrepresentation; or~~

6 ~~(iii) Demonstrated incompetency to act as a well driller as determined by the director; or~~

7 ~~(iv) Been guilty of failure to comply with the provisions of this chapter or the rules and~~
8 ~~regulations issued pursuant hereto; or~~

9 ~~(v) Refused to file reports of wells drilled as required by § 46-13.2-5; or~~

10 ~~(vi) Has been found guilty by a court of competent jurisdiction, of any fraud, deceit, gross~~
11 ~~negligence, incompetence, or misconduct in the industry, operations, or business of well drilling.~~

12 ~~(2) Before any certificate of registration shall be refused, suspended, or revoked, or the~~
13 ~~renewal thereof refused, the director shall give notice of the intention to do so by registered mail.~~

14 ~~Upon receipt of the notice, the person affected may, within ten (10) days, request a hearing. No~~
15 ~~revocation or suspension of a registration shall take place until the hearing is completed unless~~
16 ~~the director shall find immediate revocation or suspension is necessary to avoid imminent peril to~~
17 ~~life or property.~~

18 ~~(3) Appeal from the decisions of the director may be taken within thirty (30) days after~~
19 ~~the decision of the commissioner, to the superior court in accordance with the provisions of § 42-~~
20 ~~35-15.~~

21 ~~(f) The director shall prepare a roster of all registered well drillers and pump installers~~
22 ~~and distribute the roster annually to the local building inspector, if there is one, and the town clerk~~
23 ~~of each town.~~

24 ~~(g) Any well driller or pump installer registered as of July 1, 1987, shall be deemed to be~~
25 ~~registered under this chapter, but shall comply with the other provisions of this chapter.~~

26 ~~(h)~~(d) After one year from the date of refusal or revocation of a certificate of registration,
27 an application to register may be made again by the person affected.

28 **46-13.2-5. Record of wells.** -- (a) Within thirty (30) days after completion of a new or
29 replacement well, a well drilling contractor shall provide the owner, ~~the board,~~ the building
30 official and the department of health, ~~the department of environmental management~~ a record
31 indicating:

32 (1) The well owner's name and address,

33 (2) The location of the well,

34 (3) The well depth,

- 1 (4) The geologic materials and thickness of materials penetrated,
2 (5) The amount of casing,
3 (6) The static water levels, and
4 (7) Any other information which may be required by regulations adopted under this
5 chapter.

6 (b) A record for a drive point well where no earth materials are removed from the well
7 bore shall be sufficient if the owner's name, well location, depth, casing, static water level, and
8 screen data are indicated.

9 **46-13.2-7. Well constructed for farming or private use.** -- A landowner may drill his
10 or her own well to provide water for the consumption by himself or herself, his or her family,
11 pets, livestock, or for farming of his or her land where the water obtained shall not be intended for
12 use by the general public or in any residence other than the landowner's, and the landowner shall
13 not be required to be registered under § 46-13.2-4, but must submit the drilling record required by
14 § 46-13.2-5 and comply with all applicable regulations and codes of construction adopted under
15 this chapter [and section 23-27.3](#).

16 SECTION 3. Sections 46-13.2-2, 46-13.2-6, 46-13.2-8, and 46-13.2-10 of the General
17 Laws in Chapter 46-13.2 entitled "Drilling of Drinking Water Wells" are hereby repealed.

18 ~~§ 46-13.2-2. Rhode Island well drilling board.~~ (a) There shall be a board to be known
19 as the Rhode Island well drilling board which shall advise the director according to this chapter.
20 The board shall consist of seven (7) residents of the state appointed by the governor; one member
21 shall be a member of the general public; three (3) members shall be active well drillers or pump
22 installers who shall have had at least five (5) years experience as such; one member shall be an
23 employee of the department of health; one member shall be an employee of the department of
24 environmental management, environmental protection branch; and one member shall be a
25 hydrologist experienced in well construction; four (4) members shall constitute a quorum.

26 (b) The board shall meet within thirty (30) days after its members are first appointed, and,
27 thereafter, at least three (3) times a year. The board shall elect a chairperson and a secretary
28 annually from its membership. The secretary shall keep a complete record of all meetings and
29 proceedings of the board and shall perform the usual duties pertaining to the office.

30 (c) No member of the board shall be compensated for their service including state
31 employees who shall only be entitled to their usual and customary salary and not any additional
32 compensation.

33 ~~§ 46-13.2-6. Wells constructed for oil, gas, brine, or mining.~~ Drilling, excavating,
34 and pumping associated with the oil, gas, or brine well industries, and the construction, quarrying,

1 ~~and mining industries, and the disposal of any materials shall be subject to this chapter only~~
2 ~~insofar as they relate to the pollution and depletion of underground water resources.~~

3 ~~§ 46-13.2-8. Exemptions. — Where the director finds that compliance with all~~
4 ~~requirements of this chapter or regulations adopted pursuant thereto would result in undue~~
5 ~~hardship, an exemption from any one or more of the requirements may be granted by the director~~
6 ~~to the extent necessary to ameliorate the undue hardship and to the extent the exemption can be~~
7 ~~granted without impairing the intent and purpose of this chapter.~~

8 ~~§ 46-13.2-10. Violations. — Any person who engages in well drilling or offers to engage~~
9 ~~in well drilling, or advertises or holds himself or herself out or acts temporarily or otherwise as a~~
10 ~~well driller, without first having obtained the required certificate of registration, and any person~~
11 ~~who violates any provisions of this chapter, including, but not limited to, the accurate reporting of~~
12 ~~wells drilled, shall be guilty of a misdemeanor and shall be punished by a fine of not more than~~
13 ~~five hundred dollars (\$500) or by imprisonment for not more than one year, and each day that~~
14 ~~violation shall continue shall be deemed a separate offense.~~

15 SECTION 4. Section 5-65-5 of the General Laws in Chapter 5-65 entitled “Contractors’
16 Registration and Licensing Board” is hereby amended to read as follows:

17 **5-65-5. Registered application.** -- (a) A person who wishes to register as a contractor
18 shall submit an application, under oath, upon a form prescribed by the board. The application
19 shall include:

20 (1) Workers' compensation insurance account number, or company name if a number has
21 not yet been obtained, if applicable;

22 (2) Unemployment insurance account number if applicable;

23 (3) State withholding tax account number if applicable;

24 (4) Federal employer identification number, if applicable, or if self-employed and
25 participating in a retirement plan;

26 (5) The individual(s) name and business address and residential address of:

27 (i) Each partner or venturer, if the applicant is a partnership or joint venture;

28 (ii) The owner, if the applicant is an individual proprietorship;

29 (iii) The corporation officers and a copy of corporate papers filed with the Rhode Island
30 secretary of state's office, if the applicant is a corporation;

31 (iv) Post office boxes are not acceptable as the only address.

32 (6) A signed affidavit subject to the penalties of perjury of whether or not the applicant
33 has previously applied for registration, or is or was an officer, partner, or venturer of an applicant
34 who previously applied for registration and if so, the name of the corporation, partnership, or

1 venture.

2 (7) Valid insurance certificate for the type of work being performed.

3 (b) A person may be prohibited from registering or renewing registration as a contractor
4 under the provisions of this chapter or his or her registration may be revoked or suspended if he
5 or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or
6 administrative agency against him or her relating to their work as a contractor, and provided,
7 further, that an affidavit subject to the penalties of perjury shall be provided to the board attesting
8 to the information herein.

9 (c) Failure to provide or falsified information on an application, or any document
10 required by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000).

11 (d) Applicant must be at least eighteen (18) years of age.

12 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)
13 hours of continuing education units which will be required to be maintained by residential
14 contractors as a condition of registration as determined by the board pursuant to established
15 regulations.

16 (f) An affidavit issued by the board shall be completed upon registration or renewal to
17 assure contractors are aware of certain provisions of this law and shall be signed by the registrant
18 before a registration can be issued or renewed.

19 (8) (a) For contractors performing well drilling or pump installations as an appurtenance
20 to a structure, demonstration of technical competency by providing satisfactory proof that one or
21 more individuals employed by the contractor has obtained a passing score on the applicable
22 exam(s) of the National Groundwater Association (NGWA), or its successors. All well drilling or
23 pump installation work performed by the contractor must be supervised by an individual properly
24 qualified and registered for the work undertaken.

25 (b) All well drilling or pump installation contractors that were registered with and
26 determined to be qualified for one or more well drilling disciplines by the Rhode Island
27 department environmental management as of June 30, 2012, shall be deemed as having fulfilled
28 the technical competency requirement specified in (a).

29 SECTION 5. Section 23-27.3-100.1.5 of the General Laws in Chapter 23-27.3 entitled
30 "State Building Code" is hereby amended to read as follows:

31 **23-27.3-100.1.5. Building code – Adoption and promulgation by committee. --** The
32 state building standards committee has the authority to adopt, promulgate, and administer a state
33 building code, which shall include: (a) provisions and amendments as necessary to resolve
34 conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6; and (b) a

1 rehabilitation building and fire code for existing buildings and structures. The building code may
2 be promulgated in several sections, with a section applicable to one and two (2) family dwellings,
3 to multiple dwellings and hotels and motels, to general building construction, to plumbing
4 including [wells which are appurtenances to a building](#), and to electrical. The building code and
5 the sections thereof shall be reasonably consistent with recognized and accepted standards
6 adopted by national model code organizations and recognized authorities. To the extent that any
7 state or local building codes, statutes, or ordinances are inconsistent with the Americans with
8 Disabilities Act, Title III, Public Accommodations and Services Operated by Private Entities, 42
9 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed. The state
10 building code standards committee is hereby directed to adopt rules and regulations consistent
11 with the Americans with Disabilities Act, Title II and III (28 CFR 35 and 28 CFR 36, as
12 amended), as soon as possible, but no later than February 15, 2012, to take effect on or before
13 March 15, 2012. The state building code standards committee is hereby authorized and directed to
14 update those rules and regulations consistent with the future revisions of the Americans with
15 Disabilities Act Accessibility Standards.

16 SECTION 6. This article shall take effect as of July 1, 2012.

17 ARTICLE 31

18 RELATING TO MEDICAID REFORM ACT OF 2008

19 SECTION 1. [Rhode Island Medicaid Reform Act of 2008](#).

20 WHEREAS, the General Assembly enacted Chapter 12.4 of Title 42 entitled “The Rhode
21 Island Medicaid Reform Act of 2008”; and

22 WHEREAS, a Joint Resolution is required pursuant to Rhode Island General Laws § 42-
23 12.4-1, et seq.; and

24 WHEREAS, Rhode Island General Law § 42-12.4-7 provides that any change that
25 requires the implementation of a rule or regulation or modification of a rule or regulation in
26 existence prior to the implementation of the global consumer choice section 1115 demonstration
27 (“the demonstration”) shall require prior approval of the general assembly; and further provides
28 that any category II change or category III change as defined in the demonstration shall also
29 require prior approval by the general assembly; and

30 WHEREAS, Rhode Island General Law § 42-7.2-5 provides that the Secretary of the
31 Office of Health and Human Services is responsible for the “review and coordination of any
32 Global Consumer Choice Compact Waiver requests and renewals as well as any initiatives and
33 proposals requiring amendments to the Medicaid state plan or category I or II changes” as
34 described in the demonstration, with “the potential to affect the scope, amount, or duration of

1 publicly-funded health care services, provider payments or reimbursements, or access to or the
2 availability of benefits and services provided by Rhode Island general and public laws”; and

3 WHEREAS, in pursuit of a more cost-effective consumer choice system of care that is
4 fiscally sound and sustainable, the Secretary requests general assembly approval of the following
5 proposals to amend the demonstration:

6 (a) *Elimination of Adult Dental Services.* The Medicaid agency proposes to eliminate the
7 optional dental benefit coverage for Medicaid beneficiaries aged twenty-one (21) and older.
8 Emergency and palliative services dental services would be retained when deemed medically
9 necessary. As implementation of this proposal will alter the benefit package available to Medicaid
10 beneficiaries, a Category II change is required under the terms and conditions established for the
11 Global Consumer Choice Compact Waiver. Amendments to the rules, regulations and procedures
12 governing the provision of dental benefit coverage will also be required.

13 (b) *Nursing Home Rate Reduction.* The Medicaid agency proposes, at its discretion, to
14 reduce nursing home per-diem reimbursement rates that would otherwise be in effect for FY 2012
15 and FY 2013, however, the decrease would be no greater than 1.8 percent. A Category II change
16 is required to implement this proposal under the terms and conditions established for the Global
17 Consumer Choice Compact Waiver. Further, this change may also require the adoption of new or
18 amended rules, regulations and procedures.

19 (c) *Medicaid Managed Care Plan Refinements – New Components.* The Medicaid single
20 state agency proposes to reduce hospital readmissions, promote better health and nutrition and
21 encourage non-invasive approaches to address obesity by incorporating a nutritional education
22 and exercise component into the benefit package offered to certain Medicaid beneficiaries.
23 Establishing a targeted benefit requires amendments to or new rules, regulations and procedures
24 pertaining to coverage for the Medicaid populations affected as well as a Category II change to
25 the Global Consumer Choice Compact Waiver in those areas where additional authority is
26 warranted under the terms and conditions of the demonstration agreement; now, therefore, be it

27 RESOLVED, that the general assembly hereby approves proposals (a) through (c) listed
28 above to amend the demonstration; and be it further

29 RESOLVED, that the secretary of the office of health and human services is authorized
30 to pursue and implement any waiver amendments, category II or category III changes, state plan
31 amendments and/or changes to the applicable department’s rules, regulations and procedures
32 approved herein and as authorized by § 42-12.4-7; and be it further

33 RESOLVED, that this joint resolution shall take effect upon passage.

34 SECTION 2. This article shall take effect upon passage.

1 (d) Any claimant aggrieved by any action taken under this section may within thirty (30)
2 days of the making of the notice to the claimant in subsection (c) of this section, request a hearing
3 from the executive office of health and human services.

4 **27-57.1-2. Notice provided to obligors of interception of insurance settlements.--** In
5 any case where the executive office of health and human services has intercepted an insurance
6 payment, that office shall notify the obligor.

7 **27-57.1-3. Certain liens not affected. --** Nothing in this chapter affects the validity or
8 priority of liens or written notices of health care providers, attorney fees, holders of security
9 interests, or the assignment of rights under section 40-6-9 which may exist. Funds subject to liens,
10 written notices, or security interests shall be paid to the lien or interest holder. Funds available to
11 be paid pursuant to chapter 27-57 for the payment of child support shall supersede any payment
12 made pursuant to this chapter.

13 **27-57.1-4. Information to be provided by the executive office of health and human**
14 **services.--** (a) The executive office of health and human services shall periodically within each
15 year furnish the insurance companies and insurers subject to this section with a list or compilation
16 of names of individuals, with last known addresses, who as of the date of the list or compilation
17 have received medical assistance in excess of five hundred dollars (\$500) as shown on the
18 executive office of health and human services computer system. For the purposes of this section,
19 the terms used in this section have the meaning and definitions specified in section 40-8-2.

20 (b) In order to facilitate the efficient and prompt reporting of those arrearages in one
21 centralized location, it is the duty and responsibility of the insurance companies doing business in
22 the state to utilize one centralized database to which the executive office of health and human
23 services shall report and administer.

24 SECTION 2. Section 40-6-9 of the General Laws in Chapter 40-6 entitled "Public
25 Assistance Act" is hereby amended to read as follows:

26 **40-6-9. ~~Assignment of child, spousal and medical support rights~~ Assignment and**
27 **subrogation for recovery of child, spousal and medical support.** – (a) An applicant for or
28 recipient of public assistance under this chapter or under title XIX of the federal Social Security
29 Act, 42 U.S.C. § 1396 et seq., for and on behalf of himself or herself and for and on behalf of a
30 child or children, shall be deemed, without the necessity of signing any document for purposes of
31 recovery, to have made an assignment and given a right of subrogation to the executive office of
32 health and human services and/or the department of human services, as applicable, of any and all
33 rights and interests in any cause of action, past, present, or future, that the applicant or recipient
34 may have against any person failing to or obligated to provide for the support, maintenance, and

1 medical care of the applicant, recipient, and/or minor child or children, for the period of time that
2 assistance is being paid by [the executive office of health and human services and/or](#) the
3 department; ~~The executive office of health and human services and/or~~ the department shall be
4 subrogated to any and all rights, title, and interest the applicant or recipient may have against any
5 and all property belonging to the obligated or non-supporting person in the enforcement of any
6 claim for child, spousal, and medical support, whether liquidated through court order or not. The
7 applicant or recipient shall also be deemed, without the necessity of signing any document, to
8 have appointed [the executive office of health and human services and/or](#) the department of human
9 services as his or her true and lawful attorney in fact to act in his or her name, place, and stead to
10 perform the specific act of instituting suit to establish paternity or secure support and medical
11 care, collecting any and all amounts due and owing for child, spousal, and medical support,
12 endorsing any and all drafts, checks, money orders, or other negotiable instruments representing
13 support payments which are received by the [executive office of health and human services and/or](#)
14 the department, and retaining any portion thereof permitted under federal and state statutes as
15 reimbursement for financial and medical assistance previously paid to or for the recipient, child,
16 or children.

17 (b) An applicant for or a recipient of medical assistance provided by the [executive office](#)
18 [of health and human services and/or](#) the department pursuant to this chapter, ~~chapter 5.1,~~ or
19 chapter 8 of this title or title XIX of the federal Social Security Act, 42 U.S.C. § 1396 et seq., for
20 and on behalf of himself or herself, and for and on behalf of any other person for whom he or she
21 may legally assign rights to any medical support or any other medical care, shall be deemed,
22 without the necessity of signing any document [for purposes of reimbursement](#), to have made an
23 assignment [and given a right of subrogation](#) to the [executive office of health and human services](#)
24 [and/or](#) the department of human services of any and all rights and interests that he, she, or such
25 other person may have: (1) to payment for any medical support; and (2) to payment for any
26 medical care from any third party.

27 (c) In addition to the assignments [and subrogation rights](#) provided in subsections (a) and
28 (b) of this section, an applicant for or a recipient of financial assistance provided by the [executive](#)
29 [office of health and human services and/or](#) department pursuant to this chapter, whenever the
30 assistance is necessary by reason of accident, injury, or illness for which a third party may be
31 liable, for and on behalf of himself or herself, and for and on behalf of any other person for whom
32 he or she may legally act, shall be deemed, without the necessity of signing any document, to
33 have assigned [and subrogated](#) to the [executive office of health and human services and/or](#) the
34 department of human services, from amounts recovered or recoverable from any third party, an

1 amount of money equal to the amount of financial assistance provided as a result of the accident,
2 illness, or injury.

3 (d) With respect to an assignment and subrogation rights established pursuant to this
4 section, an applicant or recipient shall provide to the executive office of health and human
5 services and/or the department of human services ~~and/or the division of taxation within the~~
6 ~~department of administration~~ all relevant information regarding the ~~rights~~ assigned and
7 subrogated rights, and shall execute any documents relating thereto, in accordance with rules and
8 regulations to be adopted by the executive office of health and human services and/or the
9 department.

10 (e) With respect to any assignment ~~of rights~~ and subrogation right for medical or financial
11 support or recoveries under this section, the executive office of health and human services and/or
12 the department of human services shall be considered to have acquired the rights of such
13 individual to payment by any third party for such medical care and support, and financial support.

14 (f) An applicant for or a recipient of medical assistance provided by the executive office
15 of health and human services in accordance with chapter 40-8 shall also be subject to the
16 provisions of chapter 27-57.1. Funds available to be paid for the payment of child support shall
17 supersede any payment made pursuant to this chapter and chapter 27-57.1.

18 SECTION 3. Section 40-8-15 of the General Laws in Chapter 40-8 entitled "Medical
19 Assistance" is hereby amended to read as follows:

20 **40-8-15. Lien on deceased recipient's estate for assistance.** -- (a) (1) Upon the death
21 of a recipient of medical assistance under Title XIX of the federal Social Security Act, 42 U.S.C.
22 § 1396 et seq., the total sum of medical assistance so paid on behalf of a recipient who was fifty-
23 five (55) years of age or older at the time of receipt of the assistance shall be and constitute a lien
24 upon the estate, as defined herein, of the recipient in favor of the ~~department of human services~~
25 executive office of health and human services. The lien shall not be effective and shall not attach
26 as against the estate of a recipient who is survived by a spouse, or a child who is under the age of
27 twenty-one (21), or a child who is blind or permanently and totally disabled as defined in Title
28 XVI of the federal Social Security Act, 42 U.S.C. § 1381 et seq. ~~The lien shall not be effective~~
29 ~~and shall not attach as against a recipient's estate, which has been admitted for probate~~
30 ~~administration unless the department has filed a claim for reimbursement in the probate court in~~
31 ~~accordance with § 33-11-5 or other applicable law.~~ The lien shall attach against a recipient's
32 estate which has not been admitted to probate and the executive office of health and human
33 services shall not be required to file letters of administration or commence an action in probate
34 court. However, said lien shall be filed in the land evidence records in accordance with section

1 [40-8-15 \(f\).](#)

2 (2) For purposes of this section, the term "estate" with respect to a deceased individual
3 shall include all real and personal property and other assets included or includable within the
4 individual's probate estate

5 (b) The ~~department~~ [executive office of health and human services](#) is authorized to
6 promulgate regulations to implement the terms, intent, and purpose of this section and to require
7 the legal representative(s) and/or the heirs-at-law of the decedent to provide reasonable written
8 notice to the ~~department~~ [executive office of health and human services](#) of the death of a recipient
9 of medical assistance who was fifty-five (55) years of age or older at the date of death, and to
10 provide a statement identifying the decedent's property and the names and addresses of all
11 persons entitled to take any share or interest of the estate as legatees or distributees thereof.

12 (c) The amount of medical assistance reimbursement imposed under this section shall
13 also become a debt to the state from the person or entity liable for the payment thereof.

14 (d) Upon payment of the amount of reimbursement for medical assistance imposed by
15 this section, the ~~director~~ [secretary](#) of the ~~department of human services~~ [executive office of health
16 and human services](#), or his or her designee, shall issue a written discharge of lien.

17 (e) Upon application to the ~~director~~ [secretary](#) and a determination by the ~~director~~
18 [secretary](#) that the lien is either inapplicable or that no reimbursement for medical assistance is due
19 with respect to the estate, the ~~director~~ [secretary](#) shall issue a written discharge of lien.

20 (f) Provided, however, that no lien created under this section shall attach nor become
21 effective upon any real property unless and until a statement of claim is recorded naming the
22 debtor/owner of record of the property as of the date and time of recording of the statement of
23 claim, and describing the real property by a description containing all of the following: (1) tax
24 assessor's plat and lot; and (2) street address. The statement of claim shall be recorded in the
25 records of land evidence in the town or city where the real property is situated. [Notice of said
26 lien shall be sent to the duly appointed executor or administrator, the decedent's legal
27 representative, if known, or to the decedent's next of kin or heirs at law as stated in the decedent's
28 last application for medical assistance.](#)

29 (g) The ~~department of human services~~ [executive office of health and human services](#) shall
30 establish procedures, in accordance with the standards specified by the secretary, U.S.
31 Department of Health and Human Services, under which the ~~department of human services~~
32 [executive office of health and human services](#) shall waive, in whole or in part, the lien and
33 reimbursement established by this section if such lien and reimbursement would work an undue
34 hardship, as determined by the ~~department~~ [executive office of health and human services](#), on the

1 basis of the criteria established by the secretary in accordance with 42 U.S.C. § 1396p(b)(3).

2 (h) A petition for admission to probate of a decedent's will or for administration of a
3 decedent's estate shall include a sworn affidavit, as provided for in section 33-11-5.2, that copies
4 of said petition and death certificate have been sent to the executive office of health and human
5 services by certified mail. Within thirty (30) days of a request by the executive office of health
6 and human services, an executor or administrator shall complete and send to the executive office
7 of health and human services by certified mail a form prescribed by the executive office of health
8 and human services and shall provide such additional information as the executive office of
9 health and human services may require. In the event a petitioner fails to send copies of the
10 petition and death certificate to the executive office of health and human services and the
11 decedent has received medical assistance for which the executive office of health and human
12 services is authorized to recover, any person receiving a distribution of assets from the decedent's
13 estate shall be liable to the executive office of health and human services to the extent of such
14 distribution.

15 (i) Compliance with the provisions of this section shall be consistent with the
16 requirements and affidavit set forth in section 33-11-5.2. Nothing in these sections shall limit the
17 executive office of health and human services from recovery, to the extent of the distribution,
18 under all state and federal laws.

19 SECTION 4. Chapter 40-8 of the General laws entitled "Medical Assistance" is hereby
20 amended by adding thereto the following section:

21 **40-8-9.1. Notice.** -- Whenever an individual who is receiving medical assistance under
22 this chapter transfers an interest in real or personal property, such individual shall notify the
23 executive office of health and human services within ten (10) days of the transfer. Such notice
24 shall be made to the individual's local office and include, at a minimum, the individual's name,
25 social security number or, if different, the executive office of health and human services
26 identification number, the date of transfer and the dollar value, if any, paid or received by the
27 individual receiving benefits under this chapter.

28 SECTION 5. Chapter 33-11 of the General Laws entitled "Claims Against Decedents'
29 Estates" is hereby amended by adding thereto the following section:

30 **33-11-5.2. Duty to notify executive office of health and human services - medical**
31 **assistance.** -- (a) A petition for admission to probate of a decedent's will or for administration of
32 a decedent's estate shall include a sworn affidavit stating that copies of said petition and death
33 certificate have been sent to the executive office of health and human services by certified mail.
34 Within thirty (30) days of a request by the executive office of health and human services, an

1 executor or administrator shall complete and send to the executive office of health and human
2 services by certified mail a form prescribed by the executive office of health and human services
3 and shall provide such additional information as the executive office of health and human
4 services may require. In the event a petitioner fails to send copies of the petition and death
5 certificate to the executive office of health and human services and the decedent had received
6 medical assistance for which the executive office of health and human services is authorized to
7 recover, any person receiving a distribution of assets from the decedent's estate shall be liable to
8 the executive office of health and human services to the extent of such distribution.

9 (b) It shall be presumed that an executor or administrator has complied with this section
10 by sending a written notice in substantially the following form:

11 STATE OF RHODE ISLAND PROBATE COURT OF CITY/TOWN OF(NAME OF
12 CITY OR TOWN)

13 COUNTY OF (NAME OF COUNTY)

14 THE ESTATE OF (NAME OR ESTATE) (ESTATE NO.)

15 NOTICE OF COMMENCEMENT OF PROBATE

16 To: State of Rhode Island, Executive Office of Health and Human Services

17 Office of Legal Counsel

18 Louis Pastore Bldg. 57

19 600 New London Avenue

20 Cranston, RI 02920

21 Notice is hereby given by (name of executor or administrator) that a probate estate has
22 been commenced for (name of decedent) in the Probate Court of the (name of municipality,
23 address of court) docket no.(), said (name of fiduciary) having been qualified on (date of
24 qualification).

25 A. I hereby certify that (Name of Decedent), referred to as the "decedent", received
26 medical assistance when said decedent was fifty-five (55) years of age or older or regardless of
27 the decedent's age, while the decedent was an inpatient in a nursing facility or a medical
28 institution.

29 B. I further certify that I have sent a copy of the petition by certified mail, seeking to have
30 the decedent's will admitted to probate and/or seeking administration of decedent's estate, to the
31 Rhode Island executive office of health and human services.

32 C. I further certify that I have sent a copy of the decedent's death certificate by certified
33 mail to the Rhode Island executive office of health and human services.

34 I hereby certify that (Name of Decedent), referred to as the decedent, DID NOT receive

1 medical assistance when said decedent was fifty-five (55) years of age or older or regardless of
2 the decedent's age, while the decedent was an inpatient in a nursing facility or a medical
3 institution.

4 Subscribed and sworn under the penalties of perjury the -----day of-----, 20-
5 -----.

6 Signature of Petitioner (1)

7 Name and address of

8 Estate executor, administrator or attorney

9 Date

10 INSTRUCTIONS:

11 1. This affidavit is required for every decedent's estate.

12 2. This affidavit must be executed by all petitioners.

13 SECTION 6. This article shall take effect upon passage.

14 **ARTICLE 33**

15 RELATING TO HOLIDAYS

16 SECTION 1. Section 25-1-1 of the General Laws in Chapter 25-1 entitled "Holidays" is
17 hereby amended to read as follows:

18 **25-1-1. General holidays enumerated. --** The first day of January or, in the event that
19 day is a Saturday or Sunday, then state employees will celebrate the holiday on the following
20 Monday (as New Year's Day), the third Monday of January (as Dr. Martin Luther King, Jr.'s
21 Birthday), the third Monday of February (as Washington's Birthday), the fourth day of May (as
22 Rhode Island Independence Day), the last Monday of May (as Memorial Day), the fourth day of
23 July or, in the event that day is a Saturday or Sunday, then state employees will celebrate the
24 holiday on the following Monday (as Independence Day), the second Monday of August (as
25 Victory Day), the first Monday of September (as Labor Day), the second Monday of October (as
26 Columbus Day), the eleventh day of November or, in the event that day is a Saturday or Sunday,
27 then state employees will celebrate the holiday on the following Monday (as Veterans' Day), the
28 twenty-fifth day of December, or in the event that day is a Saturday or Sunday, then state
29 employees will celebrate the holiday on the following Monday (as Christmas Day), and each of
30 the above days in every year, or when either of the above days falls on the first day of the week,
31 then the day following it, ~~the Tuesday next after the first Monday in November in each year in~~
32 ~~which a general election of state officers is held (as election day),~~ the first day of every week
33 (commonly called Sunday), and any other days as the governor or general assembly of this state
34 or the president or the congress of the United States shall appoint as holidays for any purpose,

1 days of thanksgiving, or days of solemn fast, shall be holidays.

2 SECTION 2. This article shall take effect upon passage.

3 **ARTICLE 34**

4 RELATING TO EFFECTIVE DATE

5 SECTION 1. This act shall take effect as of July 1, 2012, except as otherwise provided
6 herein.

7 SECTION 2. This article shall take effect upon passage.

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