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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION -- 2016

Introduced By: Representatives DeSimone, and Newberry

Date Introduced: January 15, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 **ARTICLE I--STATUTORY CONSTRUCTION**

2 SECTION 1. It is the express intention of the General Assembly to reenact the entirety of
3 Titles 29, 30, and 32 contained in volume 5A of the General Laws of R.I., including every chapter
4 and section therein, and any chapters and sections of titles 29, 30, and 32 not included in this act
5 may be and are hereby reenacted as if fully set forth herein.

6 SECTION 2. Section 2-19-3 of the General Laws in Chapter 2-19 entitled "Arborists" is
7 hereby amended to read as follows:

8 **2-19-3. Rules and regulations -- Examination for license. --** The director of **the**
9 **department of** environmental management is authorized to make rules and regulations governing
10 the practice of arborists and shall demand **of** any person, firm, or corporation desiring to engage
11 in the art or trade of treating and caring for trees as defined in § 2-19-1, that **they he, she, or it**
12 pass an examination to show **their his, her, or its** ability or capability to practice the art or trade
13 of arborist. The director is further authorized to make rules and regulations to carry out the
14 provisions of this chapter, including rules and regulations governing mulching operations and
15 arboriculture operations as those terms are defined in § **2-19-4.5, 2-19-4.1.**

16 SECTION 3. Section 3-5-11.1 of the General Laws in Chapter 3-5 entitled "Licenses
17 Generally" is hereby amended to read as follows:

18 **3-5-11.1. Liquor franchises prohibited. --** (a) To promote the effective and reasonable
19 control and regulation of the Rhode Island alcoholic beverage industry and to help the consumer

1 by protecting their choices and ensuring equitable pricing. Class A liquor license authorized by
2 this title shall not be granted, issued, renewed, or transferred to or for the use of any liquor
3 franchisor or franchisee. Class A liquor license holders are expressly prohibited from utilizing the
4 provisions of the ~~Franchise Investor Act, § 19-28-1 et seq.~~ Rhode Island Franchise
5 Investment Act, chapter 28.1 of title 19.

6 (b) Any franchise agreements involving the retail sales of alcoholic beverages are hereby
7 declared null and void and illegal as of the effective date of this section [April 1, 2005].

8 (c) Any franchise agreements involving the retail sales of alcoholic beverages shall be
9 terminated by the franchisor or the franchisee within thirty (30) days of the effective date of this
10 section.

11 (d) Upon finding of a violation of this section by either the franchisor or the licensee, the
12 department shall be empowered to set a fine up to the amount of ten thousand dollars (\$10,000)
13 per violating franchisor or licensee, revoke the license of the violator or suspend the license of the
14 violator for a period of time to be determined by the department. Additionally, the department
15 shall have the power to revoke or suspend the franchise registration in accordance with § 19-28.1-
16 18 and to order it to cease and desist from all operations that are violative of the provisions of this
17 section.

18 Notwithstanding anything contained in this chapter to the contrary, this act shall not be
19 construed as to prevent the utilization of duly licensed professionals rendering services as
20 independent contractors.

21 SECTION 4. Section 5-71-8 of the General Laws in Chapter 5-71 entitled "Licensure of
22 Interpreters for the Deaf" is hereby amended to read as follows:

23 **5-71-8. Qualifications of applicants for licenses.** -- (a) To be eligible for licensure by
24 the board as an interpreter for the deaf or transliterator, the applicant must submit written
25 evidence on forms furnished by the department, verified by oath, that the applicant meets all of
26 the following requirements:

27 (1) Is of good moral character;

28 (2) Meets the screened requirements as defined in regulations promulgated by the
29 department or meets the certification requirements set forth by RID or its successor agency
30 approved by the department in consultation with the board;

31 (3) Pays the department a license fee as set forth in § 23-1-54;

32 (4) Adheres to the National Association of the Deaf (NAD); and the Registry of
33 Interpreters for the Deaf, Inc., (RID) code of professional conduct; and

34 (5) Provides verification of a background check with the bureau of criminal investigation

1 in the office of attorney general at the time of the initial application for license.

2 (b) To be eligible for licensure by the board as an educational interpreter for the deaf, the
3 applicant must meet all of the requirements as described in subsection (a) and must further
4 present proof of successful completion of the educational interpreter performance assessment
5 (EIPA), written and performance tests, or a similar test as approved by the board, at a
6 performance level established by the board.

7 (c) An individual whose license, certification, permit, or equivalent form of permission
8 issued within another state has been revoked, suspended, or currently placed on probation shall
9 not be eligible for consideration for licensure unless they have first disclosed to the department
10 about such disciplinary actions.

11 SECTION 5. Section 8-3-15 of the General Laws in Chapter 8-3 entitled "Justices of the
12 Supreme, Superior, and Family Courts" is hereby amended to read as follows:

13 ~~8-3-15. Cost of living allowance~~ **Cost-of-living allowance.** -- (a) All justices of the
14 supreme court, superior court, family court, or district court, or their surviving spouses or
15 domestic partners, who retire after January 1, 1970, and who receive a retirement allowance
16 pursuant to the provisions of this title shall, on the first day of January next following the third
17 anniversary date of retirement, receive a cost-of-living retirement adjustment in addition to his or
18 her retirement allowance in an amount equal to three percent (3%) of the original retirement
19 allowance. In each succeeding year thereafter during the month of January, the retirement
20 allowance shall be increased an additional three percent (3%) of the original allowance, not
21 compounded, to be continued during the lifetime of the justice or his or her surviving spouse or
22 domestic partner. For the purpose of such computation, credit shall be given for a full calendar
23 year regardless of the effective date of the retirement allowance.

24 (b) Any justice who retired prior to January 31, 1977, shall be deemed for the purpose of
25 this section to have retired on January 1, 1977.

26 (c) For justices not eligible to retire as of September 30, 2009, and not eligible upon
27 passage of this article, and for their beneficiaries, the cost of living adjustment described in
28 subsection ~~(3)~~ **(a)** above shall only apply to the first thirty-five thousand dollars (\$35,000) of
29 retirement allowance, indexed annually, and shall commence upon the third (3rd) anniversary of
30 the date of retirement or when the retiree reaches age sixty-five (65), whichever is later. The
31 thirty-five thousand dollar (\$35,000) limit shall increase annually by the percentage increase in
32 the Consumer Price Index for all Urban Consumer (CPI-U) as published by the United States
33 Department of Labor Statistics determined as of September 30 of the prior calendar year or three
34 percent (3%), whichever is less. The first thirty-five thousand dollars (\$35,000), as indexed, of

1 retirement allowance shall be multiplied by the percentage of increase in the Consumer Price
2 Index for all Urban Consumers (CPI-U) as published by the United States Department of Labor
3 Statistics determined as of September 30 of the prior calendar year or three percent (3%),
4 whichever is less, on the month following the anniversary date of each succeeding year. For
5 justices eligible to retire as of September 30, 2009, or eligible upon passage of this article, and for
6 their beneficiaries, the provisions of this subsection (c) shall not apply.

7 (d) This subsection (d) shall be effective for the period July 1, 2012, through June 30,
8 2015.

9 (1) Notwithstanding the prior paragraphs of this section, and subject to paragraph (d)(2)
10 below, for all present and former justices, active and retired justices, and beneficiaries receiving
11 any retirement, disability, or death allowance or benefit of any kind, whether provided for or on
12 behalf of justices engaged on or prior to December 31, 1989, as a non-contributory justice or
13 engaged after December 31, 1989, as a contributory justice, the annual benefit adjustment
14 provided in any calendar year under this section shall be equal to (A) multiplied by (B) where (A)
15 is equal to the percentage determined by subtracting five and one-half percent (5.5%) (the
16 "subtrahend") from the Five-Year Average Investment Return of the retirement system
17 determined as of the last day of the plan year preceding the calendar year in which the adjustment
18 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
19 (0%), and (B) is equal to the lesser of the justice's retirement allowance or the first twenty-five
20 thousand dollars (\$25,000) of retirement allowance, such twenty-five thousand dollars (\$25,000)
21 amount to be indexed annually in the same percentage as determined under (d)(1)(A) above. The
22 "Five-Year Average Investment Return" shall mean the average of the investment return of the
23 most recent five (5) plan years as determined by the retirement board. Subject to paragraph (d)(2)
24 below, the benefit adjustment provided by this paragraph shall commence upon the third (3rd)
25 anniversary of the date of retirement or the date on which the retiree reaches his or her Social
26 Security retirement age, whichever is later. In the event the retirement board adjusts the
27 actuarially assumed rate of return for the system, either upward or downward, the subtrahend
28 shall be adjusted either upward or downward in the same amount.

29 (2) Except as provided in paragraph (d)(3), the benefit adjustments under this section for
30 any plan year shall be suspended in their entirety unless the Funded Ratio of the Employees'
31 Retirement System of Rhode Island, the Judicial Retirement Benefits Trust, and the State Police
32 Retirement Benefits Trust, calculated by the system's actuary on an aggregate basis, exceeds
33 eighty percent (80%) in which event the benefit adjustment will be reinstated for all justices for
34 such plan year.

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

4 (3) Notwithstanding paragraph (d)(2), in each fifth plan year commencing after June 30,
5 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of five
6 (5) plan years, a benefit adjustment shall be calculated and made in accordance with paragraph
7 (d)(1) above until the Funded Ratio of the Employees' Retirement System of Rhode Island, the
8 Judicial Retirement Benefits Trust, and the State Police Retirement Benefits Trust, calculated by
9 the system's actuary on an aggregate basis, exceeds eighty percent (80%).

10 (4) Notwithstanding any other provision of this chapter, the provisions of this paragraph
11 (d) of § 8-3-15 shall become effective July 1, 2012, and shall apply to any benefit adjustment not
12 granted on or prior to June 30, 2012.

13 (e) This subsection (e) shall become effective July 1, 2015.

14 (1) (A) As soon as administratively reasonable following the enactment into law of this
15 subsection (e)(1)(A), a one-time benefit adjustment shall be provided to justices and/or
16 beneficiaries of justices who retired on or before June 30, 2012, in the amount of two percent
17 (2%) of the lesser of either the justice's retirement allowance or the first twenty-five thousand
18 dollars (\$25,000) of the justice's retirement allowance. This one-time benefit adjustment shall be
19 provided without regard to the retiree's age or number of years since retirement.

20 (B) Notwithstanding the prior subsections of this section, for all present and former
21 justices, active and retired justices, and beneficiaries receiving any retirement, disability or death
22 allowance or benefit of any kind, whether provided for or on behalf of justices engaged on or
23 prior to December 31, 1989, as a non-contributory justice or engaged after December 31, 1989, as
24 a contributory justice, the annual benefit adjustment provided in any calendar year under this
25 section for adjustments on and after January 1, 2016, and subject to subsection (e)(2) below, shall
26 be equal to (I) multiplied by (II):

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

28 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
29 (the "subtrahend") from the five-year average investment return of the retirement system
30 determined as of the last day of the plan year preceding the calendar year in which the adjustment
31 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
32 (0%). The "five-year average investment return" shall mean the average of the investment returns
33 of the most recent five (5) plan years as determined by the retirement board. In the event the
34 retirement board adjusts the actuarially assumed rate of return for the system, either upward or

1 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

2 (ii) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
3 Price Index for all Urban Consumers (CPI-U) as published by the U.S. Department of Labor
4 Statistics determined as of September 30 of the prior calendar year. In no event shall the sum of
5 (i) plus (ii) exceed three and one-half percent (3.5%) or be less than zero percent (0%).

6 (II) Is equal to the lesser of either the justice's retirement allowance or the first twenty-
7 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount
8 to be indexed annually in the same percentage as determined under subsection (e)(1)(B)(I) above.

9 The benefit adjustments provided by this subsection (e)(1)(B) shall be provided to all
10 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
11 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
12 date of retirement or the date on which the retiree reaches his or her Social Security retirement
13 age, whichever is later.

14 (2) Except as provided in subsection (e)(3), the benefit adjustments under subsection
15 (e)(1)(B) for any plan year shall be suspended in their entirety unless the funded ratio of the
16 employees' retirement system of Rhode Island, the judicial retirement benefits trust, and the state
17 police retirement benefits trust, calculated by the system's actuary on an aggregate basis, exceeds
18 eighty percent (80%) in which event the benefit adjustment will be reinstated for all justices for
19 such plan year.

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

23 (3) Notwithstanding subsection (e)(2), in each fourth plan year commencing after June
24 30, 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of
25 four plan years: (i) A benefit adjustment shall be calculated and made in accordance with
26 paragraph (e)(1)(B) above; and (ii) Effective for members and/or beneficiaries of members who
27 retired on or before June 30, 2015, the dollar amount in subsection (e)(1)(B)(II) of twenty-five
28 thousand eight hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand
29 and twenty-six dollars (\$31,026) until the funded ratio of the employees' retirement system of
30 Rhode Island, the judicial retirement benefits trust, and the state police retirement benefits trust,
31 calculated by the system's actuary on an aggregate basis, exceeds eighty percent (80%).

32 (A) Effective for members and or beneficiaries of members who have retired on or before
33 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
34 days following the enactment of the legislation implementing this provision, and a second one-

1 time stipend of five hundred dollars (\$500) in the same month of the following year. These
2 stipends shall be payable to all retired members or beneficiaries receiving a benefit as of the
3 applicable payment date and shall not be considered cost of living adjustments under the prior
4 provisions of this § 8-3-15.

5 SECTION 6. Section 12-10-12 of the General Laws in Chapter 12-10 entitled
6 "Preliminary Proceedings in District Court" is hereby amended to read as follows:

7 **12-10-12. Filing of complaints.** -- a) Subject to any other provisions of law relative to
8 the filing of complaints for particular crimes, any judge of the district court or superior court may
9 place on file any complaint in a criminal case other than a complaint for the commission of a
10 felony or a complaint against a person who has been convicted of a felony or a private complaint.
11 The court may in its discretion require, as a condition of the filing, the performance of services
12 for the public good or may attach any other conditions to it that the court shall determine;
13 provided, in cases where the court ordered restitution totals less than two hundred dollars (\$200)
14 to an injured party pursuant to this section or § 12-19-34, the court shall require that full
15 restitution be made at the time of sentencing if the court determines that the defendant has the
16 present ability to make the restitution.

17 (b) Express conditions of any filing in accordance with this section **shall be** that the
18 defendant **shall** at all times during the one year keep the peace and be of good behavior and shall
19 have paid all outstanding court-imposed or court-related fees, fines, costs, assessments, charges,
20 and/or any other monetary obligations unless reduced or waived by order of the court. A violation
21 of these express conditions, or any other condition set by the court, shall be deemed a violation of
22 the filing and the matter that was filed may be resurrected by the court. A determination of
23 whether a violation has occurred shall be made by the court in accordance with the procedures
24 relating to a violation of probation, §§ 12-19-9 and 12-19-14.

25 (c) In the event the complaint was originally filed under this section subsequent to the
26 defendant's plea of guilty or nolo contendere to the charges, the court, if it finds there to have
27 been a violation, may sentence the defendant. In the event the court filed the complaint under this
28 section while the defendant maintained a plea of not guilty, if the court finds there to have been a
29 violation, it may proceed to the further disposition of the complaint according to law. If no action
30 is taken on the complaint for a period of one year following the filing, the complaint shall be
31 automatically expunged. No criminal record shall result; provided, that in any civil action for a
32 tort, a plea of guilty or a finding of guilty should be admissible notwithstanding the fact that the
33 complaint has been filed.

34 (d) Notwithstanding the foregoing provisions of this section, in the event a complaint for

1 a crime involving domestic violence was originally filed under this section subsequent to the
2 defendant's plea of guilty or nolo contendere to the charges, the court, if it finds there to have
3 been a violation, may sentence the defendant. In the event the court filed the complaint for a
4 crime involving domestic violence under this section while the defendant maintained a plea of not
5 guilty, if the court finds there to have been a violation, it may proceed to the further disposition of
6 the complaint for a crime involving domestic violence according to law. If, for a period of one
7 year after the date of filing, the defendant is not charged with a violation pursuant to subsection
8 (b) of this section, the filed complaint for the crime involving domestic violence shall be
9 automatically quashed and shall not be resurrected. If, for a period of three (3) years after the date
10 of filing, the defendant is not charged with a crime involving domestic violence, or if so charged,
11 is acquitted or the complaint is dismissed, all records relating to the filed complaint for a crime
12 involving domestic violence shall be expunged without the requirement of filing a motion
13 pursuant to chapter 1.3 of title 12. No criminal records shall result, unless in any civil action for a
14 tort, in which a plea of guilty or a finding of guilty is admissible notwithstanding the fact that the
15 complaint has been filed. Provided, however, that in sentencing a defendant for a crime involving
16 domestic violence of which the defendant was charged within three (3) years after the filing of a
17 prior crime involving domestic violence to which the defendant pleaded guilty or nolo
18 contendere, the court may take the plea into consideration.

19 (e) The defendant shall be advised that any and all bail money relating to a case that
20 remains on deposit and is not claimed at the time of expungement shall be escheated to the state's
21 general treasury in accordance with chapter 12 of title 8.

22 SECTION 7. Section 16-11-4 of the General Laws in Chapter 16-11 entitled
23 "Certification of Teachers" is hereby amended to read as follows:

24 ~~16-11-4. Annulment of certificates -- Annulment, renewal, recertification, or repeal~~
25 ~~of certificates.~~ Annulment of certificates -- Annulment, renewal, or recertification of
26 certificates. -- (a) The commissioner of elementary and secondary education shall promulgate
27 rules and regulations under which a certificate may be annulled for cause. The holder shall be
28 entitled to notice and a hearing before the commissioner of elementary and secondary education
29 prior to the annulment of the certificate. The holder shall have an opportunity to appeal the
30 decision of the commissioner to the council on elementary and secondary education, if desired.

31 (b) In the event the license of any person licensed pursuant to the provisions of this
32 chapter is subject to ~~renewal,~~ renewal or recertification, for any reason, including, but not
33 limited to, the payment of licensing fees, the department of elementary and secondary education
34 shall send notice to such person of the need for such ~~renewal,~~ renewal or recertification, by

1 electronic mail or e-mail. Said notice shall be issued at least ninety (90) calendar days prior to the
2 proposed action. Such notice shall include:

- 3 (1) The action proposed by the department;
- 4 (2) The date such action proposed is to be taken; and
- 5 (3) A statement as to what actions the person needs to perform to retain the license, if
6 applicable.

7 (c) The notice required by subsection (b) of this section shall be in addition to, and not in
8 place of, any other notice required by law.

9 SECTION 8. Section 16-41-5 of the General Laws in Chapter 16-41 entitled "New
10 England Higher Education Compact" is hereby amended to read as follows:

11 **16-41-5. Repayment of loans.** -- (a) Dental, medical, optometry, osteopathic, and
12 veterinary medical students ~~that~~ who attend schools under the Rhode Island health professions
13 contract program which ~~are~~ is supported by funds from the state may decrease their indebtedness
14 to the state under the following options:

15 (1) Upon completion of his or her dental, medical, optometry, osteopathic, or veterinary
16 training, including internship and residency training, a student who establishes residency in the
17 state will be relieved of fifteen percent (15%) of that indebtedness per year for each year that the
18 student is employed by the state in a full-time capacity for a maximum cancellation of seventy-
19 five percent (75%) for five (5) years of employment.

20 (2) Any graduate who establishes residency in the state will be relieved of ten percent
21 (10%) of that indebtedness per year for each year that he or she practices dentistry, medicine,
22 optometry, osteopathy, or veterinary medicine in the state in a full-time capacity for a maximum
23 cancellation of fifty percent (50%) for five (5) years of practice.

24 (b) In no event shall any student's cancellation of indebtedness under subsection (a)
25 exceed seventy-five percent (75%).

26 (c) In no event shall any student be entitled to a refund of any sums paid on his or her
27 indebtedness by virtue of the provisions of this section.

28 (d) The office of the postsecondary commissioner shall promulgate rules and regulations
29 that are necessary and proper to promote the full implementation of this section.

30 SECTION 9. Sections 17-25-10 and 17-25-11 of the General Laws in Chapter 17-25
31 entitled "Rhode Island Campaign Contributions and Expenditures Reporting" are hereby amended
32 to read as follows:

33 **17-25-10. Lawful methods of contributing to support of candidates -- Reporting --**
34 **Disposition of anonymous contributions. [Effective January 1, 2016.]** -- (a) No contribution

1 shall be made or received, and no expenditures shall be directly made or incurred, to support or
2 defeat a candidate except through:

3 (1) The candidate or duly appointed campaign treasurer or deputy campaign treasurer of
4 the candidate;

5 (2) The duly appointed campaign treasurer or deputy campaign treasurer of a political
6 party committee;

7 (3) The duly appointed campaign treasurer or deputy campaign treasurer of a political
8 action committee.

9 (b) It shall be lawful for any person, not otherwise prohibited by law and not acting in
10 concert with any other person or group, to expend personally from that person's own funds a sum
11 that is not to be repaid to him or her for any purpose not prohibited by law to support or defeat a
12 candidate; provided, that any person making the expenditure shall be required to report all of his
13 or her expenditures and expenses, if the total of the money so expended exceeds one hundred
14 dollars (\$100) within a calendar year, to the board of elections within seven (7) days of making
15 the expenditure and to the campaign treasurer of the candidate or political party committee on
16 whose behalf the expenditure or contribution was made, or to his or her deputy, within seven (7)
17 days of making the ~~expenditure,~~ expenditure. ~~who~~ The treasurer or his or her deputy shall
18 cause the expenditures and expenses to be included in his or her reports to the board of elections.
19 Whether a person is "acting in concert with any other person or group" for the purposes of this
20 subsection shall be determined by application of the standards set forth in § 17-25-23.

21 (c) Any anonymous contribution received by a candidate, campaign treasurer, or deputy
22 campaign treasurer shall not be used or expended, but shall be returned to the donor, if the donor's
23 identity can be ascertained; if not, the contribution shall escheat to the state.

24 **17-25-11. Dates for filing of reports by treasurers of candidates or of committees.**

25 **[Effective January 1, 2016.]** -- (a) During the period between the appointment of the campaign
26 treasurer for state and municipal committees and political action committees, or in the case of an
27 individual the date on which the individual becomes a "declared or undeclared candidate" as
28 defined in § 17-25-3(2), except when the ninety-day (90) reporting period ends less than forty
29 (40) days prior to an election in which case the ninety-day (90) report shall be included as part of
30 the report required to be filed on the twenty-eighth (28th) day next preceding the day of the
31 primary, general, or special election pursuant to subdivision (2) of this subsection, and the
32 election, with respect to which contributions are received or expenditures made by him or her in
33 behalf of, or in opposition to, a candidate, the campaign treasurer of a candidate, a political party
34 committee, or a political action committee shall file a report containing an account of

1 contributions received, and expenditures made, on behalf of, or in opposition to, a candidate:

2 (1) At ninety-day (90) intervals commencing on the date on which the individual first
3 becomes a candidate, as defined in § 17-25-3(2);

4 (2) In a contested election, on the twenty-eighth (28th) and seventh (7th) days next
5 preceding the day of the primary, general, or special election; provided, that in the case of a
6 primary election for a special election where the twenty-eighth (28th) day next preceding the day
7 of the primary election occurs prior to the first day for filing declarations of candidacy pursuant to
8 § 17-14-1, the reports shall be due on the fourteenth (14th) and seventh (7th) days next preceding
9 the day of the primary election for the special election; and

10 (3) A final report on the twenty-eighth (28th) day following the election. The report shall
11 contain:

12 (i) The name and address and place of employment of each person from whom
13 contributions in excess of a total of one hundred dollars (\$100) within a calendar year were
14 received;

15 (ii) The amount contributed by each person;

16 (iii) The name and address of each person to whom expenditures in excess of one
17 hundred dollars (\$100) were made; and

18 (iv) The amount and purpose of each expenditure.

19 (b) Concurrent with the report filed on the twenty-eighth (28th) day following an
20 election, or at any time thereafter, the campaign treasurer of a candidate, or political party
21 committee, or political action committee, may certify to the board of elections that the campaign
22 fund of the candidate, political party committee, or political action committee having been
23 instituted for the purposes of the past election, has completed its business and been dissolved or,
24 in the event that the committee will continue its activities beyond the election, that its business
25 regarding the past election has been ~~completed; and the~~ completed. The certification shall be
26 accompanied by a final accounting of the campaign fund, or of the transactions relating to the
27 election, including the final disposition of any balance remaining in the fund at the time of
28 dissolution or the arrangements that have been made for the discharge of any obligations
29 remaining unpaid at the time of dissolution.

30 (c) (1) Once the campaign treasurer certifies that the campaign fund has completed its
31 business and been dissolved, no contribution that is intended to defray expenditures incurred on
32 behalf of, or in opposition to, a candidate during the campaign can be accepted. Until the time
33 that the campaign treasurer certifies that the campaign fund has completed its business and been
34 dissolved, the treasurer shall file reports containing an account of contributions received and

1 expenditures made at ninety-day (90) intervals commencing with the next quarterly report
2 following the election; however, the time to file under this subsection shall be no later than the
3 last day of the month following the ninety-day (90) period, except when the last day of the month
4 filing deadline following the ninety-day (90) reporting period occurs less than twenty-eight (28)
5 days before an election, in which case the report shall be filed pursuant to the provisions of
6 subdivisions (a)(1) and (2) of this section. Provided, however, if the last day of the month falls on
7 a weekend or a holiday, the report shall be due on the following business day.

8 (2) In addition to the reports required pursuant to this section, a candidate or office holder
9 shall also file with the board of elections a paper copy of the account statement from the office
10 holder's campaign account, which account statement shall be the next account statement issued by
11 their financial institution after the filing of the fourth quarterly campaign expense report. The
12 account statement shall be submitted to the board within thirty (30) days of its receipt by the
13 candidate, officeholder, treasurer, or deputy treasurer. The account statement shall not be deemed
14 a public record pursuant to the provisions of chapter 2 of title 38. The board of elections, its
15 agents, and employees shall not publish, deliver, copy, or disclose, to any person or entity any
16 account statement or information contained therein for any candidate, former candidate,
17 officeholder, party, or political action committee. Provided, as to state and municipal political
18 parties, the requirements of this subsection (c)(2) shall apply to the annual report required
19 pursuant to § 17-25-7.

20 (d) (1) There shall be no obligation to file the reports of expenditures required by this
21 section on behalf of, or in opposition to, a candidate if the total amount to be expended in behalf
22 of the candidacy by the candidate, by any political party committee, by any political action
23 committee, or by any person shall not in the aggregate exceed one thousand dollars (\$1,000).

24 (2) However, even though the aggregate amount expended on behalf of the candidacy
25 does not exceed one thousand dollars (\$1,000), reports must be made listing the source and
26 amounts of all contributions in excess of a total of one hundred dollars (\$100) from any one
27 source within a calendar year. Even though the aggregate amount expended on behalf of the
28 candidacy does not exceed one thousand dollars (\$1,000) and no contribution from any one
29 source within a calendar year exceeds one hundred dollars (\$100), the report shall state the
30 aggregate amount of all contributions received. In addition, the report shall state the amount of
31 aggregate contributions that were from individuals, the amount from political action committees,
32 and the amount from political party committees.

33 (e) On or before the first date for filing contribution and expenditure reports, the
34 campaign treasurer may file a sworn statement that the treasurer will accept no contributions nor

1 make aggregate expenditures in excess of the minimum amounts for which a report is required by
2 this chapter. Thereafter, the campaign treasurer shall be excused from filing all the reports for that
3 campaign, other than the final report due on the twenty-eighth (28th) day following the election.

4 (f) A campaign treasurer must file a report containing an account of contributions
5 received and expenditures made at the ninety-day (90) intervals provided for in subsection (c) of
6 this section for any ninety-day (90) period in which the campaign received contributions in excess
7 of a total of one hundred dollars (\$100) within a calendar year from any one source and/or made
8 expenditures in excess of one thousand dollars (\$1,000) within a calendar year; however, the time
9 to file under this subsection shall be no later than the last day of the month following the ninety-
10 day (90) period, except when the last day of the month filing deadline following the ninety-day
11 (90) reporting period occurs less than twenty-eight (28) days before an election, in which case the
12 report shall be filed pursuant to the provisions of subdivisions (a)(1) and (2) of this section.
13 Provided, however, if the last day of the month falls on a weekend or a holiday, the report shall be
14 due on the following business day.

15 (g) (1) The board of elections may, for good cause shown and upon the receipt of a
16 written or electronic request, grant a seven-day (7) extension for filing a report; provided, that the
17 request must be received no later than the date upon which the report is due to be filed.

18 (2) Any person or entity required to file reports with the board of elections pursuant to
19 this section and who or that has not filed the report by the required date, unless granted an
20 extension pursuant to subdivision (1) of this subsection, shall be fined twenty-five dollars
21 (\$25.00). Notwithstanding any of the provisions of this section, the board of elections shall have
22 the authority to waive late filing fees for good cause shown.

23 (3) The board of elections shall send a notice of non-compliance, by certified mail, to any
24 person or entity who or that fails to file the reports required by this section. A person or entity
25 who or that is sent a notice of non-compliance and fails to file the required report within seven (7)
26 days of the receipt of the notice, shall be fined two dollars (\$2.00) per day from the day of receipt
27 of the notice of non-compliance until the day the report has been received by the state board.
28 Notwithstanding any of the provisions of this section, the board of elections shall have the
29 authority to waive late filing fees for good cause shown.

30 SECTION 10. Sections 27-29-4.4 of the General Laws in Chapter 27-29 entitled "Unfair
31 Competition and Practices" is hereby amended to read as follows:

32 **27-29-4.4. Auto body repair labor rate surveys. [Effective January 1, 2016.] --** (a)
33 Every insurance carrier authorized to sell motor vehicle liability insurance in the state shall
34 conduct an auto body repair labor rate survey, subject to, and in accordance with, the following

1 provisions:

2 (1) When used in this section the following definitions shall apply:

3 (i) "Auto body labor rate survey" is an analysis of information gathered from auto body
4 repair shops regarding the rates of labor that repair shops charge in a certain geographic area.

5 (ii) "Prevailing auto body labor rate" means the rate determined and set by an insurer as a
6 result of conducting an auto body labor rate survey in a particular geographic area and used by
7 insurers as a basis for determining the cost to settle automobile property damage claims.

8 (iii) "Independent auto body repair facility" means any auto body repair facility that does
9 not have a formal agreement and/or written contract with an insurer to provide auto body repair
10 services to insureds and/or claimants.

11 (iv) "Direct repair program" means any methods through which an insurer refers,
12 suggests, or recommends a specific auto body repair facility, with whom the insurer has a formal
13 agreement and/or contract to provide auto body repair services, to insureds and/or claimants.

14 (v) "Contract rate" means any labor rate to which an auto body repair facility and an
15 insurer have agreed in a formal agreement and/or written contract.

16 (2) Each insurer must annually conduct a separate and distinct written auto body labor
17 rate survey for each classification of auto body shops as established by the department of business
18 regulation pursuant to § 5-38-5, ~~in writing, annually~~ to determine a separate and distinct
19 prevailing auto body labor rate for each classification of fully licensed auto body repair facilities.

20 (3) Insurers may not use an auto body labor rate survey; contract rates from auto body
21 repair facilities with which it has a formal agreement or contract to provide auto body repair
22 services to insureds and/or claimants; rates paid as a result of subrogation, rates obtained from
23 auto body repair facilities in a different classification than that being surveyed, or rates from a
24 repair shop facility holding a limited or special use license.

25 (4) Each auto body labor rate survey shall include the following:

26 (i) The name and address of each shop surveyed in the labor survey;

27 (ii) The total number of shops surveyed;

28 (iii) The prevailing rate established by the insurer for each classification of full collision
29 licensed auto body repair facilities; and

30 (iv) A description of the formula or method used to calculate or determine the specific
31 prevailing rate reported.

32 (5) Each insurer must report the results of their auto body labor rate survey to the
33 department of business regulation insurance division.

34 (6) The department of business regulation must promulgate regulations related to auto

1 body labor rate surveys by October 1, 2006, establishing the following:

2 (i) A questionnaire that must be used by all insurers in their labor rate survey;

3 (ii) Date of reporting; and

4 (iii) Number or percentage of shops to be surveyed.

5 (7) The department of business regulation shall review all surveys submitted for
6 compliance with this section and any rules and regulations promulgated by the department.

7 (b) Nothing contained in § 27-29-4.4 shall require an insurer to establish the prevailing
8 rate for each classification of full collision licensed auto body repair facilities based solely on the
9 survey results.

10 SECTION 11. Section 30-7-10 of the General Laws in Chapter 30-7 entitled "Privileges
11 and Immunities of Militiamen" is hereby amended to read as follows:

12 **30-7-10. ~~State Soldiers' and Sailors' Civil Relief Act~~ Servicemembers Civil Relief**

13 **Act.** -- All national guard members on state active duty for a continuous period exceeding ninety
14 (90) days shall be entitled to the rights, protections, privileges, and immunities afforded under the
15 **Soldiers' and Sailors' Servicemembers** Civil Relief Act, 50 U.S.C. ~~§§ 500--592.~~ **§ 3901 et**
16 **seq.** These rights, protections, privileges and immunities shall include, but are not limited to, the
17 following: maximum rate of interest not to exceed six percent (6%), continuation of insurance
18 policies, protection from eviction as well as the right to terminate a lease due to military service,
19 and continuance or stay of civil proceedings. Jurisdiction shall be exclusive to the superior court
20 for any alleged violations of this section.

21 SECTION 12. Sections 30-10-12 and 30-10-13 of the General Laws in Chapter 30-10
22 entitled "Armories and Campgrounds" are hereby amended to read as follows:

23 **30-10-12. Federal agreements.** -- The adjutant general, with the approval of the
24 governor, is authorized to negotiate, co-operate, and enter into agreements in behalf of this state,
25 with the United States of America, or any agency thereof, in order to satisfy the provisions, and
26 conditions pursuant to the provisions, of 10 U.S.C. ~~§§ 2231--2239~~ **§ 18231 et seq.** (facilities for
27 reserve components).

28 **30-10-13. Use of federal funds.** -- The adjutant general, with the approval of the
29 governor, is authorized to accept and direct the disbursement of the funds made available to the
30 state, pursuant to 10 U.S.C. ~~§§ 2231--2239~~ **§ 18231 et seq.** (facilities for reserve components)
31 and shall deposit all these funds received from the federal government with the general treasurer,
32 to be placed in a special account, and drawn upon only on receipt of properly authenticated
33 vouchers signed by the adjutant general with the approval of the governor.

34 SECTION 13. Section 30-15.9-9 of the General Laws in Chapter 30-15.9 entitled "The

1 Rhode Island Emergency Management Assistance Compact" is hereby amended to read as
2 follows:

3 **30-15.9-9. Reimbursement.** -- Any party state rendering aid in another state pursuant to
4 this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or
5 expense incurred in the operation of any equipment and the provision of any service in answering
6 a request for aid and for the costs incurred in connection with such requests; provided, that any
7 aiding party state may assume, in whole or in part, such loss, damage, expense or other cost, or
8 may loan such equipment or donate such services to the receiving party state without charge or
9 cost: provided, however, that any two or more party states may enter into supplementary
10 agreements establishing a different allocation of costs among those states. ~~Article VIII~~ Section
11 30-17.1-8 expenses shall not be reimbursable under this provision.

12 SECTION 14. Section 30-17.1-9 of the General Laws in Chapter 30-17.1 entitled
13 "Veterans' Affairs" is hereby amended to read as follows:

14 **30-17.1-9. Definitions.** -- When used in this chapter, the following terms shall have the
15 following meanings:

16 (1) "Advisory Committee" means the veterans' services strategic plan advisory committee
17 as established in § 30-17.1-10.

18 (2) "Committee" means the veterans' committee pursuant to the provisions of subdivision
19 30-17.1-11(c)~~(8)~~.

20 (3) "State agencies" means state entities responsible for the implementation of services
21 for Rhode Island veterans and their families including:

- 22 (i) The division of veterans' affairs;
- 23 (ii) The division of planning;
- 24 (iii) The department of human services;
- 25 (iv) The Rhode Island board of education;
- 26 (v) The department of behavioral healthcare, developmental disabilities and hospitals;
- 27 (vi) The department of health;
- 28 (vii) The division of elderly affairs;
- 29 (viii) The department of business regulation;
- 30 (ix) The department of the attorney general;
- 31 (x) The department of labor and training;
- 32 (xi) The economic development corporation; and
- 33 (xii) The office of the secretary of state.

34 (4) "Veterans' Services Strategic Plan ("VSSP")" means the strategic plan as established

1 in § 30-17.1-11.

2 SECTION 15. Section 34-25.1-9 of the General Laws in Chapter 34-25.1 entitled
3 "Reverse Mortgages" is hereby amended to read as follows:

4 **34-25.1-9. Required counseling.** -- (a) All lenders shall deliver to all reverse mortgage
5 loan applicants a statement, if available, prepared by the department of elderly affairs on the
6 advisability and availability of independent counseling and information services. With respect to
7 every reverse mortgage loan, the prospective mortgagor(s) shall complete a reverse mortgage
8 counseling program. An original certificate, dated and signed by both the counselor and the
9 mortgagor(s), certifying that the counseling required by this section has taken place, shall be
10 delivered to the mortgagee at least three (3) business days prior to the closing of the loan. The
11 lender shall not process a reverse mortgage loan application, other than ordering an automated
12 valuation model, ordering a credit report, obtaining information required for inclusion in a loan
13 application, including documenting and verifying credit, income, assets and property charges,
14 evaluating extenuating circumstances and compensating factors, evaluating the results of the
15 financial assessment in determining eligibility for a home equity conversion mortgage,
16 determining whether a life expectancy set-aside will be required and whether the set-aside must
17 be fully or partially funded, and completing a home equity conversion mortgage financial
18 assessment worksheet; and ordering a preliminary title search, until the counseling required by
19 this section has been completed and the certificate of counseling is delivered to the mortgagee.

20 (b) The reverse mortgage counseling program shall include, but is not limited to, all
21 matters enumerated in subsections (e)(1) through (e)(6) of this section. The department of elderly
22 affairs shall maintain a list of counseling programs and agencies approved by the United States
23 Department of Housing and Urban Development and the Federal Housing Administration to
24 satisfy the requirements of this section and shall make such list available to all lenders and to the
25 public, provided that: (1) the counseling agency is not affiliated with the reverse mortgage lender;
26 and (2) the counseling agency complies with the counseling requirements of this section. The
27 director of the department of elderly affairs shall have the right to prescribe the form of
28 counseling certificate that will meet the requirements of subsection (a) of this section.

29 (c) Counseling shall comply with the following requirements: (1) It shall be conducted in
30 person; however, if the prospective mortgagor(s) cannot or choose(s) not to travel to a housing
31 counseling agency and cannot be visited by a counselor in their home, telephone counseling shall
32 be permitted by counseling agencies that are authorized by the United States Department of
33 Housing and Urban Development or the Federal Housing Administration to conduct telephone
34 counseling. (2) The reverse mortgage loan shall close within one hundred eighty (180) days after

1 the prospective mortgagor(s) sign(s) the counseling certificate. If the reverse mortgage loan does
2 not close within such one hundred eighty (180) day period, the parties shall be required to again
3 comply with the counseling requirements of this section. (3) Mortgagees shall provide
4 prospective mortgagors with the name of at least three (3) independent, authorized counseling
5 agencies approved by the United States Department of Housing and Urban Development or the
6 Federal Housing Administration. The mortgagee shall not recommend a counseling agency that is
7 an affiliate of the mortgagee.

8 (d) In the event that counseling shall not be available free of charge, the mortgagee shall
9 be responsible for the cost of the counseling to the extent that all other legitimate sources ~~of~~ of
10 funding the counseling including, without limitation, non-profit organizations and grants have not
11 been obtained. In the event that 12 U.S.C. § 1715z-20 or the federal regulations promulgated with
12 respect thereto shall, at the time such counseling fee is due and payable by the mortgagee,
13 expressly prohibit a mortgagee from being responsible for the cost of counseling, then subsection
14 (d) of this section shall not apply to a reverse mortgage loan that is subject to 12 U.S.C. § 1715z-
15 20 and the federal regulations promulgated with respect thereto.

16 (e) Counseling shall include, without limitation, discussion of the following with the
17 prospective mortgagor(s):

18 (1) Options other than a reverse mortgage that are available to the mortgagor(s),
19 including other housing, social service, health, and financial options;

20 (2) Other home equity conversion options that are or may become available to the
21 mortgagor(s), such as other reverse mortgages, sale-leaseback financing, deferred payment loan,
22 and property tax deferral;

23 (3) The financial implications of entering into a reverse mortgage;

24 (4) A disclosure that a reverse mortgage may have tax consequences, affect eligibility for
25 assistance under federal and state programs, and have an impact on the estate and heirs of the
26 homeowner(s), as well as an explanation of how the reverse mortgage may affect the estate and
27 public benefits of the mortgagor(s);

28 (5) Such other topics as shall be required to be addressed during counseling with respect
29 to a reverse mortgage pursuant to 12 U.S.C. § 1715z-20, and/or any regulations promulgated
30 pursuant thereto; and

31 (6) Such other topics as shall be required to be addressed by the director of the
32 department of elderly affairs.

33 (f) Subsections (b), (c), (e) of this section shall not apply to any reverse mortgage loan
34 that is subject to 12 U.S.C. § 1715z-20 and the federal regulations promulgated with respect

1 thereto; provided that such loan complies with the counseling requirements set forth in 12 U.S.C.
2 § 1715z-20 and the federal regulations promulgated with respect thereto (including without
3 limitation 24 CFR Part 206).

4 SECTION 16. Section 34-44-2 of the General Laws in Chapter 34-44 entitled
5 "Abandoned Property" is hereby amended to read as follows:

6 **34-44-2. Definitions.** -- As used in this chapter:

7 (1) "Abandon" or "abandonment" means a situation where the owner of a building has
8 intended to abandon the building and has manifested the intent with some act or failure to act. In
9 determining whether an owner has abandoned his or her building, a court shall infer the intent of
10 the owner from the existence of serious code violations that pose a health and/or safety hazard to
11 the community and that have gone unrepaired for an unreasonable amount of time and from any
12 of the surrounding facts and circumstances including, but not limited to the following:

- 13 (i) Whether or not the building is vacant;
14 (ii) Whether or not the grounds are maintained;
15 (iii) Whether or not the building's interior is sound;
16 (iv) Whether or not any vandalism on the building has gone unrepaired;
17 (v) Whether or not rents have been collected from the building's tenants by the owner;
18 (vi) The length of time any of the above conditions have existed.

19 (2) "Abate" or "abatement" in connection with any property means the removal or
20 correction of any hazardous conditions deemed to constitute a public nuisance and the making of
21 such other improvements as are needed to affect a rehabilitation of the property that is consistent
22 with maintaining safe and habitable conditions over the remaining useful life of the property.
23 However, the closing or boarding up of any building that is found to be a public nuisance is not
24 an abatement of the nuisance.

25 (3) "Building" means any building or structure used for residential purposes or used for
26 retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic
27 administration activities, professional services, or similar business or civic uses.

28 (4) "Interested party" means any owner, mortgagee, lienholder, or other entity or person
29 who or that possesses an interest of record in any property that becomes subject to the
30 jurisdiction of the court pursuant to this chapter and any applicant for the appointment of a
31 receiver pursuant to this chapter.

32 (5) "Neighboring landowner" means any owner of property, including any entity or
33 person who or that is purchasing property by land installment contract or under a duly executed
34 purchase contract, that is located within two hundred feet of any property that becomes subject to

1 the jurisdiction of the court pursuant to this chapter.

2 (6) "Public nuisance" means a building that is a menace to the public health, welfare, or
3 safety; or that is structurally unsafe, unsanitary; or not provided with adequate safe egress; or that
4 constitutes a fire hazard; or is otherwise dangerous to human life; or is otherwise no longer fit and
5 habitable; or that, in relation to existing use, constitutes a hazard to the public health, welfare, or
6 safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

7 SECTION 17. Section 39-3-40 of the General Laws in Chapter 39-3 entitled "Regulatory
8 Powers of Administration" is hereby amended to read as follows:

9 **39-3-40. Storage, transportation and distribution of gas -- Regulation -- Penalties. --**

10 (a) In regulating the storage, transportation, and distribution of gas, and the pressure under which
11 these operations may respectively be carried on, the division of public utilities and carriers may
12 ascertain, determine, and fix adequate and serviceable standards for the measurement of quality,
13 pressure, or other condition pertaining to the performing of its service, or to the furnishing of its
14 product or commodity, by any gas storage, transportation, and distribution facility, and prescribe
15 reasonable regulations for examination and testing of such service, product, or commodity.

16 (b) (1) Any person, firm or corporation who or that violates any provision of any code
17 adopted by the division pertaining to the safety of pipeline facilities and the transportation of gas,
18 or of any regulation or rule thereunder, at a time when the division has submitted [to](#) and has in
19 effect the annual certification ~~to~~ [from](#) the United States Secretary of Transportation provided for
20 in § 5(a) of the Natural Gas Pipeline Safety Act of 1968, as amended, (see § 60101 et seq. of Title
21 49 of the United States Code), shall be subject to civil penalties as specified in 49 U.S.C. §
22 60122(a), as amended. To provide adequate protection against risks to life and property posed by
23 pipeline transportation and pipeline facilities, the division shall possess the authority to adopt any
24 of the safety standards for pipeline transportation and for pipeline facilities that are contained in
25 49 U.S.C. § 60101 et seq.

26 (2) Any such penalty shall be determined by the division. In determining the amount of
27 the penalty, the appropriateness of the penalty to the size of the business of the person, firm, or
28 corporation charged; the gravity of the violation; and the good faith of the person, firm, or
29 corporation charged in attempting to achieve compliance after notification of a violation; shall be
30 considered. The amount of the penalty, where finally determined, may be deducted from any
31 sums that the state may owe to the person, firm, or corporation charged or may be recovered in a
32 civil action commenced in the state courts.

33 SECTION 18. Section 40-6-27 and 40-6-27.2 of the General Laws in Chapter 40-6
34 entitled "Public Assistance Act" is hereby amended to read as follows:

1 **40-6-27. Supplemental security income.** -- (a) (1) The director of the department is
2 hereby authorized to enter into agreements on behalf of the state with the secretary of the
3 Department of Health and Human Services or other appropriate federal officials, under the
4 supplementary and security income (SSI) program established by title XVI of the Social Security
5 Act, 42 U.S.C. section 1381 et seq., concerning the administration and determination of eligibility
6 for SSI benefits for residents of this state, except as otherwise provided in this section. The state's
7 monthly share of supplementary assistance to the supplementary security income program shall
8 be as follows:

9 (i) Individual living alone: \$39.92 (ii) Individual living with others: \$51.92 (iii) Couple
10 living alone: \$79.38 (iv) Couple living with others: \$97.30 (v) Individual living in state licensed
11 assisted living residence: \$332.00 (vi) Individual eligible to receive Medicaid-funded long-term
12 services and supports and living in a Medicaid certified state licensed assisted living residence or
13 adult supportive care residence, as defined in § 23-17.24-1, participating in the program
14 authorized under ~~§40-8.13-2.1~~ § 40-8.13-12: (a) with countable income above one hundred and
15 twenty (120) percent of poverty: up to \$465.00; (b) with countable income at or below one
16 hundred and twenty (120) percent of poverty: up to the total amount established in (v) and \$465:
17 \$797 (vii) Individual living in state licensed supportive residential care settings that, depending
18 on the population served, meet the standards set by the department of human services in
19 conjunction with the department(s) of children, youth and families, elderly affairs and/or
20 behavioral healthcare, developmental disabilities and hospitals: \$300.00.

21 Provided, however, that the department of human services shall by regulation reduce,
22 effective January 1, 2009, the state's monthly share of supplementary assistance to the
23 supplementary security income program for each of the above listed payment levels, by the same
24 value as the annual federal cost of living adjustment to be published by the federal social security
25 administration in October 2008 and becoming effective on January 1, 2009, as determined under
26 the provisions of title XVI of the federal social security act [42 U.S.C. § 1381 et seq.] and
27 provided further, that it is the intent of the general assembly that the January 1, 2009 reduction in
28 the state's monthly share shall not cause a reduction in the combined federal and state payment
29 level for each category of recipients in effect in the month of December 2008; provided further,
30 that the department of human services is authorized and directed to provide for payments to
31 recipients in accordance with the above directives. (2) As of July 1, 2010, state supplement
32 payments shall not be federally administered and shall be paid directly by the department of
33 human services to the recipient. (3) Individuals living in institutions shall receive a twenty dollar
34 (\$20.00) per month personal needs allowance from the state which shall be in addition to the

1 personal needs allowance allowed by the Social Security Act, 42 U.S.C. § 301 et seq. (4)
2 Individuals living in state licensed supportive residential care settings and assisted living
3 residences who are receiving SSI supplemental payments under this section who are participating
4 in the program under ~~§40-8.13-2.1~~ [§ 40-8.13-12](#) or otherwise shall be allowed to retain a
5 minimum personal needs allowance of fifty-five dollars (\$55.00) per month from their SSI
6 monthly benefit prior to payment of any monthly fees in addition to any amounts established in
7 an administrative rule promulgated by the secretary of the executive office of health and human
8 services for persons eligible to receive Medicaid-funded long-term services and supports in the
9 settings identified in subsection (a)(1)(v) and (a)(1)(vi). (5) Except as authorized for the program
10 authorized under ~~§40-8.13-2.1~~ [§ 40-8.13-12](#) to ensure that supportive residential care or an
11 assisted living residence is a safe and appropriate service setting, the department is authorized and
12 directed to make a determination of the medical need and whether a setting provides the
13 appropriate services for those persons who: (i) Have applied for or are receiving SSI, and who
14 apply for admission to supportive residential care setting and assisted living residences on or after
15 October 1, 1998; or (ii) Who are residing in supportive residential care settings and assisted living
16 residences, and who apply for or begin to receive SSI on or after October 1, 1998. (6) The process
17 for determining medical need required by subsection (5) of this section shall be developed by the
18 office of health and human services in collaboration with the departments of that office and shall
19 be implemented in a manner that furthers the goals of establishing a statewide coordinated long-
20 term care entry system as required pursuant to the Medicaid section 1115 waiver demonstration.
21 (7) To assure access to high quality coordinated services, the executive office of health and
22 human services is further authorized and directed to establish certification or contract standards
23 that must be met by those state licensed supportive residential care settings, including adult
24 supportive care homes and assisted living residences admitting or serving any persons eligible for
25 state-funded supplementary assistance under this section or the program established under ~~§40-~~
26 ~~8.13-2.1~~ [§ 40-8.13-12](#). Such certification or contract standards shall define: (i) The scope and
27 frequency of resident assessments, the development and implementation of individualized service
28 plans, staffing levels and qualifications, resident monitoring, service coordination, safety risk
29 management and disclosure, and any other related areas; (ii) The procedures for determining
30 whether the certifications or contract standards have been met; and (iii) The criteria and process
31 for granting a one time, short-term good cause exemption from the certification or contract
32 standards to a licensed supportive residential care setting or assisted living residence that provides
33 documented evidence indicating that meeting or failing to meet said standards poses an undue
34 hardship on any person eligible under this section who is a prospective or current resident. (8)

1 The certification or contract standards required by this section or ~~§40-8.13-2.1~~ [§ 40-8.13-12](#) shall
2 be developed in collaboration by the departments, under the direction of the executive office of
3 health and human services, so as to ensure that they comply with applicable licensure regulations
4 either in effect or in development. (b) The department is authorized and directed to provide
5 additional assistance to individuals eligible for SSI benefits for: (1) Moving costs or other
6 expenses as a result of an emergency of a catastrophic nature which is defined as a fire or natural
7 disaster; and (2) Lost or stolen SSI benefit checks or proceeds of them; and (3) Assistance
8 payments to SSI eligible individuals in need because of the application of federal SSI regulations
9 regarding estranged spouses; and the department shall provide such assistance in a form and
10 amount, which the department shall by regulation determine.

11 **40-6-27.2. Supplementary cash assistance payment for certain supplemental security**
12 **income recipients.** -- There is hereby established a \$206 monthly payment for disabled and
13 elderly individuals who, on or after July 1, 2012, receive the state supplementary assistance
14 payment for an individual in state licensed assisted living residence under § 40-6-27 and further
15 reside in an assisted living facility that is not eligible to receive funding under Title XIX of the
16 Social Security Act, 42 U.S.C. § 1381 et seq. or reside in any assisted living facility financed by
17 the Rhode Island housing and mortgage finance corporation prior to January 1, 2006, and receive
18 a payment under § 40-6-27. Such a monthly payment shall not be made on behalf of persons
19 participating in the program authorized under ~~§40-8.13-2.1~~ [§ 40-8.13-12](#).

20 SECTION 19. Section 40-8.9-9 of the General Laws in Chapter 40-8.9 entitled "Medical
21 Assistance - Long-Term Care Service and Finance Reform" is hereby amended to read as
22 follows:

23 **40-8.9-9. Long-term care re-balancing system reform goal.** -- (a) Notwithstanding any
24 other provision of state law, the executive office of health and human services is authorized and
25 directed to apply for and obtain any necessary waiver(s), waiver amendment(s) and/or state plan
26 amendments from the secretary of the United States department of health and human services,
27 and to promulgate rules necessary to adopt an affirmative plan of program design and
28 implementation that addresses the goal of allocating a minimum of fifty percent (50%) of
29 Medicaid long-term care funding for persons aged sixty-five (65) and over and adults with
30 disabilities, in addition to services for persons with developmental disabilities, to home and
31 community-based care; provided, further, the executive office shall report annually as part of its
32 budget submission, the percentage distribution between institutional care and home and
33 community-based care by population and shall report current and projected waiting lists for long-
34 term care and home and community-based care services. The executive office is further

1 authorized and directed to prioritize investments in home and community-based care and to
2 maintain the integrity and financial viability of all current long-term care services while pursuing
3 this goal.

4 (b) The reformed long-term care system re-balancing goal is person-centered and
5 encourages individual self-determination, family involvement, interagency collaboration, and
6 individual choice through the provision of highly specialized and individually tailored home-
7 based services. Additionally, individuals with severe behavioral, physical, or developmental
8 disabilities must have the opportunity to live safe and healthful lives through access to a wide
9 range of supportive services in an array of community-based settings, regardless of the
10 complexity of their medical condition, the severity of their disability, or the challenges of their
11 behavior. Delivery of services and supports in less costly and less restrictive community settings,
12 will enable children, adolescents and adults to be able to curtail, delay or avoid lengthy stays in
13 long-term care institutions, such as behavioral health residential treatment facilities, long-term
14 care hospitals, intermediate care facilities and/or skilled nursing facilities.

15 (c) Pursuant to federal authority procured under § 42-7.2-16 of the general laws, the
16 executive office of health and human services is directed and authorized to adopt a tiered set of
17 criteria to be used to determine eligibility for services. Such criteria shall be developed in
18 collaboration with the state's health and human services departments and, to the extent feasible,
19 any consumer group, advisory board, or other entity designated for such purposes, and shall
20 encompass eligibility determinations for long-term care services in nursing facilities, hospitals,
21 and intermediate care facilities for persons with intellectual disabilities as well as home and
22 community-based alternatives, and shall provide a common standard of income eligibility for
23 both institutional and home and community-based care. The executive office is authorized to
24 adopt clinical and/or functional criteria for admission to a nursing facility, hospital, or
25 intermediate care facility for persons with intellectual disabilities that are more stringent than
26 those employed for access to home and community-based services. The executive office is also
27 authorized to promulgate rules that define the frequency of re-assessments for services provided
28 for under this section. Levels of care may be applied in accordance with the following:

29 (1) The executive office shall continue to apply the level of care criteria in effect on June
30 30, 2015 for any recipient determined eligible for and receiving Medicaid-funded long-term
31 services in supports in a nursing facility, hospital, or intermediate care facility for persons with
32 intellectual disabilities on or before that date, unless (a) the recipient transitions to home and
33 community based services because he or she would no longer meet the level of care criteria in
34 effect on June 30, 2015; or (b) the recipient chooses home and community based services over the

1 nursing facility, hospital, or intermediate care facility for persons with intellectual disabilities. For
2 the purposes of this section, a failed community placement, as defined in regulations promulgated
3 by the executive office, shall be considered a condition of clinical eligibility for the highest level
4 of care. The executive office shall confer with the long-term care ombudsperson with respect to
5 the determination of a failed placement under the ombudsperson's jurisdiction. Should any
6 Medicaid recipient eligible for a nursing facility, hospital, or intermediate care facility for persons
7 with intellectual disabilities as of June 30, 2015 receive a determination of a failed community
8 placement, the recipient shall have access to the highest level of care; furthermore, a recipient
9 who has experienced a failed community placement shall be transitioned back into his or her
10 former nursing home, hospital, or intermediate care facility for persons with intellectual
11 disabilities whenever possible. Additionally, residents shall only be moved from a nursing home,
12 hospital, or intermediate care facility for persons with intellectual disabilities in a manner
13 consistent with applicable state and federal laws.

14 (2) Any Medicaid recipient eligible for the highest level of care who voluntarily leaves a
15 nursing home, hospital, or intermediate care facility for persons with intellectual disabilities shall
16 not be subject to any wait list for home and community based services.

17 (3) No nursing home, hospital, or intermediate care facility for persons with intellectual
18 disabilities shall be denied payment for services rendered to a Medicaid recipient on the grounds
19 that the recipient does not meet level of care criteria unless and until the executive office has: (i)
20 performed an individual assessment of the recipient at issue and provided written notice to the
21 nursing home, hospital, or intermediate care facility for persons with intellectual disabilities that
22 the recipient does not meet level of care criteria; and (ii) the recipient has either appealed that
23 level of care determination and been unsuccessful, or any appeal period available to the recipient
24 regarding that level of care determination has expired.

25 (d) The executive office is further authorized to consolidate all home and community-
26 based services currently provided pursuant to § 1915(c) of title XIX of the United States Code
27 into a single system of home and community-based services that include options for consumer
28 direction and shared living. The resulting single home and community-based services system
29 shall replace and supersede all § 1915(c) programs when fully implemented. Notwithstanding the
30 foregoing, the resulting single program home and community-based services system shall include
31 the continued funding of assisted living services at any assisted living facility financed by the
32 Rhode Island housing and mortgage finance corporation prior to January 1, 2006, and shall be in
33 accordance with chapter 66.8 of title 42 of the general laws as long as assisted living services are
34 a covered Medicaid benefit.

1 (e) The executive office is authorized to promulgate rules that permit certain optional
2 services including, but not limited to, homemaker services, home modifications, respite, and
3 physical therapy evaluations to be offered to persons at risk for Medicaid-funded long-term care
4 subject to availability of state-appropriated funding for these purposes.

5 (f) To promote the expansion of home and community-based service capacity, the
6 executive office is authorized to pursue payment methodology reforms that increase access to
7 homemaker, personal care (home health aide), assisted living, adult supportive care homes, and
8 adult day services, as follows:

9 (1) Development, of revised or new Medicaid certification standards that increase access
10 to service specialization and scheduling accommodations by using payment strategies designed to
11 achieve specific quality and health outcomes.

12 (2) Development of Medicaid certification standards for state authorized providers of
13 adult day services, excluding such providers of services authorized under § 40.1-24-1(3), assisted
14 living, and adult supportive care (as defined under § 23-17.24) that establish for each, an acuity-
15 based, tiered service and payment methodology tied to: licensure authority, level of beneficiary
16 needs; the scope of services and supports provided; and specific quality and outcome measures.
17 The standards for adult day services for persons eligible for Medicaid-funded long-term services
18 may differ from those who do not meet the clinical/functional criteria set forth in § 40-8.10-3.

19 (g) The executive office shall implement a long-term care options counseling program to
20 provide individuals or their representatives, or both, with long-term care consultations that shall
21 include, at a minimum, information about: long-term care options, sources and methods of both
22 public and private payment for long-term care services and an assessment of an individual's
23 functional capabilities and opportunities for maximizing independence. Each individual admitted
24 to or seeking admission to a long-term care facility regardless of the payment source shall be
25 informed by the facility of the availability of the long-term care options counseling program and
26 shall be provided with long-term care options consultation if they so request. Each individual who
27 applies for Medicaid long-term care services shall be provided with a long-term care consultation.

28 (h) The executive office is also authorized, subject to availability of appropriation of
29 funding, and federal Medicaid-matching funds, to pay for certain services and supports necessary
30 to transition or divert beneficiaries from institutional or restrictive settings and optimize their
31 health and safety when receiving care in a home or the community. The secretary is authorized to
32 obtain any state plan or waiver authorities required to maximize the federal funds available to
33 support expanded access to such home and community transition and stabilization services;
34 provided, however, payments shall not exceed an annual or per person amount.

1 (i) To ensure persons with long-term care needs who remain living at home have
2 adequate resources to deal with housing maintenance and unanticipated housing related costs, the
3 secretary is authorized to develop higher resource eligibility limits for persons or obtain any state
4 plan or waiver authorities necessary to change the financial eligibility criteria for long-term
5 services and supports to enable beneficiaries receiving home and community waiver services to
6 have the resources to continue living in their own homes or rental units or other home-based
7 settings.

8 (j) The executive office shall implement, no later than January 1, 2016, the following
9 home and community-based service and payment reforms:

10 (1) Community-based supportive living program established in ~~§40-8.13-2.1~~ [§ 40-8.13-](#)
11 [12](#);

12 (2) Adult day services level of need criteria and acuity-based, tiered payment
13 methodology; and

14 (3) Payment reforms that encourage home and community-based providers to provide the
15 specialized services and accommodations beneficiaries need to avoid or delay institutional care.

16 (k) The secretary is authorized to seek any Medicaid section 1115 waiver or state plan
17 amendments and take any administrative actions necessary to ensure timely adoption of any new
18 or amended rules, regulations, policies, or procedures and any system enhancements or changes,
19 for which appropriations have been authorized, that are necessary to facilitate implementation of
20 the requirements of this section by the dates established. The secretary shall reserve the discretion
21 to exercise the authority established under §§ 42-7.2-5(6)(v) and 42-7.2-6.1, in consultation with
22 the governor, to meet the legislative directives established herein.

23 SECTION 20. Section 44-3-16.2 of the General Laws in Chapter 44-3 entitled "Property
24 Subject to Taxation" is hereby amended to read as follows:

25 **44-3-16.2. North Smithfield -- Tax stabilization for certain persons age sixty-five**
26 **(65) and over. --** (a) Definitions:

27 (1) "Qualified senior" for the purpose of this section means any person who shall satisfy
28 the criteria in subsection (A)(i) or (ii) or (iii); and all of the criteria of subsections (B) -- (J)
29 inclusive:

30 (A) (i) Who is age sixty-five (65) or more if single or widowed;

31 (ii) Who, if married, at least one taxpayer who has attained age sixty-five (65) as long as
32 the taxpayers' spouse is at least fifty (50) years of age;

33 (iii) Who, if widowed, over age fifty (50) whose spouse was at least age sixty-five (65)
34 prior to death and either spouse was a participant under this ordinance prior to death;

1 (B) Whose home is a single-family home (condominium ownership not eligible);

2 (C) Whose North Smithfield home is the taxpayer's principal residence and that of the
3 spouse (if living);

4 (D) Who is a resident of the State of Rhode Island for income tax purposes, as is the
5 spouse (if living);

6 (E) Who is not a registered voter of any other city, town, or political subdivision of
7 Rhode Island or any other state, nor is the spouse (if living);

8 (F) Who has resided in the principal residence for the past seven (7) years, as has the
9 spouse (if living);

10 (G) Whose real estate tax previously billed is not delinquent by more than four (4)
11 quarters;

12 (H) Who would otherwise qualify but has been forced to relocate residence through no
13 fault of the taxpayer (e.g., in cases of fire, natural disaster, or taking of property by eminent
14 domain by a state or local government);

15 (I) Whose real estate tax bill is more than five percent (5%) of the total income of the
16 taxpayer, or, if living, of both spouses. "Total income" means the total of adjusted-gross income
17 per US individual income tax return, Form 1040, 1040-A (or the like), plus non-taxable income
18 such as non-taxed social security benefits, welfare benefits, child support receipts, municipal
19 bond interest receipts, and other non-taxable items of income;

20 (J) Who completes the application process and who attests that the individual meets, or, if
21 living, both spouses meet, all of the qualifications as outlined above.

22 (2) "Deferred Yearly Tax" for the purpose of this section means the amounts otherwise
23 due for the assessment date of the year in which the taxpayer turned age sixty-four (64), or the
24 year of the date of first application to the program whichever is later in time, and the tax assessed
25 the following July.

26 (3) "Deferred Amount" for the purpose of this section means **as** the difference between
27 the yearly tax and the amount of tax that would otherwise be due and payable if the applicant did
28 not qualify under this program.

29 (4) "Disqualifying Event" for the purpose of this section means to include any and all of
30 the following:

31 (A) Sale of the property;

32 (B) Transfer of the property to a family member without life tenancy;

33 (C) The point in time when the property ceases to be the taxpayer's principle residence;

34 (D) Written request by the applicant to be removed from the program; or

1 (E) Any property whose square footage living space is increased since application and
2 acceptance under this ordinance.

3 (b) Deferral of tax:

4 (1) The town council of the town of North Smithfield may, by ordinance, establish a
5 deferral of taxes on the principal residence of a qualified senior located in the town of North
6 Smithfield.

7 (2) Upon proper application, approved by the administrator or his/her designee, the
8 assessment and tax will be deferred. The deferred amount will be deferred, without the
9 accumulation of interest, until the occurrence of a disqualifying event.

10 (3) A deferral under this ordinance shall not be disallowed if the owner applicant has only
11 a life estate in the property or if the property is in the name of a parent or one or more children or
12 in a trust for the benefit of the otherwise qualified resident and the owners submit an affidavit that
13 the qualified resident is the ~~principle~~ principal owner or present beneficiary and title is held in
14 that manner for estate planning purposes only.

15 (4) A deferral is not allowed for any improvement for outbuildings such as garages or
16 storage sheds, attached or not, to the ~~principle~~ principal residence once application and
17 acceptance into the tax freeze program occurs.

18 (c) Application Process:

19 (1) The taxpayer shall initially apply for eligibility in the tax stabilization program
20 between the dates of January 1 and March 31, for taxes assessed the following July of that year.
21 After initial approval, the taxpayer must sign each year thereafter a statement attesting to the fact
22 that the taxpayer and the spouse continue to qualify under the ordinance provisions.

23 (2) Participation is optional at the taxpayer's option.

24 (3) Failure to file subsequent statements of eligibility; or the occurrence of a
25 disqualifying event of a temporary nature; or the elimination of a disqualifying event that no
26 longer applies, shall require re-entry into the program and full reapplication and recertification,
27 and shall nullify the freeze and any deferral for the tax year in which the disqualifying event
28 occurred, and past deferred amounts shall be due under subsection (e). In such case, the frozen
29 yearly tax shall be calculated as of the year of re-entry into the program.

30 (d) Recording of deferral; Lien:

31 (1) All properties subject to the deferral program will have the deferral noted on the deed
32 and the deferral will be registered and recorded with the North Smithfield town clerk. Normal
33 recording fees will apply.

34 (2) All taxes deferred shall constitute a lien on the real estate for which the deferment was

1 granted until paid in accordance with the provisions ordinance.

2 (e) Payment of deferral:

3 (1) All deferrals must be paid in full within six (6) months of a disqualifying event in the
4 case of a death of the legal owner of the property, at closing and conveyance in the event of a sale
5 and within three (3) months of any other disqualifying event.

6 (2) Failure to report the disqualifying event, and/or to pay the deferral tax when due, will
7 carry a maximum penalty of one hundred dollars (\$100) per month, or portion thereof, and
8 applicable interest on the currently assessed tax without regard to the freeze provisions contained
9 herein. Interest will be assessed and due in the same manner as other past due tax receivables and
10 will apply to all amounts previously deferred as well as current amounts due.

11 (f) Appeal: - Appeals of all decisions as to the application, administration, eligibility or
12 other matter relating to this ordinance shall be made in writing to the North Smithfield town
13 council.

14 (g) Severability: - If any provision of this chapter or the application thereof to any person
15 or circumstances is held invalid, such invalidity shall not affect other provisions or applications of
16 the chapter, which can be given effect without the invalid provision or application, and to this end
17 the provisions of this chapter are declared to be severable.

18 SECTION 21. Section 45-24-60 of the General Laws in Chapter 45-24 entitled "Zoning
19 Ordinances" is hereby amended to read as follows:

20 **45-24-60. Administration -- Violations.** -- (a) A zoning ordinance adopted pursuant to
21 this chapter ~~provides~~ shall provide for a penalty for any violation of the zoning ordinance, or for
22 a violation of any terms or conditions of any action imposed by the zoning board of review or of
23 any other agency or officer charged in the ordinance with enforcement of any of its provisions.
24 The penalty for the violation must reasonably relate to the seriousness of the offense, and not
25 exceed five hundred dollars (\$500) for each violation, and each day of the existence of any
26 violation is deemed to be a separate offense. Any fine ~~inures~~ shall inure to the city or town.

27 (b) The city or town may also cause suit to be brought in the supreme or superior court,
28 or any municipal court, including a municipal housing court having jurisdiction, in the name of
29 the city or town, to restrain the violation of, or to compel compliance with, the provisions of its
30 zoning ordinance. A city or town may consolidate an action for injunctive relief and/or fines
31 under the ordinance in the superior court of the county in which the subject property is located.

32 **ARTICLE II--STATUTORY REENACTMENT**

33 SECTION 22. Sections 29-1-2, 29-1-10, and 29-1-15 of the General Laws in Chapter 29-
34 1 entitled "State Library" are hereby amended to read as follows:

1 **29-1-2. Care of library – Preservation of books and documents.** -- Preservation of
2 books and documents. – The secretary of state shall have the care and custody of the state library,
3 except the law library, and shall receive and preserve all books and documents ~~which~~ that may
4 be sent to, or purchased for, the library.

5 **29-1-10. Legislative reference bureau – Functions.** -- There shall be in the state library,
6 under the direction of the state librarian, a legislative reference bureau ~~which~~ that shall collect,
7 arrange, and place on file books, pamphlets, and other material relating to legislation; ~~which~~ that
8 shall prepare abstracts of laws in other states; and ~~which~~ that shall present such other
9 information as may be useful and necessary to the general assembly in the performance of its
10 legislative duties.

11 **29-1-15 Cooperation with federal officials.** – The secretary of state is hereby
12 empowered to cooperate with the ~~secretary of education~~ Secretary of Education of the United
13 States of America or any United States officer in carrying out the purposes of any and all acts of
14 ~~congress~~ Congress for the benefit of those library services, including archives and records ~~which~~
15 that are under his or her jurisdiction.

16 SECTION 23. Sections 29-3.1-2.2 and 29-3.1-7 of the General Laws in Chapter 29-3.1
17 entitled "Office of State Library and Information Services" are hereby amended to read as
18 follows:

19 **29-3.1-2.2. Library board of Rhode Island established.** -- (a) There is hereby created
20 the library board of Rhode Island, sometimes hereinafter referred to as the "library board". The
21 library board shall be protected from sudden changes in membership and reversal of policy by
22 having staggered terms for its public members, and is hereby made successor to all powers,
23 rights, duties, and privileges pertaining to public library services and interlibrary cooperation and
24 resource sharing.

25 (b) The library board shall consist of fifteen (15) members appointed by the governor,
26 with the advice and consent of the senate, five (5) of whom shall be representative of general
27 library users. The remainder of the governor's appointments shall be representative of the
28 following:

29 ~~(i)~~ (1) Users of the talking books plus, ~~{the}~~ economically disadvantaged, and corporate or
30 special librarians; school library media specialists;

31 ~~(ii)~~ (2) Librarians serving people who are institutionalized;

32 ~~(iii)~~ (3) Public library trustees and statewide library advocacy group; and

33 ~~(iv)~~ (4) Librarians from small public libraries, librarians from large or medium public
34 libraries, and academic librarians.

1 (c) The commissioner for elementary and secondary education, or a designee, and the
2 commissioner for higher education, or a designee, shall serve as nonvoting ex officio members.
3 The governor shall appoint from the library board's public members a chairperson. The board
4 may elect from among its members such other officers as it deems necessary.

5 (d) Board members shall receive no compensation for their services but shall be allowed
6 travel expenses related to attendance at board meetings.

7 (e) No person shall be eligible for appointment to the board unless he or she is a resident
8 of this state.

9 (f) Members of the board shall be removable by the governor pursuant to the provisions
10 of § 36-1-7 and for cause only, and removal solely for partisan or personal reasons unrelated to
11 capacity or fitness for the office shall be unlawful.

12 **29-3.1-7. Duties of chief of library services.** -- The chief of library services ~~officer~~ shall
13 be the executive and administrative officer in charge of the office of library and information
14 services. ~~The position of chief information officer shall be in the unclassified service of the~~
15 ~~state.~~ The chief of library services shall serve as the chief executive officer of the library board.
16 The chief of library services shall also carry out the duties required by this chapter and by
17 chapters 5 and 6 of this title. In addition to the general supervision of the office of library and
18 information services and the appointment of the several officers and employees of the office, it
19 shall be the duty of the chief of library services:

20 (1) To develop a systematic program of information gathering, processing, and analysis
21 addressed to every aspect of public library development and interlibrary cooperation and resource
22 sharing in this state, especially as that information relates to current and future library and
23 information service needs, so that current needs may be met with reasonable promptness and
24 plans formulated to meet future needs as they arise in the most efficient and economical manner
25 possible;

26 (2) To develop a master plan defining board goals and objectives for public library
27 development and interlibrary cooperation and resource sharing in the state. These goals and
28 objectives shall be expressed in terms of the library and information services to which individuals
29 will have access;

30 (3) To communicate with and seek the advice of those concerned with and affected by the
31 library board's determinations;

32 (4) To develop and implement board policy as it pertains to the goals and objectives
33 approved by the library board from time to time;

34 (5) To enforce standards and to exercise general supervision over interlibrary cooperation

1 and resource sharing in the state;

2 (6) To develop annually the program for the use of federal funds that is submitted to the
3 United States ~~institute of museum and library services;~~ Institute of Museum and Library
4 Services;

5 (7) To supervise the operation of the office of library and information services as defined
6 elsewhere in this title and such other additional duties and responsibilities as may be assigned by
7 the library board from time to time; and

8 (8) To supervise the following functions:

9 (i) To distribute state funds for public library development and interlibrary cooperation
10 and resource sharing in accordance with law and regulations of the library board;

11 (ii) To develop standards and regulations for public library development and interlibrary
12 cooperation and resource sharing;

13 (iii) To certify that public library standards and services are in accordance with law and
14 regulations of the library board;

15 (iv) To require the observance of all laws relating to public library services and
16 interlibrary cooperation and resource sharing;

17 (v) To interpret library law;

18 (vi) To give assistance, advice, and counsel to public libraries and to participants in
19 interlibrary cooperation and resource sharing activities;

20 (vii) To require that information and statistics necessary to do the work of the office of
21 library and information services be collected, to publish findings and reports thereon;

22 (viii) To provide eligible persons who are impaired, blind, reading impaired and/or
23 physically impaired with library services through the talking books plus, in cooperation with the
24 ~~library of congress national library service for the blind and physically handicapped;~~
25 Library of Congress National Library Service for the Blind and Physically Handicapped;

26 (ix) To cooperate with the commissioner of elementary and secondary education in
27 supporting and encouraging effective school library media services and their integration into
28 statewide library networking activities;

29 (x) To cooperate with the state librarian and the state law librarian in strengthening
30 services to library users;

31 (xi) To cooperate with the commissioner of higher education in supporting and
32 encouraging effective library services through the state system of higher education; and

33 (xii) To coordinate with all other state departments and agencies in the provision of
34 library services to state government and to the public.

1 SECTION 24. Section 29-4-8 of the General Laws in Chapter 29-4 entitled "Free Public
2 Libraries" is hereby amended to read as follows:

3 **29-4-8. Acceptance of gifts by trustees.** -- In case of any bequest, legacy, or gift to, or in
4 favor of, a public library, the trustees thereof are hereby authorized and empowered to accept the
5 bequest, legacy, or gift ~~in~~ on behalf of, and for the use of, the library, and their receipt shall be a
6 full and sufficient discharge and release to any executor, administrator, or other person authorized
7 to make the payment thereof.

8 SECTION 25. Sections 29-5-2, 29-5-3, 29-5-4, 29-5-5, and 29-5-6 of the General Laws
9 in Chapter 29-5 entitled "Interstate Library Compact" are hereby amended to read as follows:

10 **29-5-2. Compliance with local laws.** -- No city, town, or library district of this state,
11 hereinafter to be created, shall be party to a library agreement ~~which~~ that provides for the
12 construction or maintenance of a library pursuant to article III(c)7 of § 29-5-1, nor pledge its
13 credit in support of that library, or contribute to the capital financing thereof, except after
14 compliance with any laws applicable to the cities, towns, or library districts hereinafter to be
15 created relating to or governing capital outlays and the pledging of credit.

16 **29-5-3. "State library agency" defined.** -- As used in § 29-5-1, "state library agency",
17 with reference to this state, means the ~~director~~ chief of ~~the department of state~~ library services
18 or his or her designated agent

19 **29-5-4. Appropriations.** -- An interstate library district lying partly within this state may
20 claim and be entitled to receive state aid in support of any of its functions to the same extent and
21 in the same manner as these functions are eligible for support when carried on by entities wholly
22 within this state. For the purposes of computing and apportioning state aid to interstate library
23 districts hereinafter to be created, this state will consider that portion of the area ~~which~~ that lies
24 within this state as an independent entity for the performance of the aided function or functions
25 and compute and apportion the aid accordingly. Subject to any applicable laws of this state, the
26 district also may apply for and be entitled to receive any federal aid for which it may be eligible.

27 **29-5-5. Compact administrator.** -- The ~~director~~ chief of ~~the department of state~~
28 library services shall be the compact administrator pursuant to article X of § 29-5-1.

29 **29-5-6. Notices of withdrawal.** -- In the event of withdrawal from the compact, the
30 ~~director~~ chief of ~~the department of state~~ library services shall send and receive any notices
31 required by article XI(b) of § 29-5-1.

32 SECTION 26. Sections 29-6-3 and 29-6-9 of the General Laws in Chapter 29-6 entitled
33 "State Aid to Libraries" are hereby amended to read as follows:

34 **29-6-3. Eligibility requirements – Municipalities.** -- (a) To qualify for state aid under §

1 29-6-2, a city or town shall:

2 (1) Appropriate from local tax revenues an amount not less than the amount appropriated
3 the previous year from local tax revenues and expended for library operating expenses, except in
4 the fiscal years ending June 30, 2009 and June 30, 2010, during which the amount appropriated
5 from local tax revenues is not less than eighty percent (80%) of the amount appropriated from the
6 previous year from local tax revenues and expended for library operating systems. The
7 appropriation would exclude any state funds received for public library services. Any funds
8 received from the state shall not be used to supplant funds from local tax revenues;

9 (2) In the case of a city or town having more than one free public library therein, submit
10 or cause to be submitted to the office of library and information services a plan for the allotment
11 or division of the proposed state aid among the free public libraries in the city or town. The plan
12 shall be developed by agreement among the free public libraries of the city or town;

13 (3) Submit or cause to be submitted to the office of library and information services
14 evidence that free public libraries in the city or town meet standards of service as set forth in
15 regulations to be made by the chief of library services pursuant to the provisions of chapter 3.1 of
16 this title or that the regulations are inappropriate for that library;

17 (4) Submit or cause to be submitted a plan describing how the public library or libraries
18 plan to address one or more of the priorities established by the office of library and information
19 services.

20 (b) The chief of library services upon application and for cause shown may authorize an
21 annual grant-in-aid under § 29-6-2, or a portion thereof, to a city or town not fully meeting the
22 requirements set forth in ~~paragraphs (1)---(3) of this subsection.~~ subsections (a)(1)-(a)(3).

23 (c) Decisions as to the eligibility of cities and towns for grants-in-aid under this chapter,
24 and the amounts of the grants-in-aid, shall be made by the chief of library services.

25 (d) The chief of library services shall require a preservation plan from any public library
26 which receives an appropriation from the state of Rhode Island which states the preservation
27 needs and objectives of the library for the coming fiscal year. The plan shall include, but not be
28 limited to: condition of materials, assessment of building and environmental controls, and
29 preservation measures to be taken.

30 (e) The chief of library services shall require a disaster preparedness plan from any public
31 library which receives an appropriation from the state of Rhode Island which states the plan of
32 action to be taken in the event of a natural or human made disaster. The plan shall be in
33 accordance with a suggested plan published by the office. The plan shall be submitted no later
34 than January 1, 1993 and shall be updated yearly.

1 **29-6-9. Rhode Island library network.** -- (a) In order to provide each individual in
2 Rhode Island with equal opportunity of access to resources that will satisfy their and society's
3 information needs and interests, the office of library and information services is hereby
4 authorized to establish a Rhode Island Library network, hereafter referred to as the library of
5 Rhode Island network (LORI), to be administered by the office of library and information
6 services for the purpose of maintaining, promoting, and developing a program of statewide
7 resource sharing and interlibrary cooperation. The office of library and information services shall
8 include, as part of its budget, a budget for the administration and operation of the Rhode Island
9 library network to:

10 (1) Provide central support services for the library of Rhode Island, such as delivery of
11 materials, telecommunications, consultant services, resource sharing, and access to bibliographic
12 and other information sources;

13 (2) Reimburse libraries for the actual cost of providing services to individuals outside the
14 library's primary clientele; and

15 (3) Support the development, maintenance of, and access to the resource sharing potential
16 embodied in specialized collections and services at the Providence public library and other
17 libraries ~~which that~~ can be provided most ~~cost-effectively~~ cost effectively on a statewide basis.

18 (b) By fiscal year 2000, the state shall provide, from state and federal revenue sources,
19 one hundred percent (100%) of the funding for the following statewide library services:

20 (1) Reference resource center located in a public library to be chosen biennially by the
21 ~~Office of Library Information Services~~ office of library and information services from
22 responses to a request for proposals issued by the office of library and informational services;

23 (2) Interlibrary delivery system;

24 (3) Interlibrary telecommunications system;

25 (4) Electronic interlibrary loan system; and

26 (5) Statewide catalog of all library holdings.

27 (6) [Deleted by P.L. 1996, ch. 100, art. 29, § 1.]

28 (c) Notwithstanding the provisions of subsection (b), the funding for the statewide library
29 catalog and the statewide access to databases shall be subject to appropriation by the general
30 assembly. The duty imposed upon the office of state library and information services to create
31 and maintain a statewide library catalog and provide statewide access to databases shall be
32 subject to appropriation by the general assembly.

33 SECTION 27. Sections 29-7-1 and 29-7-2 of the General Laws in Chapter 29-7 entitled
34 "State Publications Clearinghouse" are hereby amended to read as follows:

1 **29-7-1. Purpose.** -- The purpose of this chapter is to establish a state publications
2 clearinghouse for libraries ~~which~~ that will systematically collect and distribute state publications
3 to libraries throughout the state in order to facilitate public access to publications issued by state
4 agencies and for exchange of publications with agencies outside of the state under the direction of
5 the state librarian as provided in § 29-1-5.

6 **29-7-2. Definitions.** -- As used in this chapter:

7 (1) "Depository library" means a library designated to collect, maintain, and make
8 available state publications to the general public. The clearinghouse director shall consider the
9 geography of the state when designating depository libraries;

10 (2) "Printed" means any form of printing and duplicating, regardless of format, with the
11 exception of correspondence, and interoffice and intraoffice memoranda;

12 (3) "State agency" means any state office, whether legislative, executive, or judicial,
13 including, but not limited to, any constitutional officer, department, division, bureau, board,
14 commission, and/or any other agency ~~which~~ that expends state appropriated funds; and

15 (4) "State publication" means any publication, regardless of physical form or
16 characteristics produced, made available electronically, printed, purchased, or authorized for
17 distribution by a state agency, except those determined by the issuing agency to be required for
18 official use only for administrative or operational purposes.

19 SECTION 28. Sections 30-3-17 and 30-3-22 of the General Laws in Chapter 30-3
20 entitled "National Guard" are hereby amended to read as follows:

21 **30-3-17. Uniforms and equipment of officers.** -- Every commissioned officer and every
22 warrant officer of the national guard shall provide himself or herself with the arms, uniforms,
23 and equipment prescribed and approved by the governor.

24 **30-3-22. Physical fitness boards.** -- The physical fitness for service of commissioned
25 officers or warrant officers of the national guard shall be determined; by a board of five (5)
26 medical persons, ~~which~~ who shall be appointed by the governor for that purpose. Two (2) of the
27 medical persons shall be selected by the governor; and two (2) shall be selected by the officer
28 under examination. The four (4) medical persons shall select a fifth medical person. The officer
29 shall submit his or her selections to the governor within ten (10) days of receipt of notice that he
30 or she is to be examined for physical fitness. Failure of the officer to submit his or her selections
31 to the governor within the prescribed period of time shall be deemed to have been a waiver of his
32 or her rights and the governor shall select the remaining members of the examining board. The
33 findings and recommendations of the board shall be transmitted to the governor. If the officer is
34 found to be physically unfit for service by a majority vote of the examining board, and the finding

1 is approved by the governor, the officer shall be discharged from the national guard, subject to the
2 provisions of § 30-3-39.

3 SECTION 29. Sections 30-4-1, 30-4-3, and 30-4-4 of the General Laws in Chapter 30-4
4 entitled "Independent Military Organizations" are hereby amended to read as follows:

5 **30-4-1. Constitution -- Age limits -- Enlistment papers.** -- The independent chartered
6 military organizations shall be constituted as provided, respectively, in their charters, or any
7 amendments thereof. The members of these organizations shall be subject to no age limit other
8 than prescribed respectively by their charters or rules made thereunder; and each active member
9 shall be enlisted for a term of at least three (3) years. A copy of the enlistment papers shall be
10 forwarded to the adjutant general; and shall be kept on file in his or her office. The adjutant
11 general shall prepare a roll of all active; independent chartered military organizations ~~which~~ that
12 shall be kept on file in his or her office.

13 **30-4-3. Allowances for maintenance of armories.** -- The general assembly shall
14 annually appropriate such a sum as it may deem necessary for the purpose of heating, lighting,
15 and repairing the armories of the independent chartered military organizations of the state, which
16 sum shall be apportioned as follows:

17 (1) For the artillery company in the town of Newport, twenty-five hundred dollars
18 (\$2,500);

19 (2) For the Kentish guards, twenty-five hundred dollars (\$2,500);

20 (3) For the train of artillery in the town and county of Bristol, twenty-five hundred dollars
21 (\$2,500);

22 (4) For the naval militia battalion in their armory afloat, the U.S.S. Providence, two
23 thousand five hundred dollars (\$2,500);

24 (5) For the Gloucester light infantry in the town of Gloucester, twenty-five hundred dollars
25 (\$2,500); ~~and~~

26 (6) For the Pawtuxet rangers in the city of Cranston, twenty-five hundred dollars
27 (\$2,500); ~~and~~

28 (7) For the Varnum Continentals in the town of East Greenwich, twenty-five hundred
29 dollars (\$2,500); and

30 (8) For the Federal Blues in the town of Warren, twenty-five hundred dollars (\$2,500).

31 **30-4-4. Allowance for armorer's expenses.** -- Each independent chartered military
32 organization of the state ~~which~~ that has been entered on the approved active roll of the state
33 adjutant general may also receive annually the sum of five hundred dollars (\$500) for armorer's
34 expenses, to be paid in January of each year. The adjutant general shall not allow this sum of five

1 hundred dollars (\$500) to be paid unless the functions of the armorer have been properly
2 performed.

3 SECTION 30. Section 30-5-3 of the General Laws in Chapter 30-5 entitled "Unorganized
4 Militia" is hereby amended to read as follows:

5 **30-5-3. Failure to answer call to duty.** -- Every member of the unorganized militia
6 called out, or who volunteers or is drafted under the provisions of chapters 1 -- 14 of this title,
7 who, after being duly notified in accordance with the provisions hereof, does not appear at the
8 time and place designated by his or her commanding officer, the mayor, or president of the town
9 council, or who does not produce, from a physician in good standing, a sworn certificate of
10 physical disability so to appear, shall be guilty of a misdemeanor.

11 SECTION 31. Section 30-6-2 of the General Laws in Chapter 30-6 entitled "Pay and
12 Allowances" is hereby amended to read as follows:

13 **30-6-2. Pay of officers on active duty.** -- Every commissioned officer or warrant officer
14 of the national guard, ordered to duty by the governor or under his or her authority, or detailed by
15 the governor or under his or her authority to serve on or with any military board, court of inquiry,
16 or court martial, shall receive for every day actually on duty the same pay and allowances that a
17 federally recognized national guard commissioned officer or warrant officer, of the same grade
18 and length of service, would receive or be entitled to when participating, in a federal pay status, in
19 encampments or maneuvers prescribed or authorized under the laws of the United States and the
20 regulations issued thereunder; provided, however, that no officer or warrant officer shall receive
21 less than the minimum federal hourly wage rate then prevailing on the day of duty for hours
22 served on duty, up to a maximum of twelve (12) hours of duty, regardless of the extra hours
23 served.

24 SECTION 32. Section 30-7-4 of the General Laws in Chapter 30-7 entitled "Privileges
25 and Immunities of Militiamen" is hereby amended to read as follows:

26 **30-7-4. Defense of actions.** -- When an action or proceeding of any nature is commenced
27 in any court against any member of the militia for an act done by the member in his or her
28 official capacity in the discharge of his or her duty, or for an alleged omission by the member to
29 do an act ~~which~~ that it was his or her duty to perform, or against any officer or enlisted person
30 acting under proper authority or by virtue of a warrant issued to that person pursuant to law, the
31 defendant in that action or proceeding may require the person instituting or prosecuting the action
32 to file security in an amount to be fixed by the court for the payment of costs that may be awarded
33 to the defendant therein. The defendant in all cases may make a general denial and give the
34 special matter in evidence. A defendant in whose favor a nonsuit or a final judgment is rendered

1 in any such action or proceeding shall recover treble costs. The governor shall appoint special
2 counsel, to defend the action or proceeding, at the expense of the state.

3 SECTION 33. Sections 30-8-7 and 30-8-9 of the General Laws in Chapter 30-8 entitled
4 "Decorations" are hereby amended to read as follows:

5 **30-8-7. Rules, regulations, and orders.** -- The adjutant general shall make from time to
6 time, rules, regulations, and orders, not inconsistent herewith, ~~which~~ that he or she deems
7 necessary to carry into effect the provisions of this chapter; to establish awards not inconsistent
8 with this chapter; and to establish the eligibility of persons to receive and the method of award of
9 the decorations provided for under this chapter.

10 **30-8-9. Rhode Island defense service medal.** -- (a) Members of the national guard
11 ordered, called, or drafted to active duty under the constitution and laws of the United States
12 during the ~~operation desert shield/desert storm~~ Operation Desert Shield/Desert Storm call-up
13 and all members of the National Guard who were part of the selected Reserve in good standing
14 between August 2, 1990, through November 30, 1995; and from September 11, 2001, to a date to
15 be determined or federal call-ups subsequent thereto, or those serving on full-time national guard
16 training duty during the federal call-up, may be awarded the Rhode Island defense service medal.
17 No more than one Rhode Island defense service medal shall be awarded to any person, but for
18 each succeeding service, a bronze oak-leaf cluster shall be awarded in lieu thereof.

19 (b) The adjutant general shall follow the provisions of §§ 30-8-6 and 30-8-7 with
20 reference to the design and procurement of the medal and the rules, regulations, and orders with
21 reference thereto.

22 SECTION 34. Section 30-10-6 of the General Laws in Chapter 30-10 entitled "Armories
23 and Campgrounds" is hereby amended to read as follows:

24 **30-10-6. Rental of armories for nonmilitary purposes.** -- The adjutant general may
25 authorize the use of any armory under his or her control, for nonmilitary purposes, subject to such
26 rules and conditions as he or she may prescribe, ~~which~~ that are lawful and approved, provided
27 that the person, corporation, organization, or society to whom the use may be authorized shall pay
28 in advance to the adjutant general such a sum for the use thereof as may be prescribed by the
29 adjutant general. This sum shall in no case, where admission is charged, be less than the fair
30 rental value of halls of a similar nature, in the same or a similar city or town. These persons,
31 corporations, organizations, or societies shall, if required by the adjutant general, furnish a bond,
32 with good and sufficient surety, to protect and indemnify the state from loss or damage to the
33 armory, or to any federal or state property, or to the property of any military organization or
34 members thereof, contained therein.

1 SECTION 35. Section 30-11-8 of the General Laws in Chapter 30-11 entitled "Criminal
2 Offenses" is hereby amended to read as follows:

3 **30-11-8. Reservists' right to other advantages of employment -- Civil remedies.** -- A
4 reservist's absence for military training will in no ~~wise~~ way affect the employee's right to receive
5 normal vacation, sick leave, bonus, advancement, and other advantages of his or her employment
6 normally to be anticipated in his or her particular position. In the event of the failure of any
7 employer to comply with the foregoing, the employee may, at his or her election, bring an action
8 at law for damages for this noncompliance, or apply to the superior court for such equitable relief
9 as may be just and proper under the circumstances, and this action shall take precedence on the
10 court calendar.

11 SECTION 36. Section 30-12-3 of the General Laws in Chapter 30-12 entitled "General
12 Offenses" is hereby amended to read as follows:

13 **30-12-3. Pursuit into this state by forces of another state.** -- Any military force or
14 organization, or unit, or detachment thereof of another state ~~who~~ that is in fresh pursuit of
15 insurrectionists, saboteurs, enemies, or enemy forces may continue that pursuit into this state until
16 the military or police forces of this state, or the forces of the United States, have had a reasonable
17 opportunity to take up the pursuit or to apprehend or capture these persons, and is hereby
18 authorized to arrest or capture these persons within this state while in fresh pursuit. Any of the
19 above described persons who shall be captured or arrested by the military forces of another state
20 while in this state shall, without unnecessary delay, be surrendered to the military or police forces
21 of this state to be dealt with according to law. This section shall not be construed so as to make
22 unlawful any arrest in this state which would otherwise be lawful.

23 SECTION 37. Sections 30-13-23, 30-13-34, 30-13-41, 30-13-65, 30-13-66, 30-13-71, 30-
24 13-72, 30-13-74, 30-13-77, 30-13-87, 30-13-90, 30-13-92, 30-13-99, 30-13-100, 30-13-101, 30-
25 13-103, 30-13-107, 30-13-108, 30-13-109, 30-13-111, 30-13-116, 30-13-117, 30-13-118, 30-13-
26 121, 30-13-125, 30-13-126, 30-13-127, 30-13-128, 30-13-131, and 30-13-133 of the General
27 Laws in Chapter 30-13 entitled "Rhode Island Code of Military Justice" are hereby amended to
28 read as follows:

29 **30-13-23. Confinement in default of payment of fine.** -- All courts-martial shall have
30 power to sentence, in the alternative, to confinement in default of payment of a fine imposed by
31 the ~~court; in~~ court. In these cases, the court shall fix a reasonable time within which the fine
32 shall be paid; provided, however, that the sentence of confinement shall not exceed one day for
33 each five dollars (\$5.00) of fine imposed.

34 **30-13-34. Investigation.** -- (a) No charge or specification may be referred to a general

1 court-martial for trial until a thorough and impartial investigation of all the matters set forth
2 therein has been made. This investigation shall include inquiry as to the truth of the matter set
3 forth in the charges, consideration of the form of charges, and a recommendation as to the
4 disposition ~~which~~ that should be made of the case in the interest of justice and discipline.

5 (b) The accused shall be advised of the charges against him or her and of his or her right
6 to be represented at that investigation by counsel. Upon the accused's own request, he or she shall
7 be represented by civilian counsel if provided by him or her; or military counsel of his or her
8 own selection if military counsel is reasonably available; or by counsel detailed by the officer
9 exercising general court-martial jurisdiction over the command. At that investigation, full
10 opportunity shall be given to the accused to cross-examine witnesses against him or her if they
11 are available, and to present anything he or she may desire in his or her own behalf, either in
12 defense or mitigation, and the investigating officer shall examine witnesses requested by the
13 accused. If the charges are forwarded after the investigation, they shall be accompanied by a
14 statement of the substance of the testimony taken on both sides and a copy thereof shall be given
15 to the accused.

16 (c) If an investigation of the subject matter of an offense has been conducted before the
17 accused is charged with the offense, and if the accused was present at the investigation and
18 afforded the opportunities for representation, cross-examinations, and presentation prescribed in
19 subsection (b) of this section, no further investigation of that charge is necessary under this
20 section unless it is demanded by the accused after he or she is informed of the charge. A demand
21 for further investigation entitles the accused to recall witnesses for further cross-examination and
22 to offer any new evidence in his or her own behalf.

23 (d) The requirements of this section are binding on all persons administering this code,
24 but failure to follow them does not divest a military court of jurisdiction.

25 **30-13-41. Duties of trial counsel and defense counsel.** -- (a) The trial counsel of a
26 general or special court-martial shall prosecute in the name of the state, and shall, under the
27 direction of the court, prepare the record of the proceedings.

28 (b) The accused has the right to be represented in his or her defense before a general or
29 special court-martial by civilian counsel if provided by the accused, or by military counsel of his
30 or her own selection if reasonably available, or by the defense counsel detailed under § 30-13-29.
31 Should the accused have counsel of his or her own selection, the defense counsel, and assistant
32 defense counsel, if any, who were detailed, shall, if the accused so desires, act as his or her
33 associate counsel; otherwise they shall be excused by the president of the court.

34 (c) In every court-martial proceeding, the defense counsel may, in the event of

1 conviction, forward for attachment to the record of proceedings a brief of those matters counsel
2 feels should be considered in behalf of the accused on review, including any objection to the
3 contents of the record ~~which~~ that he or she considers appropriate.

4 (d) An assistant trial counsel of a general court-martial may, under the direction of the
5 trial counsel or when he or she is qualified to be a trial counsel as required by § 30-13-29,
6 perform any duty imposed by law, regulation, or the custom of the service, upon the trial counsel
7 of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial
8 counsel.

9 (e) An assistant defense counsel of a general or special court-martial may, under the
10 direction of the defense counsel or when he or she is qualified to be the defense counsel as
11 required by § 30-13-29, perform any duty imposed by law, regulation, or the custom of the
12 service, upon counsel for the accused.

13 **30-13-65. Reconsideration and revision of record.** -- (a) If a specification before a
14 court-martial has been dismissed on motion and the ruling does not amount to a finding of not
15 guilty, the convening authority may return the record to the court for reconsideration of the ruling
16 and any further appropriate action.

17 (b) Where there is an apparent error or omission in the record or where the record shows
18 improper or inconsistent action by a court-martial with respect to a finding or sentence ~~which~~
19 that can be rectified without material prejudice to the substantial rights of the accused, the
20 convening authority may return the record to the court for appropriate action. In no case,
21 however, may the record be returned:

22 (1) For reconsideration of a finding of not guilty, or a ruling ~~which~~ that amounts to a
23 finding of not guilty;

24 (2) For reconsideration of a finding of not guilty of any charge, unless the record shows a
25 finding of guilty under a specification laid under that charge, which sufficiently alleges a
26 violation of some section of this code; or

27 (3) For increasing the severity of the sentence unless the sentence prescribed for the
28 offense is mandatory.

29 **30-13-66. Rehearings.** -- (a) If the convening authority disapproves the findings and
30 sentence of a court-martial, he or she may, except where there is lack of sufficient evidence in the
31 record to support the findings, order a rehearing. In that case, the convening authority shall state
32 the reasons for disapproval. If the convening authority disapproves the findings and sentence and
33 does not order a rehearing, he or she shall dismiss the charges.

34 (b) Each rehearing shall take place before a court-martial composed of members not

1 members of the court-martial ~~which~~ that first heard the case. Upon a rehearing, the accused may
2 not be tried for any offense of which he or she was found not guilty by the first court-martial, and
3 no sentence in excess of, or more severe than, the original sentence may be imposed, unless the
4 sentence is based upon a finding of guilty of an offense not considered upon the merits in the
5 original proceedings, or unless the sentence prescribed for the offense is mandatory.

6 **30-13-71. Vacation of suspension.** -- (a) Before the vacation of the suspension of a
7 special court-martial sentence ~~which~~ that, as approved, includes a bad-conduct discharge, or of
8 any general court-martial sentence, the officer having special court-martial jurisdiction over the
9 probationer shall hold a hearing on the alleged violation of probation. The probationer shall be
10 represented at the hearing by counsel if he or she so desires.

11 (b) The record of the hearing and the recommendation of the officer having special court-
12 martial jurisdiction shall be sent for action to the governor in cases involving a general court-
13 martial sentence and to the commanding officer of the force of the state military forces of which
14 the probationer is a member in all other cases covered by subsection (a) of this section. If the
15 governor or commanding officer vacates the suspension, any unexecuted part of the sentence,
16 except a dismissal, shall be executed.

17 (c) The suspension of any other sentence may be vacated by any authority competent to
18 convene, for the command in which the accused is serving or assigned, a court of the kind that
19 imposed the sentence.

20 **30-13-72. Petition for new trial.** -- At any time within two (2) years after approval by
21 the convening authority of a court-martial sentence ~~which~~ that extends to dismissal, or
22 dishonorable or bad-conduct discharge, the accused may petition the governor for a new trial on
23 the grounds of newly discovered evidence or fraud on the court-martial.

24 **30-13-74. Restoration following sentence set aside.** -- (a) Under such regulations as the
25 governor may prescribe, all rights, privileges, and property affected by an executed part of a
26 court-martial sentence ~~which~~ that has been set aside or disapproved, except an executed
27 dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and the
28 executed part is included in a sentence imposed upon a new trial or rehearing.

29 (b) If a previously executed sentence of dishonorable or bad-conduct discharge is not
30 imposed on a new trial, the governor shall substitute therefor a form of discharge authorized for
31 administrative issuance unless the accused is to serve out the remainder of his or her enlistment.

32 (c) If a previously executed sentence of dismissal is not imposed on a new trial, the
33 governor shall substitute therefor a form of discharge authorized for administrative issue, and the
34 commissioned officer dismissed by that sentence may be reappointed by the governor alone to

1 such a commissioned grade and with such rank as in the opinion of the governor that former
2 officer would have attained had he or she not been dismissed. The reappointment of such a
3 former officer may be made if a position vacancy is available under applicable tables of
4 organization. All time between the dismissal and reappointment shall be considered as service for
5 all purposes.

6 **30-13-77. Principals.** -- Any person subject to this code who:

7 (1) Commits an offense punishable by this code, or aids, abets, counsels, commands, or
8 procures its commission; or

9 (2) Causes an act to be done ~~which~~ that if directly performed by that person would be
10 punishable by this code; is a principal.

11 **30-13-92. Failure to obey order or regulation -- Derelict performance.** -- Any person
12 subject to this code who:

13 (1) Violates or fails to obey any lawful general order or regulation;

14 (2) Having knowledge of any other lawful order issued by a member of the state military
15 forces ~~which~~ that it is that person's duty to obey, fails to obey the order; or

16 (3) Is derelict in the performance of his or her duties;
17 shall be punished as a court-martial may direct.

18 **30-13-99. Misbehavior before the enemy.** -- Any person subject to this code who before
19 or in the presence of the enemy:

20 (1) Runs away;

21 (2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or
22 military property ~~which~~ that it is his or her duty to defend;

23 (3) Through disobedience, neglect, or intentional misconduct endangers the safety of any
24 such command, unit, place, or military property ~~which~~ that it is his or her duty to defend;

25 (4) Casts away his or her arms or ammunition;

26 (5) Is guilty of cowardly conduct;

27 (6) Quits his or her place of duty to plunder or pillage;

28 (7) Causes false alarms in any command, unit, or place under control of the armed forces
29 of the United States or the state military forces;

30 (8) Willfully fails to do his or her utmost to encounter, engage, capture, or destroy any
31 enemy troops, combatants, vessels, aircraft, or any other thing, ~~which~~ that it is his or her duty so
32 to encounter, engage, capture, or destroy; or

33 (9) Does not afford all practicable relief and assistance to any troops, combatants, vessels,
34 or aircraft of the armed forces belonging to the United States or their allies, to the state, or to any

1 other state, when engaged in battle; shall be punished as a court-martial may direct.

2 **30-13-111. Drunk on duty -- Sleeping on post -- Leaving post before relief.** -- Any
3 person subject to this code who is found drunk on duty or sleeping upon his or her post, or who
4 leaves his or her post before being regularly relieved, shall be punished as a court-martial may
5 direct.

6 **30-13-118. Larceny and wrongful appropriation.** -- (a) Any person subject to this code
7 who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or
8 of any other person any money, personal property, or article of value of any kind:

9 (1) With intent permanently to deprive or defraud another person of the use and benefit of
10 that property or to appropriate it to his or her own use or the use of any person other than the
11 owner, steals that property, ~~and~~ is guilty of larceny; or

12 (2) With intent temporarily to deprive or defraud another person of the use and benefit of
13 that property or to appropriate it to his or her own use or the use of any person other than the
14 owner, is guilty of wrongful appropriation.

15 (b) Any person found guilty of larceny or wrongful appropriation shall be punished as a
16 court-martial may direct.

17 **30-13-121. Courts of inquiry.** -- (a) Courts of inquiry to investigate any matter may be
18 convened by the governor or by any other person designated by the governor for that purpose,
19 whether or not the persons involved have requested an inquiry.

20 (b) A court of inquiry consists of three (3) or more commissioned officers. For each court
21 of inquiry, the convening authority shall also appoint counsel for the court.

22 (c) Any person subject to this code whose conduct is subject to inquiry shall be
23 designated as a party. Any person subject to this code or employed in military or naval affairs of
24 the state, who has a direct interest in the subject of inquiry, has the right to be designated as a
25 party upon request to the court. Any person designated as a party shall be given due notice and
26 has the right to be present, to be represented by counsel, to cross-examine witnesses, and to
27 introduce evidence.

28 (d) Members of a court of inquiry may be challenged by a party, but only for cause stated
29 to the court.

30 (e) The members, counsel, reporter, and interpreters of courts of inquiry shall take an
31 oath or affirmation to faithfully perform their duties.

32 (f) Witnesses may be summoned to appear and testify and be examined before courts of
33 inquiry, as provided for courts-martial.

34 (g) Courts of inquiry shall make findings of fact but may not express opinions or make

1 recommendations unless required to do so by the convening authority.

2 (h) Each court of inquiry shall keep a record of its proceedings, ~~which~~ that shall be
3 authenticated by the signatures of the president and counsel for the court and forwarded to the
4 convening authority. If the record cannot be authenticated by the president, it shall be signed by a
5 member in lieu of the president. If the record cannot be authenticated by counsel for the court, it
6 shall be signed by a member in lieu of counsel.

7 **30-13-125. Redress of injuries to property.** -- (a) Whenever complaint is made to any
8 commanding officer that willful damage has been done to the property of any person or that
9 person's property has been wrongfully taken by members of the state military forces, that officer
10 may, subject to such regulations as the governor may prescribe, convene a board to investigate
11 the complaint. The board shall consist of from one (1) to three (3) commissioned officers and, for
12 the purpose of that investigation, it has power to summon witnesses and examine them upon oath
13 or affirmation; to receive depositions or other documentary evidence; and to assess the damages
14 sustained against the responsible parties. The assessment of damage made by the board is subject
15 to the approval of the commanding officer, and in the amount so approved by the commanding
16 officer, shall be charged against the pay of the offenders. The order of the commanding officer
17 directing charges herein authorized is conclusive, except as provided in subsection (c) of this
18 section, on any disbursing officer for the payment by that officer to the injured parties of the
19 damages so assessed and approved.

20 (b) If the offenders cannot be ascertained, but the organization or detachment to which
21 they belong is known, charges totaling the amount of damages assessed and approved may be
22 paid to the injured parties from the military funds of the units of the state military forces to which
23 the offenders belonged.

24 (c) Any person subject to this code who is accused of causing willful damage to property
25 has the right to be represented by counsel, to summon witnesses in his or her behalf, and to cross-
26 examine those appearing against him or her. He or she has the right of appeal to the next higher
27 commander.

28 **30-13-128. Payment of fines and disposition thereof.** -- Fines imposed by a military
29 court may be paid to it or to an officer executing its process. The amount of an imposed fine may
30 be noted upon any state roll or account for pay of the delinquent and deducted from any pay or
31 allowance due or thereafter to become due the delinquent, until the fine is liquidated. Any sum so
32 deducted shall be returned to the military court ~~which~~ that imposed the fine. Any military court
33 and any officer collecting a fine or penalty imposed by a military court upon an officer or enlisted
34 person shall pay it forthwith to the adjutant general, who shall remit the sum within thirty (30)

1 days to the state treasurer for the general purposes and uses of the state.

2 **30-13-131. Delegation of authority by governor.** -- The governor may delegate any
3 authority vested in him or her under this code, and may provide for the subdelegation of any of
4 that authority, except the power given him or her by §§ 30-13-21 and 30-13-24.

5 SECTION 38. Sections 30-15-2, 30-15-7, 30-15-9, 30-15-11, 30-15-12, 30-15-13, 30-15-
6 15, 30-15-16, 30-15-18, 30-15-21, 30-15-41, 30-15-42, and 30-15-43 of the General Laws in
7 Chapter 30-15 entitled "Emergency Management" are hereby amended to read as follows:

8 **30-15-2. Purposes of provisions.** -- The purposes of this chapter are:

9 (1) To reduce vulnerability of people and communities of this state to damage, injury, and
10 loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military
11 or paramilitary action or acts of bioterrorism;

12 (2) To prepare for prompt and efficient rescue, care, and treatment of persons victimized
13 or threatened by disaster;

14 (3) To provide a setting conducive to the rapid and orderly start of restoration and
15 rehabilitation of persons and property affected by disasters;

16 (4) To clarify and strengthen the roles of the governor, state agencies, and local
17 governments in prevention of, preparation for, and response to and recovery from disasters;

18 (5) To authorize and provide for cooperation in disaster prevention, preparedness,
19 response, and recovery;

20 (6) To authorize and provide for coordination of activities relating to disaster prevention,
21 preparedness, response, and recovery by agencies and officers of this state, and similar state-
22 local, interstate, federal-state, and foreign activities in which the state and its political
23 subdivisions may participate;

24 (7) To provide a disaster management system embodying all four (4) phases of
25 emergency management: mitigation~~s~~, preparedness~~s~~, response~~s~~, and recovery.

26 (8) [Deleted by P.L. 2000, ch. 170, § 2];

27 (9) To prepare for emergency health threats, including those caused by acts of
28 bioterrorism, ~~which~~ that require the exercise of extraordinary government functions;

29 (10) To provide the state with the ability to respond rapidly and effectively to potential or
30 actual public health emergencies or disaster emergencies.

31 **30-15-7. Governor's general powers.** -- The governor shall be responsible for carrying
32 out the provisions of this chapter and shall be primarily responsible for emergency management
33 in the state. Aside from powers granted to the governor elsewhere, the governor is hereby
34 specifically authorized to:

1 (1) Issue executive orders, proclamations, and regulations and amend or rescind them.
2 Executive orders, proclamations, and regulations, for the purposes of this chapter, have the force
3 and effect of law;

4 (2) Cooperate with the federal authorities and with the governors and/or officials of the
5 other states in matters pertaining to the common disaster preparedness of the states and nation,
6 and in exercising the powers under this chapter, the governor shall avoid duplications of, and
7 conflicts with, the efforts of the federal authorities acting within their proper spheres;

8 (3) Consider on a continuing basis steps that could be taken to prevent or reduce the
9 harmful consequences of disasters. At the governor's direction, and pursuant to any other
10 authority they now have, state agencies, including, but not limited to, those that are or may be
11 charged with responsibilities in connection with flood plain management, stream encroachment
12 and flow regulation, weather modification, fire prevention and control, air quality, public works,
13 land use and land-use planning, and construction standards, shall make studies of ~~disaster~~
14 ~~prevention~~ disaster-prevention-related matters. The governor, from time to time, shall make
15 recommendations to the general assembly, local governments, and other appropriate public and
16 private entities as may facilitate measures for mitigation of the harmful consequences of disasters;

17 (4) Prepare a comprehensive plan and program for disasters (including response and
18 recovery) in the state, the plan and program to be integrated into, and coordinated with, the
19 response and disaster plans of other states to the fullest possible extent, and coordinate the
20 preparation of plans and programs for disasters by the political subdivisions of the state, such
21 plans to be integrated into, and coordinated with the state disaster plan and program to the fullest
22 possible extent;

23 (5) In accordance with the plans and programs for disasters in the state, procure supplies
24 and equipment, to institute training programs and public information programs, and to take all
25 other preparatory steps, including the partial or full mobilization of disaster organizations in
26 advance of actual disaster, to ~~insure~~ ensure the furnishing of adequately trained and equipped
27 forces of disaster personnel in time of need;

28 (6) Delegate any administrative authority vested in the governor under this chapter, and
29 provide for the subsequent delegation of that authority; and

30 (7) Do all other things necessary to ~~insure~~ ensure adequate preparation for disasters in
31 the state, not inconsistent with other provisions of law.

32 **30-15-9. Governor's responsibilities relating to disaster emergencies.** -- (a) The
33 governor shall be responsible for meeting the dangers to the state and people presented by
34 disasters.

1 (b) A state of emergency shall be declared by executive order or proclamation of the
2 governor if he or she finds a disaster has occurred or that this occurrence, or the threat thereof, is
3 imminent. The state of disaster emergency shall continue until the governor finds that the threat
4 or danger has passed or the disaster has been dealt with to the extent that emergency conditions
5 no longer exist and terminates the state of disaster emergency by executive order or proclamation,
6 but no state of disaster emergency may continue for longer than thirty (30) days unless renewed
7 by the governor. The general assembly, by concurrent resolution, may terminate a state of disaster
8 emergency at any time. Thereupon, the governor shall issue an executive order or proclamation
9 ending the state of disaster emergency and what actions are being taken to control the emergency
10 and what action the public should take to protect themselves. All executive orders or
11 proclamations issued under this subsection shall indicate the nature of the disaster, the area or
12 areas threatened, and the conditions ~~which~~ that have brought it about or ~~which~~ that make
13 possible termination of the state of disaster emergency. An executive order or proclamation shall
14 be disseminated promptly by means calculated to bring its contents to the attention of the general
15 public and, unless the circumstances attendant upon the disaster prevent or impede, promptly
16 filed with the agency, the secretary of state, and the city and town clerks in the area to which it
17 applies.

18 (c) An executive order or proclamation of a state of disaster emergency, shall activate the
19 state and local disaster emergency plans applicable to the political subdivision or area in question
20 and shall be authority for the deployment and use of any forces to which the plan or plans apply
21 and for the use or distribution of any supplies, equipment, and materials and facilities assembled,
22 stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law
23 relating to disaster emergencies.

24 (d) During the continuance of any state of disaster emergency, the governor is
25 commander-in-chief of the organized and unorganized militia and of all other forces available for
26 emergency duty. To the greatest extent practicable, the governor shall delegate or assign
27 command authority by prior arrangement embodied in appropriate executive orders or
28 regulations, but nothing herein restricts the governor's authority to do so by orders issued at the
29 time of the disaster emergency.

30 (e) In addition to any other powers conferred upon the governor by law, the governor
31 may exercise the following powers, limited in scope and duration as is reasonably necessary for
32 emergency response:

33 (1) Suspend the provisions of any regulatory statute prescribing the procedures for
34 conduct of state business, or the orders, rules, or regulations of any state agency, if strict

1 compliance with the provisions of any statute, order, rule, or regulation would in any way
2 prevent, hinder, or delay necessary action in coping with the emergency, provided that the
3 suspension of any statute, order, rule or regulation will be limited in duration and scope to the
4 emergency action requiring said suspension;

5 (2) Utilize all available resources of the state government as reasonably necessary to cope
6 with the disaster emergency and of each political subdivision of the state;

7 (3) Transfer the direction, personnel, or functions of state departments and agencies or
8 units thereof for the purpose of performing or facilitating emergency services;

9 (4) Subject to any applicable requirements for compensation under § 30-15-11,
10 commandeer or utilize any private property if the governor finds this necessary to cope with the
11 disaster emergency;

12 (5) Direct and compel the evacuation of all or part of the population from any stricken or
13 threatened area within the state if the governor deems this action necessary for the preservation of
14 life or other disaster mitigation, response, or recovery;

15 (6) Prescribe routes, modes of transportation, and destinations in connection with
16 evacuation;

17 (7) Control ingress and egress to and from a high risk area, the movement of persons
18 within the area, and the occupancy of premises therein;

19 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
20 firearms, explosives, and combustibles;

21 (9) Make provision for the availability and use of temporary emergency shelter;

22 (10) Make and promulgate such rules and regulations as the governor may deem
23 advisable for the assigning, detailing, and making available for duty and use in any city or town
24 of this state any of the personnel, apparatus, or equipment of any police or fire department of any
25 other city or town, or of any volunteer fire company, or of any fire district, and that personnel
26 shall have the same powers, duties, rights, privileges, and immunities as if performing their duties
27 in the city or town in which they normally would be employed, but the personnel shall obey the
28 orders of the police and fire authorities of the city or town to which assigned, detailed, or made
29 available. When assigned, detailed, or made available as aforesaid, the city or town in which the
30 police or firemen shall perform outside duties shall provide them with subsistence or pay them a
31 reasonable allowance therefor, and shall also be liable for any damage to the apparatus or
32 equipment incurred while being so used; provided, however, that a city or town shall be
33 reimbursed by the state out of the general fund of the state for all expenses incurred under the
34 foregoing provisions of this subsection;

1 (11) Designate as a special emergency health and sanitation area, any area within the
2 state ~~which~~ that has been seriously damaged by disaster, or in which the existence of any
3 military, naval, or air establishment of the United States of America or of any industrial
4 establishment constructed or enlarged for purposes of national defense, has caused an increase in
5 the population of that area to such an extent as to produce unusual problems of health and
6 sanitation. It is the duty of state health authorities and the local code enforcement officials to
7 make and enforce rules and regulations designed to prevent the introduction of any contagious or
8 infectious disease and to safeguard the public health within the area. The governor may
9 promulgate and enforce additional rules and regulations for the protection of the public health
10 within areas as may be necessary;

11 (12) Whenever, in the governor's opinion, due to a disaster there is liable to be a serious
12 shortage in the supply of food, fuel, clothing, antitoxins, serums, immunizing agents, or any other
13 pharmaceutical agents or medical supplies, or any other necessity of life or defense, and the
14 federal authorities are not adequately dealing with the situation, promulgate such rules and
15 regulations as he or she, from time to time, deems necessary to regulate the sale, purchase, or
16 distribution of those necessities and to prohibit and prevent the wasting, secreting, hiding, or
17 hoarding of, or profiteering from, those necessities; additionally, during a declared time of state
18 or national emergency, no person, firm, or corporation shall increase the price of any item it sells
19 or offers for sale at retail immediately prior to the proclamation of emergency or during the
20 proclaimed state of emergency. Nothing in this section shall prohibit the fluctuation in the price
21 of items sold at retail that occurs during the normal course of business. Any person, firm, or
22 corporation who or that violates any provision of this subsection shall be fined not more than one
23 hundred dollars (\$100);

24 (13) Do all other things necessary to effectively cope with disasters in the state not
25 inconsistent with other provisions of law;

26 (14) Adopt and enforce measures to provide for the safe disposal of infectious waste as
27 may be reasonable and necessary for emergency response due to a state disaster emergency. Such
28 measures may include, but are not limited to, the collection, storage, handling, destruction,
29 treatment, transportation, and disposal of infectious waste;

30 (15) Adopt and enforce measures to provide for the safe disposal of corpses as may be
31 reasonable and necessary for emergency response due to a state disaster emergency. Such
32 measures may include, but are not limited to, the embalming, burial, cremation, interment,
33 disinterment, transportation, and disposal of corpses; and

34 (16) Compel a person to submit to a physical examination and/or testing as necessary to

1 diagnose or treat the person. The medical examination and/or testing may be performed by any
2 qualified person authorized by the department of health and must not be reasonably likely to
3 result in serious harm to the affected individual. The medical examination and/or testing shall be
4 performed immediately upon the order of the department of health without resort to judicial or
5 quasi-judicial authority. If the department of health is uncertain whether a person who refuses to
6 undergo medical examination and/or testing may have been exposed to an infectious disease or
7 otherwise poses a danger to public health, the department of health may subject the individual to
8 isolation or quarantine, pursuant to § 23-8-4.

9 **30-15-12. Local emergency management.** -- (a) Each city and town of the state shall
10 establish, through local ordinance, a comparable agency, headed by a director, similar to the
11 ~~state-wide~~ statewide disaster agency, with powers and duties within their respective jurisdictions
12 similar to those of the agency. This agency shall be known as the "(here insert the name of the
13 city or town) emergency management agency". Local agencies shall cooperate with and assist the
14 agency and shall perform such services as may be requested by it. Local agencies may act jointly
15 with other such agencies.

16 (b) The chief executive officer of each city or town has powers and duties with respect to
17 emergency management within ~~their~~ his or her city or town similar to those of the governor on
18 the state level, not inconsistent with other provisions of law.

19 **30-15-15. Immunity from liability -- Compensation for death or injury of disaster**
20 **response workers.** -- (a) All functions under this chapter, and all other activities relating to
21 disaster response, are hereby declared to be governmental functions. Neither the state, nor any
22 political subdivision thereof, nor other agencies of the state or political subdivision thereof, nor,
23 except in cases ~~in~~ of willful misconduct, gross negligence, or bad faith, any disaster response
24 worker complying with, or reasonably attempting to comply with this chapter, or any order, rule,
25 or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance
26 relating to precautionary measures enacted by any political subdivision of the state, shall be liable
27 for the death of, or injury to, persons, or for damage to property, as a result of disaster response
28 activity. The provisions of this section shall not affect the right of any person to receive benefits
29 to which he or she would otherwise be entitled under this chapter, ~~or~~ nor under the Worker's
30 Compensation Act, chapters 29 -- 38 of title 28, ~~or~~ nor under any pension law, nor the right of
31 any person to receive any benefits or compensation under any act of congress.

32 (b) Any requirement for a ~~license~~ license to practice any professional, mechanical, or
33 other skill shall not apply to any authorized disaster response worker who shall, in the course of
34 performing his or her duties as such, practice ~~any~~ such professional, mechanical, or other skill

1 during a disaster emergency.

2 (c) In the absence of any other benefits as provided by law, all disaster response workers
3 who shall be killed or sustain disability or injury while in training for or on disaster response duty
4 shall be construed to be employees of the state, any other provisions of the law to the contrary
5 notwithstanding, and shall be compensated in like manner as state employees are compensated
6 under the provisions of chapters 29 -- 38 of title 28.

7 (d) As used in this section, the term "disaster response worker" shall include any full- or
8 part-time paid, volunteer, or auxiliary employee of this state, other states, territories, or
9 possessions, the District of Columbia, the federal government, any neighboring country, or any
10 political subdivision thereof, or any agency or organization, or any private person, firm, or
11 corporation performing disaster response services at any place in this state subject to the order or
12 control of, or pursuant to a request of, the state government or any political subdivision thereof.

13 **30-15-21. Penalties.** -- Any person violating any provisions of this chapter or any rule,
14 order, or regulation promulgated pursuant to this chapter shall upon conviction thereof be
15 punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment ~~for~~ not
16 exceeding ninety (90) days, or both.

17 **30-15-41. Approval of emergency response plans for the transportation of liquefied**
18 **natural gas.** -- (a) Findings. - The ~~General Assembly~~ general assembly hereby recognizes the
19 paramount importance of establishing an emergency response plan for the transportation of
20 liquefied natural gas within the state. The ~~General Assembly~~ general assembly hereby also
21 declares ~~also~~ that the establishment of the emergency response plan is in the interest of the public
22 health, safety, and welfare as a means to protect against the potential hazards presented by the
23 transportation of liquefied natural gas.

24 (b) No emergency response plan for the transportation of liquefied natural gas through
25 the waters of Narragansett Bay and/or Mount Hope Bay shall be issued or implemented by the
26 Rhode Island emergency management agency prior to the approval of the aforementioned
27 emergency response plan by the general assembly and the city or town councils of Bristol,
28 Jamestown, Middletown, Newport, Portsmouth, Tiverton, and Warren.

29 **30-15-43. Statewide interoperable communications system.** -- The Rhode Island
30 emergency management agency is hereby authorized and empowered to provide for the
31 installation, operation, and maintenance of a statewide interoperable communications system for
32 the purpose of promptly collecting, exchanging, disseminating, and distributing information
33 relating to police, fire, first responder, and first receiving health care facilities of the state. The
34 system is to be installed, operated, and maintained in such cities and towns and entities as have

1 organized systems, and may connect directly or indirectly with similar systems in other states in
2 accordance with rules and regulations as promulgated by the Rhode Island emergency
3 management agency. These rules and regulations shall be reviewed and revised from time to time
4 by the interoperable communications committee as established in § ~~31-15-42~~, 30-15-42. The
5 Rhode Island emergency management agency is authorized to provide for the location of the
6 receiving system sites and to employ the necessary personnel for its operation. The system shall
7 be called the Rhode Island statewide communications network (RISCON). The state departments
8 and agencies and the cities and towns are authorized to provide through federal funding when
9 available and general revenue when allocated, within the appropriations provided by law, for the
10 location of equipment and for the personnel and supplies for their proper operation. The character
11 of communication sent and the time, place and manner of sending messages and all matters in
12 connection with the RISCON system shall be under the control and management of the executive
13 director of the Rhode Island emergency management agency.

14 SECTION 39. Section 30-15.4-1 of the General Laws in Chapter 30-15.4 entitled "Debris
15 and Wreckage Removal in Disasters" is hereby amended to read as follows:

16 **30-15.4-1 Authority of governor.** -- Whenever the governor has declared a disaster
17 emergency to exist under the laws of this state, or the president of the United States, at the request
18 of the governor, has declared a major disaster or emergency to exist in this state, the governor is
19 authorized:

20 (1) Notwithstanding any other provision of law, through the use of state departments or
21 agencies, or the use of any of the state's instrumentalities, to clear or remove from publicly or
22 privately owned land or water, debris and wreckage ~~which~~ that may threaten public health or
23 safety, or public or private property; and

24 (2) To accept funds from the federal government and utilize those funds to make grants to
25 any local government for the purpose of removing debris or wreckage from publicly or privately
26 owned land or water.

27 SECTION 40. Section 30-15.6-1 of the General Laws in Chapter 30-15.6 entitled
28 "Temporary Housing for Disaster Victims" is hereby amended to read as follows:

29 **30-15.6-1. Powers of governor.** -- Whenever the governor has declared a disaster
30 emergency to exist under the laws of this state, or the president of the United States, at the request
31 of the governor, has declared a major disaster or emergency to exist in this state, the governor is
32 authorized:

33 (1) To enter into purchase, lease, or other arrangements with any agency of the United
34 States for temporary housing units to be occupied by disaster victims and to make these units

1 available to any political subdivision of the state;

2 (2) To assist any political subdivision of this state ~~which~~ that is the locus of temporary
3 housing for disaster victims~~;~~ to acquire sites necessary for temporary housing~~;~~ and to do all things
4 required to prepare the site to receive and utilize temporary housing units, by:

5 (i) Advancing or lending funds available to the governor from any appropriation made by
6 the general assembly or from any other source;

7 (ii) "Passing through" funds made available by any agency, public or private; or

8 (iii) Becoming a co-partner with the political subdivision for the execution and
9 performance of any temporary housing for disaster victims project and~~;~~ for those purposes~~;~~ to
10 pledge the credit of the state on such terms as the governor deems appropriate, having due regard
11 for current debt transactions of the state; and

12 (3) Under such regulations as the governor shall prescribe, to temporarily suspend or
13 modify, for a period not to exceed sixty (60) days, any public health, safety, zoning,
14 transportation (within or across the state), or other requirement of law or regulation within this
15 state when by proclamation, the governor deems the suspension or modification essential to
16 provide temporary housing for disaster victims.

17 SECTION 41. Section 30-17.1-7 of the General Laws in Chapter 30-17.1 entitled
18 "Veterans' Affairs" is hereby amended to read as follows:

19 **30-17.1-7. Annual report to general assembly.** -- The director of human services shall
20 report annually~~;~~ no later than January 31 of each year~~;~~ to the governor, speaker of the house of
21 representatives, the senate president, and house and senate finance committees, setting forth~~;~~ in
22 detail~~;~~ the condition of the veterans' home, any veterans' cemetery~~;~~ authorized and established by
23 the general assembly, and in general, the character of the work of veterans' affairs~~;~~ and shall
24 render in the report a faithful account of all moneys received and expended by the director of
25 human services and by the division of veterans' services in the execution of the provisions of this
26 chapter and chapter 24 of this title, excepting the names of persons to whom they have furnished
27 assistance which shall be omitted.

28 SECTION 42. Section 30-19-5 of the General Laws in Chapter 30-19 entitled "Capacity
29 of Minor Veterans" is hereby amended to read as follows:

30 **30-19-5. Powers of minor spouse.** -- Any minor spouse of any person who under the
31 provisions of federal law is eligible for housing loans and whether or not under guardianship by
32 reason of minority, may~~;~~ with the same force, effect, and validity as if he or she were eighteen
33 (18) years of age with full legal capacity do all that a minor veteran is empowered to do under §§
34 30-19-1 -- 30-19-3, and without limiting the generality of the foregoing, join with the minor

1 veteran in the execution and delivery of any mortgage or other instrument ~~which~~ that may be
2 requisite, necessary, desirable, or incidental to the obtaining of any loan guaranteed, in part or in
3 full, under the provisions of federal law, or to the obtaining of any loan, guaranty, or other benefit
4 thereunder, and, in that mortgage or other instrument, may release curtesy or dower in any
5 property described in the mortgage or other instrument.

6 SECTION 43. Sections 30-21-9 and 30-21-13 of the General Laws in Chapter 30-21
7 entitled "Food And Drugs" are hereby amended to read as follows:

8 **30-21-9. Custodial service in public buildings.** -- (a) All vacancies ~~which~~ that may
9 occur in the employment of janitors, elevator operators, caretakers, or any positions in the
10 custodian service in any building owned or maintained by this state or any department of this
11 state shall be filled in the following order of preference:

12 (1) By war veterans having a service connected disability, whose disability does not in
13 fact handicap them in qualifying for a particular position;

14 (2) By war veterans having a nonservice connected disability, whose disability does not
15 in fact handicap them in qualifying for a particular position; and

16 (3) By war veterans with no disability.

17 (b) This section shall apply to persons who served in the armed forces of the United
18 States during ~~world-war~~ World War I or the Spanish-American ~~war.~~ War.

19 **30-21-13. Extension of credits, benefits, and privileges.** -- All credits, benefits, and
20 privileges, excepting bonuses, granted and bestowed as of December 7, 1941 by the state upon
21 men or women in the armed forces, shall be extended to include those veterans of the ~~desert~~
22 ~~storm-conflict~~ Desert Storm conflict, beginning August 2, 1990, and continuing to the present,
23 honorably discharged from active duty.

24 SECTION 44. Sections 30-22-1, 30-22-2, 30-22-3, and 30-22-6 of the General Laws in
25 Chapter 30-22 entitled "Extension of Veterans' Benefits" are hereby amended to read as follows:

26 **30-22-1. World War II veterans.** -- The provisions of all of the statutes of this state
27 granting benefits or privileges to veterans of any war in which the United States of America has
28 heretofore been engaged, or to the widow or widower or domestic partner or other surviving kin
29 of deceased veterans of that war, shall hereafter be construed to provide for like benefits and
30 privileges for any veteran of World War II who has heretofore been, or may hereafter be,
31 honorably discharged from the armed forces of this nation, and to the widow or widower or
32 domestic partner or other surviving kin of any such deceased veteran of ~~that said~~ that war.

33 **30-22-2. Merchant marine.** -- (a) All credits, benefits, and privileges, excepting
34 bonuses, granted and bestowed as of December 7, 1941 by the state upon men and women in the

1 armed forces of the United States of America and then enjoyed by those armed forces, shall be
2 extended to include members of the American merchant marine service, who, at the date of
3 enlistment, were legal residents of the state; provided, however, that those members of the
4 American merchant marine service shall have been in service for at least six (6) months, but in
5 the event any member shall meet death before the expiration of that six (6) months of service, he
6 or she shall receive all credits, benefits, and privileges to which he or she would have been
7 entitled by this section had death not intervened in that six-months' service.

8 (b) All eligible members under this section shall file with the department of veterans
9 affairs for a discharge certificate on forms provided by the department of veterans affairs for that
10 purpose.

11 **30-22-3. Veterans of undeclared wars or campaigns.** -- The provisions of all of the
12 statutes of this state granting benefits, privileges, or bonuses to veterans of any war in which the
13 United States of America has heretofore been engaged, or to the widow or widower or domestic
14 partner or other surviving kin of deceased veterans of that war, shall hereafter be construed to
15 provide for like benefits, privileges and bonuses for any man or woman of the armed forces who
16 has been engaged heretofore, is now, or may hereafter be engaged in the active conduct of and/or
17 fighting in the Korean ~~campaign~~ Campaign or the conflict in ~~Viet-Nam~~ Vietnam or any
18 following campaign or war, declared or undeclared, which the armed forces of the United States
19 of America conduct or in which those forces have a part, and who, having been actively engaged
20 as hereinbefore described, has heretofore been, or may hereafter be, honorably discharged from
21 the armed forces of this nation, and to the widow or widower or domestic partner or other
22 surviving kin of any such deceased veteran of that campaign or war.

23 **30-22-6. Domestic partner defined.** -- For purposes of this chapter, "domestic partner"
24 shall be defined as a person who, prior to the decedent's death, was in an exclusive, intimate, and
25 committed relationship with the decedent, and who certifies, by affidavit, that their relationship
26 met the following qualifications:

27 (1) Both partners were at least eighteen (18) years of age and were mentally competent to
28 contract;

29 (2) Neither partner was married to anyone else;

30 (3) Partners were not related by blood to a degree ~~which~~ that would prohibit marriage in
31 the state of Rhode Island;

32 (4) Partners resided together and had resided together for at least one year at the time of
33 death; and

34 (5) Partners were financially interdependent as evidenced by at least two (2) of the

1 following:

- 2 (i) Domestic partnership agreement or relationship contract;
- 3 (ii) Joint mortgage or joint ownership of primary residence;
- 4 (iii) Two (2) of: (A) joint ownership of motor vehicle; (B) joint checking account; (C)
- 5 joint credit account; (D) joint lease; and/or
- 6 (iv) The domestic partner had been designated as a beneficiary for the decedent's will,
- 7 retirement contract, or life insurance.

8 SECTION 45. Sections 30-23-3 and 30-23-4 of the General Laws in Chapter 30-23

9 entitled "Health and Safety" are hereby amended to read as follows:

10 **30-23-3. Composition and purpose of local committees.** -- Each local veterans'

11 retraining and reemployment committee, hereinafter referred to as the "local committee", shall be

12 fully representative of all federal, state, and local agencies serving veterans in the community,

13 and of all community groups and institutions therein ~~which~~ that are interested in, and can

14 contribute to, the program for providing the veteran with one place in the locality where he or she

15 can go in dignity for full information and adequate counsel and assistance in solving his or her

16 problems.

17 **30-23-4. Organization of local committees.** -- The local committee shall elect a

18 ~~chairman~~ chairperson and such other officers as it may determine and may appoint an executive

19 committee and subcommittees and define the duties of its officers and committees. The local

20 committee may employ an executive secretary and clerical and other assistance within the

21 amounts of appropriations available therefor. The officers and committees of the local committee

22 shall serve at the pleasure of the local committee.

23 SECTION 46. Sections 30-24-2 and 30-24-9 of the General Laws in Chapter 30-24

24 entitled "Rhode Island Veterans' Home" are hereby amended to read as follows:

25 **30-24-2. ~~By-laws~~ Bylaws and regulations -- Supervision by director.** -- (a) The

26 director of human services, or his or her designee, shall have the general supervision over, and

27 shall prescribe rules for, the government and management of the Rhode Island veterans' home. He

28 or she shall make all needful ~~by-laws~~ bylaws and regulations governing the admission,

29 maintenance, and discharge of the residents of the home, which shall not be inconsistent with the

30 spirit and intent of this chapter, and generally may do all things necessary to successfully carry

31 into effect the purposes of this chapter.

32 (b) The director shall appoint and employ all subordinate officials and persons needed for

33 the proper management of the home.

34 **30-24-9. Property of deceased residents.** -- All goods, chattels, property, money, and

1 effects of a deceased resident of the Rhode Island veterans' home, which have not been disposed
2 of by him or her by a completed inter vivos conveyance or gift, or by a valid will, after payment
3 therefrom of the funeral expenses, which shall not exceed five thousand dollars (\$5,000), and
4 after payment therefrom of the reasonable debts and expenses of the deceased resident to be
5 determined by rules and regulations as shall be adopted by the director, shall upon his or her
6 decease become the property of the state, and shall be applied by the director of human services,
7 or his or her designee, to the uses and purposes of the veterans' restricted account; provided,
8 however, that the director may, in his or her discretion, deliver to any surviving relative of the
9 deceased resident any of the property or effects as may serve as a memento of the deceased
10 resident. For purposes of this section, the provisions of chapter 24 of title 33 shall be applicable.

11 SECTION 47. Sections 30-25-13 and 30-25-14 of the General Laws in Chapter 30-25
12 entitled "Burial of Veterans" are hereby amended to read as follows:

13 **30-25-13. Acceptance and administration of gifts.** -- The director of human services
14 may accept in the name of the state, and may administer, any devise, bequest, or gift ~~which~~ that
15 is to be expended for the general purposes of this chapter. All sums received by devise, bequest,
16 or gift from any person or corporation shall be deposited with the general treasurer, and by him or
17 her kept in a special fund, to be known as "the veterans' cemetery fund", and held subject to the
18 order of the director.

19 **30-25-14. Rhode Island veterans' memorial cemetery.** -- The Rhode Island veterans'
20 memorial cemetery, located on the grounds of the Joseph H. Ladd school in the town of Exeter,
21 shall be under the management and control of the director of the department of human services.
22 The director of the department of human services shall appoint an administrator for the Rhode
23 Island veterans' memorial cemetery who shall be an honorably discharged veteran of the United
24 States Armed Forces and shall have the general supervision over, and shall prescribe rules for, the
25 government and management of the cemetery. He or she shall make all needful rules and
26 regulations governing the operation of the cemetery and generally may do all things necessary to
27 ~~insure~~ ensure the successful operation thereof. The director shall promulgate rules and
28 regulations, not inconsistent with the provisions of 38 USCS section 2402, to govern the
29 eligibility for burial in the Rhode Island veterans' memorial cemetery. In addition to all persons
30 eligible for burial pursuant to rules and regulations established by the director, any person who
31 served in the army, navy, air force, or marine corps of the United States for a period of not less
32 than two (2) years and whose service was terminated honorably, shall be eligible for burial in the
33 Rhode Island veterans' memorial cemetery. The director shall appoint and employ all subordinate
34 officials and persons needed for the proper management of the cemetery. National Guard

1 members who are killed in the line of duty or who are honorably discharged after completion of
2 at least twenty (20) years' of service in the Rhode Island ~~National Guard~~ national guard and
3 their spouse shall be eligible for internment in the Rhode Island Veterans' Memorial Cemetery.
4 For the purpose of computing service under this section, honorable service in the active forces or
5 reserves shall be considered toward the twenty (20) years of ~~National Guard~~ national guard
6 service. The general assembly shall make an annual appropriation to the department of human
7 services to provide for the operation and maintenance for the cemetery. The director shall charge
8 and collect a grave liner fee per interment of the eligible spouse and/or eligible dependents of the
9 qualified veteran equal to the ~~Department's~~ department's cost for the grave liner.

10 SECTION 48. Section 30-28-11 of the General Laws in Chapter 30-28 entitled
11 "Monuments and Memorials" is hereby amended to read as follows:

12 **30-28-11. Monument to veterans of Vietnam, Cambodia, and Laos.** -- (a) The general
13 assembly shall appropriate a sum of five thousand dollars (\$5,000) for the construction of a
14 monument ~~which~~ that shall be dedicated to the men and women from this state who served in the
15 armed forces in Vietnam, Cambodia, and Laos. The monument shall be located in the pond at the
16 water place site in the capital center in Providence. The general assembly shall also appropriate
17 such a sum as it may deem necessary for the care and maintenance of the monument, and the state
18 controller is hereby authorized and directed to draw his or her orders upon the general treasurer,
19 from time to time, for the payment of the cost of construction and maintenance of the monument
20 upon the receipt by him or her of proper vouchers approved by the adjutant general.

21 (b) The POW-MIA flag, which is also the official flag of the national league of families
22 of American prisoners and missing in southeast National League of Families of American
23 Prisoners and Missing in Southeast Asia, shall be flown over the monument until such time as all
24 prisoners and missing in southeast Asia are accounted for.

25 SECTION 49. Section 30-30-1 of the General Laws in Chapter 30-30 entitled "Benefits
26 for Dependents of Deceased Veterans, P.O.W.S., and M.I.A.S" is hereby amended to read as
27 follows:

28 **30-30-1. Appropriations -- Purposes.** -- The general assembly shall annually
29 appropriate such a sum as may be ~~necessary~~, out of any money in the treasury not otherwise
30 appropriated, for the purpose of creating and maintaining a "dependents' education fund" from
31 which shall be paid in whole or in part the charges for the tuition and books of such of the sons,
32 daughters, and surviving spouses of veterans who died as the result of hostile action or a ~~service-~~
33 **connected** disability arising out of active service in the armed forces, or who died from any cause
34 while such a disability was in existence, or of those who are serving in the far east and had a legal

1 residence in this state at the time they were commissioned, warranted, enlisted, or inducted into
2 the military or naval service of the United States and were either missing in action or are
3 prisoners of war, provided that the next of kin has not been advised by the armed forces that the
4 serviceperson has been released or is no longer classified as missing in action. The benefits shall
5 be extended to dependents who are **attending**, or may **attend**, the university of Rhode Island, **the**
6 Rhode Island college, or any institution of higher education or technical/professional **learning**;
7 **the learning. The** maximum aid granted shall not exceed the in-state tuition cost plus average
8 cost of books of attending the university of Rhode Island in that year, the costs to be yearly
9 certified by the ~~board of governors of higher education~~ **Board of Education** to the
10 administering agency; provided, any child dependent shall enter the institution while between the
11 ages of sixteen (16) and twenty-six (26); and provided, further, that the aid herein granted shall be
12 available to that child for such period of time as shall equal the normal time for completing the
13 courses regularly offered by the institution, but in no case more than four (4) years; and provided,
14 further, that this chapter shall apply also to the children of those who are serving in the far east,
15 but did not have legal residence in this state at the time those persons were commissioned,
16 warranted, enlisted, or inducted into the military or naval service of the United States; provided
17 that those children have resided in this state continuously for five (5) years and are otherwise
18 eligible, upon the presentation to the proper administering authority of sufficient evidence that the
19 parent qualifies the child to receive the benefits under this section; and provided, further, **that**, as
20 to surviving **spouses**, the benefits must be utilized within a period of ten (10) years from the date
21 eligibility is found or from the date of death of the spouse from whom eligibility is derived.

22 SECTION 50. Sections 30-30.2-2 and 30-30.2-3 of the General Laws in Chapter 30-30.2
23 entitled "Educational Assistance For Combat Veterans" are hereby amended to read as follows:

24 **30-30.2-2. Statement of purpose.** -- It is hereby found and declared as follows: (1) The
25 fundamental freedoms enjoyed by all citizens of our state and these United States are **insured**
26 **ensured** in no small part through the honorable service of our nation's military veterans;

27 (2) The people of the state have a deep debt of gratitude for the sacrifices made by these
28 men and women **who**, as combat **veterans**, placed their lives in harm's way to protect and defend
29 our nation from all foreign enemies and terrorist threats; and

30 (3) These men and women should be allowed to resume their education, receive academic
31 credit commensurate with their military training and experience, graduate, and ultimately obtain
32 meaningful civilian employment upon their return to Rhode Island without delay.

33 **30-30.2-3. Academic credit for military training and coursework.** -- The state board
34 of education shall ensure:

1 (1) Enrolled students are awarded education credits based upon their military training or
2 service when academically appropriate; and

3 (2) Establishment of a preferential class registration process for all state institutions,
4 ~~which~~ that shall be reviewed and approved by the board of education to allow combat veterans to
5 register first for all classes at any state-run institution of higher education. In developing rules and
6 regulations, the office of the commissioner of higher education, in consultation with the adjutant
7 general of the Rhode Island national guard, shall determine individual preference ranking among
8 combat veterans, including, but not limited to, the number of combat tours served, service
9 awards, and any other such criteria deemed appropriate by the adjutant general.

10 SECTION 51. Section 30-33-5 of the General Laws in Chapter 30-33 entitled "The
11 Rhode Island Military Family Relief Act" is hereby amended to read as follows:

12 **30-33-5. Prohibited actions.** -- (a) An employer shall not interfere with, restrain, or deny
13 the exercise or the attempt to exercise any right provided under this act.

14 (b) An employer shall not discharge, fine, suspend, expel, discipline, or in any other
15 manner discriminate against any employee ~~that~~ who exercises any right provided under this act.

16 (c) An employer shall not discharge, fine, suspend, expel, ~~or~~ discipline, or in any other
17 manner discriminate against any employee for opposing any practice made unlawful under this
18 act.

19 SECTION 52. Sections 32-1-3, 32-1-13, and 32-1-15 of the General Laws in Chapter 32-
20 1 entitled "General Provisions" are hereby amended to read as follows:

21 **32-1-3. Acquisition of land – Riparian rights – Control of land use.** -- To more
22 effectually carry out the purposes of this chapter and chapter 2 of this title, the department of ~~the~~
23 ~~environment~~ environmental managment may acquire by purchase, gift, devise, or
24 condemnation, lands, easements, rights, and interests in land for a park, recreation ground, or
25 bathing beach in any part of the state, whether that property is ~~situate~~ situated in the cities or
26 towns in which its powers may be exercised under the provisions of § 32-2-1, or is situate in any
27 other city or town; provided, that all property other than tide-flowed lands acquired by
28 condemnation shall remain subject to all rights of riparian proprietors on any waters bordering
29 upon the property, that no riparian rights shall be taken, destroyed, impaired, or affected by the
30 condemnation, that all riparian proprietors shall have the right to continue to maintain, repair, or
31 reconstruct dams and their appurtenances now existing on the waters bordering upon that
32 property and for this purpose to enter upon that property, restoring it after repair or reconstruction
33 to its previous condition as nearly as may be, and shall continue to enjoy the same rights of
34 flowage with respect to that property ~~which~~ that the riparian proprietors have heretofore used and

1 enjoyed. Subject to the foregoing provisions of this section, the department may use, or permit the
2 use, of property, acquired by it under the provisions of this section and the waters bordering
3 thereon, for bathing, boating, fishing, and skating, and shall have the same authority, supervision,
4 and control over that property as it has over other property acquired by the department under
5 other provisions of this chapter or any other law.

6 **32-1-13. Authority to obtain federal assistance.** -- The director is authorized for and on
7 behalf of the state, with the approval of the governor, to apply for and accept from the federal
8 government or any department or agency thereof assistance ~~which~~ that may become available for
9 the purposes of §§ 32-1-11 – 32-1-13, whether it be in the form of a loan or grant or otherwise;
10 to accept the provisions of any federal legislation or regulations therefor; to enter into contracts
11 in connection therewith; and to act as agent for the federal government in connection therewith
12 or to designate a subordinate so to act. To obtain federal assistance, the director is authorized to
13 comply with any federal law, rules, and regulations thereunder; and to meet such federal
14 requirements as may be made conditions precedent to receiving federal assistance.

15 **32-1-15. Local permission to use state parks.** -- Any person, firm, or corporation
16 requesting use of a state park for concerts, shows, exhibitions, or other similar gatherings shall
17 first obtain the written permission to use the park from the licensing authority of the town or city
18 where said park is located. The department of environmental management shall not permit the use
19 of a park without the written permission required by this section, provided, however, that any
20 person, firm, or corporation who or that is denied written permission to use the park from the
21 licensing authority of the town or city where the park is located shall have the right to an
22 immediate appeal to the department of environmental management for a hearing on the propriety
23 of the denial of that written permission. The hearing shall be de novo and written notice of the
24 appeal shall be given to the licensing authority of the city or town involved at the same time the
25 written notice of appeal is given to the department of environmental management. The
26 ~~A~~administrative ~~P~~rocedures ~~A~~ct, chapter 35 of title 42, shall apply to all appeals.

27 SECTION 53. Section 32-3-3 of the General Laws in Chapter 32-3 entitled "Town
28 Forests, Parks, and Recreation Systems" is hereby amended to read as follows:

29 **32-3-3. Powers of agency in charge of system.** -- The board or committee that may be
30 authorized pursuant to § 32-3-2 to exercise those powers stated therein may conduct its activities
31 on land and in buildings, adapted or adaptable for those purposes, owned by the city or town, with
32 the consent of the committee or board in control of that property, or on land or in buildings that
33 may hereafter be acquired for those purposes by gift, purchase, or lease; and may also in its
34 discretion take charge of and use any place or places ~~which~~ that any person or persons may offer

1 the use of for purposes herein enumerated. The board or committee may employ a superintendent
2 of recreation, teachers, and other officers and may fix their compensation. The board or
3 committee may authorize the use of such property as may be under its control for any other
4 municipal purpose, or by any person, society, or other organization for such other public,
5 recreational, social, or educational purposes as the board or committee may deem proper.

6 SECTION 54. Sections 32-4-4, 32-4-5, 32-4-9, and 32-4-11 of the General Laws in
7 Chapter 32-4 entitled "Green Acres Land Acquisition" are hereby amended to read as follows:

8 **32-4-4. Application of funds.** -- (a) The director shall use the sum appropriated by this
9 chapter, and such other sums as may be appropriated or as may otherwise be available from time
10 to time, for the purposes herein set forth, to acquire lands for recreation and conservation
11 purposes and to make grants to assist local units to acquire lands for those purposes, subject to the
12 conditions and limitations prescribed by this chapter.

13 (b) The director is authorized for and on behalf of the state, with the approval of the
14 governor, to apply for, and accept from, the federal government or any department or agency
15 thereof assistance ~~which~~ that may become available for the purposes of this chapter, whether it
16 be in the form of a loan or grant or otherwise; to accept the provisions of any federal legislation
17 or regulations therefor; to enter into contracts in connection therewith; and to act as agent for the
18 federal government in connection therewith or to designate a subordinate so to act. To obtain
19 federal **assistance**, the director is authorized to comply with any federal law, or rules and
20 regulations thereunder, and to meet such federal requirements as may be made conditions
21 precedent to receiving federal assistance.

22 **32-4-5. Duties of director.** -- In acquiring lands and making grants to assist local units to
23 acquire lands, the director shall:

24 (1) Seek to achieve a reasonable balance among all areas of the state in consideration of
25 the relative adequacy of area recreation and conservation facilities at the time and the relative
26 anticipated future needs for additional recreation and conservation facilities;

27 (2) Give due consideration to the special park requirement needs of urban areas;

28 (3) Give due consideration to acquiring unusual or unique natural areas;

29 (4) Insofar as practicable, and except as provided in subdivision (3) of this section, limit
30 acquisition to predominately open and natural land in order to minimize the cost of acquisition
31 and the expense of rendering land suitable for recreation and conservation purposes;

32 (5) Wherever possible, select land for acquisition ~~which~~ that is suitable for multiple
33 recreation and conservation purposes and contains an area sufficiently large to make practical its
34 use for those purposes;

1 (6) Give due consideration to coordination with the plans of other departments of state
2 government with respect to land use or acquisition. For this purpose, the director is authorized to
3 use the facilities of the department of economic development and any agency, commission, or
4 interdepartmental committee; and

5 (7) Encourage contiguous local units to develop joint plans with respect to land use or
6 acquisition for recreation and conservation purposes.

7 **32-4-9. State grants – Application.** -- A state grant to assist a local unit to acquire lands
8 for recreation and conservation purposes shall not be made under this chapter until:

9 (1) The local unit has applied to the director on forms prescribed by the director:

10 (i) Describing the lands for the acquisition of which the grant is sought;

11 (ii) Stating the recreation and/or conservation purpose or purposes to which the lands will
12 be devoted, and the facts ~~which~~ that give rise to the need for the lands for that purpose;

13 (iii) Setting forth a comprehensive plan for the development of the lands approved by the
14 governing body of the local unit; and

15 (iv) Stating such other matters as the director shall prescribe;

16 (2) The director shall have prescribed the terms and conditions under which the grant
17 applied for will be made; and

18 (3) The local unit shall have filed with the director its acceptance of the terms and
19 conditions, and has otherwise complied with the provisions of this chapter.

20 **32-4-11. Percentage of state grants.** -- Grants under this chapter shall be made by the
21 director. In the case of a single, local unit, the grant shall be in an amount equal to fifty percent
22 (50%) of the nonfederal share of the cost of the lands, and in the case of two (2) or more
23 contiguous local units ~~which~~ that shall join together to present a joint comprehensive plan for the
24 development of those units approved by their respective governing bodies, the grant shall be in an
25 amount equal to seventy-five percent (75%) of the nonfederal share of the cost of the lands.

26 SECTION 55. Sections 32-6-4, 32-6-5, and 32-6-6 of the General Laws in Chapter 32-6
27 entitled "Public Use of Private Lands-Liability Limitations" are hereby amended to read as
28 follows:

29 **32-6-4. Land leased to state.** -- Unless otherwise agreed in writing, the provisions of §
30 32-6-3 and this section shall be deemed applicable to the duties and liability of an owner of land
31 leased to the state or any subdivision or agency thereof or land ~~which~~ that the state or any
32 subdivision or agency thereof possesses an easement for recreational purposes.

33 **32-6-5. Limitation on chapter.** -- (a) Nothing in this chapter limits in any way any
34 liability ~~which~~ that, but for this chapter, otherwise exists:

1 (1) For the willful or malicious failure to guard or warn against a dangerous condition,
2 use, structure, or activity after discovering the user's peril; or

3 (2) For any injury suffered in any case where the owner of land charges the person or
4 persons who enter or go on the land for the recreational use thereof, except that in the case of land
5 leased to the state or a subdivision thereof, any consideration received by the owner for that lease
6 shall not be deemed a "charge" within the meaning of this section.

7 (b) When the coastal resources management council designates a right-of-way as part of
8 its designation process as specified in § 46-23-6(5), or when the coastal resources management
9 council stipulates public access as a condition of granting a permit, the landowner automatically
10 will have "limited liability" as defined in this chapter, except as specifically recognized by or
11 provided in this section.

12 **32-6-6. Construction of chapter.** -- Nothing in this chapter shall be construed to:

13 (1) Create a duty of care or ground of liability for an injury to persons or property;

14 (2) Relieve any person using the land of another for recreational purposes from any
15 obligation ~~which~~ that he or she may have in the absence of this chapter to exercise care in his or
16 her use of that land and in his or her activities thereon, or from the legal consequences of the
17 failure to employ that care; or

18 (3) Create a public or prescriptive right or easement running with the land.

19 SECTION 56. Sections 32-7-7, 32-7-8, 32-7-9, 32-7-11, 32-7-13, and 32-7-14 of the
20 General Laws in Chapter 32-7 entitled "Recreational Vehicle Parks and Campgrounds Act" are
21 hereby amended to read as follows:

22 **32-7-7. Definitions.** -- The following definitions are adopted for purposes of this chapter
23 and for use by state and local agencies. In addition to standards established by local codes and
24 other laws of the state of Rhode Island and standards adopted by reference, the following
25 definitions shall apply to recreational vehicle parks and campgrounds. Where differences occur
26 between state and local definitions, this chapter shall govern:

27 (1) Accessory structure: - A portable, deck-like structure, not attached to the camping
28 unit (see "add-on structure"), not to exceed four hundred (400) square feet in area, set on
29 movable, above-ground supports such as concrete blocks, and containing no plumbing or
30 electrical fixtures.

31 (2) Accessory cabana: - A portable room enclosure.

32 (3) Accessory storage: - A structure located on a camping unit site that is designed and
33 used solely for the storage and use of personal equipment and possessions of the recreational
34 vehicle user or camper and may include storage buildings and greenhouses not exceeding one

1 hundred twenty (120) square feet of floor area.

2 (4) Accessory uses: - Offices, employee or operator living units, recreational facilities,
3 grocery stores, convenience stores, gift shops, service buildings, rest rooms, dumping stations,
4 showers, laundry facilities, storage units, and other uses and structures customarily a part of the
5 recreational vehicle park or campground operation.

6 (5) Add-on structures: - Nonpermanent structures attached to the principal camping unit
7 that provide additional space or service.

8 (6) Approved: - Acceptable by the "authority having jurisdiction".

9 (7) ARVC: - National Association of RV Parks and Campgrounds (ARVC). The national
10 trade organization representing the outdoor hospitality industry.

11 (8) Authority having jurisdiction: - The "authority having jurisdiction" is the
12 organization, office or individual responsible for approving equipment, equipment installation,
13 permits, or procedures.

14 (9) Awning: - A shade structure supported by posts or columns and partially supported by
15 the camping unit.

16 (10) Cabin/camping: - A hard-sided tent or shelter less than four hundred (400) square
17 feet in area that is on skid and/or wheels designed to facilitate relocation.

18 (11) Cabin/housekeeping: - A rustic cabin providing guests with full-serviced amenities
19 as an alternative to other forms of rental lodging.

20 (12) Campers: - A person or persons participating in recreational vehicle use or camping.

21 (13) Camping unit: - A portable structure, shelter, or vehicle designed and intended for
22 occupancy by persons engaged in recreational vehicle use or camping. The basic units include:
23 recreational vehicles, camping cabins, housekeeping cabins, tents, teepees, yurts, and other rental
24 accommodations for enjoyment of the outdoor experience.

25 (14) Camping unit seal: - A camping unit meeting the criteria set forth in either RVIA or
26 RPTIA guidelines.

27 (15) Camping unit separation: - The minimum distance between a camping unit,
28 including its add-on structures, and an adjacent camping unit and its add-on structures.

29 (16) Camping unit site: - A specific area within a recreational vehicle park or
30 campground that is set aside for a camping unit.

31 (17) Campground: - Any parcel or tract of land under the control of any person or
32 organization, wherein two (2) or more camping unit sites are offered to the public or members of
33 an organization for rent or lease. Campgrounds may or may not be designed to accommodate
34 recreational vehicles.

- 1 (i) Primitive: - A campground where no facilities are provided for the comfort or
2 convenience of campers.
- 3 (ii) Semi-primitive: - A campground where rudimentary facilities (privies and/or
4 fireplaces) may be provided for the comfort and convenience of campers.
- 5 (iii) Developed: - A campground, accessible by vehicular traffic, where sites are
6 substantially developed; two (2) or more utilities, e.g.; sewer, water, electricity, etc., are provided;
7 and refuse disposal and restrooms are available.
- 8 (18) Day use: - Daytime activities within a recreational vehicle park or campground for
9 less than a ~~twelve (12) hour~~ twelve-hour (12) period. (See also "Site night").
- 10 (19) Density: - The number of camping unit sites on a unit of land area.
- 11 (20) Greenbelt: - A strip of land, containing landscape or other aesthetic site-obscuring
12 features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and
13 other underground facilities but not camping units.
- 14 (21) Guest: - An invited visitor to a recreational vehicle park or campground.
- 15 (22) Gray Water: - Discharge from fixtures, appliances, or appurtenances, in connection
16 with a plumbing system ~~which~~ that does not receive any fecal matter.
- 17 (23) Minimum parcel size: - The minimum land area required to accommodate a
18 recreational vehicle park or campground.
- 19 (24) Occupancy: - The presence of guest(s) in a camping unit for a site night where rent
20 is received.
- 21 (25) Operator: - The owner of a recreational vehicle park or campground or his or her
22 designee.
- 23 (26) Owner: - The owner of a recreational vehicle park or campground or his or her
24 designee.
- 25 (27) Person: - Any individual, partnership, firm, company, corporation, trustee,
26 association, or any public or private entity.
- 27 (28) Planning commission: - The advisory body of a local jurisdiction that has authority
28 to advise elected decision makers of a jurisdiction on ~~land-use~~ land-use permits for recreational
29 vehicle parks or campgrounds.
- 30 (29) Public water supply: - A municipal, community, or privately owned water supply
31 system designed to distribute water to guests within a defined geographical area.
- 32 (30) Recreation area: - A specific area of land, water, or a combination of land and water,
33 located within a recreational vehicle park or campground, and designed and intended for the use
34 or enjoyment of guests of the recreational vehicle park or campground.

1 (31) Recreational vehicle: - A ~~vehicular-type~~ vehicular-type camping unit, not
2 exceeding four hundred (400) square feet in area, certified by the manufacturer as complying with
3 ANSI A119.2 or A119.5, and designed primarily as temporary living quarters for recreation that
4 has either its own motive power or is mounted on or towed by another vehicle. The basic units
5 are: camping trailers, ~~fifth-wheel~~ fifth-wheel trailers, motor homes, park trailers, travel trailers,
6 and truck campers.

7 (i) Camping trailer: - A recreational vehicle, not exceeding four hundred (400) square feet
8 in area, that is mounted on wheels and constructed with collapsible partial side walls that fold for
9 towing by another vehicle and unfold for use.

10 (ii) Fifth wheel trailer: - A recreational vehicle, not exceeding four hundred (400) square
11 feet in area, designed to be towed by a motorized vehicle that contains a towing mechanism that
12 is mounted above or forward of the tow vehicle's rear axle.

13 (iii) Motor Home: - A recreational vehicle, not exceeding four hundred (400) square feet
14 in area, built on or permanently attached to a self-propelled motor vehicle chassis cab or van that
15 is an integral part of the completed vehicle.

16 (iv) Park trailer: - A recreational vehicle that meets the following criteria:

17 (A) Built on a single chassis mounted on wheels; and

18 (B) Certified by the manufacturer as complying with ANSI A119.5.

19 (v) Travel trailer: - A recreational vehicle, not exceeding four hundred (400) square feet
20 in area, designed to be towed by a motorized vehicle containing a towing mechanism that is
21 mounted behind the tow vehicle's bumper.

22 (vi) Truck camper: - A recreational vehicle consisting of a roof, floor, and sides designed
23 to be loaded onto and unloaded from the back of a pickup truck.

24 (32) Recreational vehicle/dependent: - A recreational vehicle not containing sanitary
25 facilities and/or devices for connecting such facilities to a community waste disposal system.

26 (33) Recreational vehicle/independent: - A recreational vehicle containing sanitary
27 facilities and devices for connecting such facilities to a community waste disposal system. This
28 type of recreational vehicle is also referred to as a self-contained, recreational vehicle.

29 (34) Recreational vehicle/gross trailer area: - The total plan area of the recreational
30 vehicle, not to exceed four hundred (400) square feet (HUD Interpretive Bulletin 3282.8). Storage
31 lofts contained within the basic unit that have ceiling heights less than five (5) feet at the peak of
32 the roof do not constitute additional square footage.

33 (35) Recreational vehicle park: - Any parcel or tract of land under the control of any
34 person or organization, wherein two (2) or more camping unit sites are offered to the public or

1 members of an organization for rent or lease, including park-owned recreational vehicles held out
2 for rent. Recreational vehicle parks are designed primarily to accommodate recreational vehicles
3 (See also "Campground").

4 (i) Ownership/membership and specialty: - A recreational vehicle park or campground
5 that is opened to members or owners only, or where the sites are individually owned. This
6 category also includes recreational vehicle parks or campgrounds that are owned by, or cater to,
7 specific audiences such as religious groups, square dancers, and clothing optional clubs.

8 (ii) Destination: - A recreational vehicle park or campground containing facilities (e.g.,
9 swimming pools, restaurants, golf courses, formal recreational programs, etc.) and catering to
10 recreational vehicle users or campers who typically travel extended distances to stay for extended
11 periods.

12 (iii) Extended stay: - A recreational vehicle park or campground that provides extended
13 stay, full-time, and seasonal accommodations, rather than short-term accommodations.

14 (iv) Senior adult: - A recreational vehicle park or campground for the exclusive use of
15 senior individuals, fifty-five (55) years of age or older, that complies with the U.S. Department of
16 Housing and Urban Development Fair Housing Act.

17 (v) Traveler: - A recreational vehicle park or campground where recreational vehicle
18 users and campers stay for a day or a week, as an alternative to other types of lodging, while
19 traveling or vacationing or enjoying the local attractions within a given area.

20 (36) Rent: - Compensation or other consideration given for a prescribed right, use,
21 possession, or occupancy of recreational vehicle park or campground, as defined by the operator.

22 (37) Rental on-site: - A camping unit placed within a recreational vehicle park or
23 campground that is available for rental to guests.

24 (38) Recreational vehicle users: - Individuals who use recreational vehicles, including,
25 but not limited to, the following categories:

26 (i) Daily/overnight: - Recreational vehicle users and campers who stay for a day or a
27 week, as an alternative to other types of lodging. Typically travelers, visitors, or tourists enjoying
28 local attractions in a given area.

29 (ii) Extended stay: - Recreational vehicle users and campers who stay in a given
30 recreational vehicle park or campground for an extended period of time. The term "extended stay"
31 generally describes the following groups:

32 (A) ~~individuals~~ Individuals who choose a ~~recreationally-centered~~ recreationally
33 centered lifestyle and who stay in a specific location for a traditional season (see seasonals,
34 snowbirds, and sunbirds).

1 (B) ~~individuals~~ Individuals who choose a recreational vehicle as interim lodging, while
2 transferring to a new locality or awaiting construction of conventional housing.

3 (C) ~~individuals~~ Individuals who relocate frequently for employment purposes, and
4 choose a recreational vehicle as lodging.

5 (D) ~~individuals~~ Individuals who choose a recreational vehicle as a housing alternative
6 for extended periods of time.

7 (iii) Full-time: - Individuals who opt, because of recreational and/or economic benefits, to
8 use their recreational vehicle as their only or primary residence.

9 (iv) Seasonal: - Individuals who typically leave their recreational vehicle at a specific
10 recreational vehicle park or campground for a season and occupy their recreational vehicles from
11 time to time during that season.

12 (39) Sanitary disposal station: - A facility for the emptying of the ~~waste-holding~~ waste-
13 holding tanks of recreational vehicles.

14 (40) Service building: - A structure or portion thereof that is used to house sanitary
15 facilities, such as water closets, lavatories, and other facilities, for the convenience of the
16 recreational vehicle park or campground guest.

17 (41) Sewage: - Any liquid waste containing animal or vegetable matter suspension or
18 solution, or the water-carried wastes resulting from the discharge of water closets, or any other
19 source of water-carried waste of human origin containing putrescible material.

20 (42) Shall: - Indicates a mandatory requirement.

21 (43) Should: - Indicates a recommendation, not a requirement.

22 (44) Site: - That portion of a recreational vehicle park or campground specifically
23 intended for the use of one camping unit.

24 (45) Site night: - The equivalent of one camping unit occupying one site for one
25 overnight stay whether occupied or not.

26 (46) Slideout: - An extended portion of a recreational vehicle that exceeds the allowable
27 dimensions in the traveling mode.

28 (47) Utility connection assembly: - A single hookup assembly located on the site and
29 containing connections for any or all of the following: water, sewer, electrical power, phone, or
30 television.

31 (48) Watering station: - A facility for supplying potable water to recreational vehicle
32 users and campers.

33 **32-7-11. Sanitary conveniences.** -- The following standards shall apply to recreational
34 vehicle parks and campgrounds. All sanitary conveniences shall be installed in accordance with

1 this code:

2 (1) Sewage facility approval: Each sewage disposal system material and design layout
3 shall be approved by the authority having jurisdiction.

4 (2) Material and design: Flow rates shall be calculated at a rate of sixty (60) gallons per
5 site per day for individually sewerred sites.

6 (3) Sewer inlet connections at individual recreational vehicle unit sites:

7 (i) When provided, the sewer connections for individual recreational vehicle sites shall be
8 located so as to minimize damage by the parking of recreational vehicles or automobiles.

9 (ii) The connection shall consist of an inlet extending vertically to grade. The minimum
10 diameter of the sewer inlet shall be four (4) inches and shall be provided with a ~~four (4) inch~~
11 four-inch (4) inlet or a minimum ~~three (3) inch~~ three-inch (3) fitting.

12 (iii) The sewer inlet pipe shall be firmly imbedded in the ground and be protected against
13 damage from heaving or shifting and the entrance of surface water. It shall be provided with a
14 ~~tight fitting~~ tight-fitting plug or cap to be used when the site is vacant.

15 (iv) The sewer inlet pipe shall not be required to be individually vented, regardless of the
16 use of the traps at each inlet.

17 (v) A drain connector shall be sealed and fitted to the camping unit inlet connector.

18 (4) Recreational vehicle sanitary disposal stations:

19 (i) One recreational vehicle sanitary disposal station shall be provided for each one
20 hundred (100) recreational vehicle sites, or parts thereof, that are not equipped with individual
21 sewer connections.

22 (ii) Each station, where provided, shall be convenient to access from the service driveway
23 and shall provide easy ingress and egress for recreational vehicles.

24 (iii) Unless other approved means are used, each station shall have a concrete slab with a
25 center drain inlet located so as to be on the driveway (left) side of the recreational vehicle.

26 (iv) The slab shall be not less than three (3) feet by three (3) feet, at least three and one-
27 half (3 1/2) inches thick, and properly reinforced, the surface of which is trowelled to a smooth
28 finish and sloped from each side inward to a sewer inlet.

29 (v) The sewer inlet shall consist of a ~~four (4) inch~~ four-inch (4), self-closing, foot-
30 operated hatch of approved material with a tight-fitting cover. The hatch body shall be set in the
31 concrete of the slab with the lip of the opening flush with its surface to facilitate the cleansing of
32 the slab with water. The hatch shall be properly connected to a sewer inlet, ~~which that~~
33 discharge to an approved sanitary sewage disposal facility constructed in accordance with ANSI
34 A119.4 section 4-8.1.

1 (5) Holding tank flushing facilities: Where holding tank flushing facilities are provided
2 by the operator, the following standards shall apply:

3 (i) Holding tank flushing facilities shall consist of piped supply of water under pressure,
4 terminating in a valved outlet located and installed to minimize damage by automobiles or
5 recreational vehicles. The flushing device shall consist of a properly supported riser terminating
6 at least two (2) feet above the ground surface with a three-quarter (3/4) inch valved outlet to
7 which is attached a flexible hose.

8 (ii) The water supply to the flushing device shall be protected from backflow by means of
9 a listed vacuum breaker located downstream from the last shutoff valve.

10 (iii) Adjacent to the flushing arrangement there shall be posted a sign of durable material,
11 not less than two (2) feet by two (2) feet in size, and inscribed in clearly legible letters with the
12 following: "DANGER -- NOT TO BE USED FOR DRINKING OR DOMESTIC PURPOSES" or
13 other similar warning.

14 (iv) There shall not be any cross-connection between the holding tank flushing facilities
15 and the potable water system. If the flushing facilities do not have a separate water source
16 entirely, such facilities shall be separated from any potable system by an air gap or a backflow
17 device.

18 (6) Sanitary facilities:

19 (i) Toilets shall be provided at one or more locations in every recreational vehicle park or
20 campground, except at primitive and semi-primitive campgrounds.

21 (ii) In recreational vehicle parks and semi-developed and developed campgrounds, a
22 minimum of one toilet shall be provided for each sex up to the first twenty-five (25) dependent
23 sites. For each additional twenty-five (25) dependent sites, not provided with sewer connections,
24 an additional toilet for each sex shall be provided. No public toilets are required if all sites serve
25 only self-contained recreational vehicles.

26 (iii) Chemical and recirculating toilets shall be of an approved type.

27 (iv) Where provided, porta-johns shall be an approved type.

28 (v) Toilet facilities shall have convenient access and shall be located within a **five**
29 ~~hundred (500) foot~~ five-hundred-foot (500) radius from any camping units not provided with
30 individual sewer connections.

31 (vi) If water flush toilets are provided, an equal number of lavatories shall be provided for
32 each two (2) toilets when more than six (6) toilets are required. Each lavatory basin shall have a
33 piped supply of potable water and shall drain into the sewage system.

34 (vii) If separate facilities are provided for men and women, urinals shall be acceptable for

1 no more than one-third (1/3) of the toilets required in the men's facilities.

2 (viii) Each female toilet room shall be provided with a receptacle for sanitary napkins.
3 The receptacle shall be durable, nonpervious, and readily cleanable material and should be
4 provided with a lid.

5 (ix) Toilets shall be of a listed type and shall be provided with seats with open fronts.

6 (x) Each toilet shall be in a separate compartment and shall be provided with a door and
7 latch for privacy and a holder or dispenser for toilet paper. Dividing walls or partitions shall be at
8 least five (5) feet high and, if separated from the floor, shall be by a space of no more than twelve
9 (12) inches.

10 (xi) Toilet compartments shall be not less than thirty (30) inches in width and there shall
11 be not less than thirty (30) inches of clear space in front of each toilet.

12 (xii) Each toilet building shall have a minimum ceiling height of seven (7) feet.

13 (xiii) Facilities for males and females shall be appropriately marked, including "unisex"
14 facilities, where provided.

15 (xiv) Unless artificial light is provided, the total window or skylight area shall be equal to
16 at least ten percent (10%) of the floor area.

17 (xv) Unless provided with a listed mechanical ventilation system, every toilet room shall
18 have permanent, nonclosable, screened opening(s) with a total area of not less than five percent
19 (5%) of the floor area, opening directly to the exterior in order to provide proper ventilation.
20 Listed exhaust fan(s), vented to the exterior, the rating of which in cubic foot per minute is at
21 least twenty-five percent of the total volume of the toilet room(s) served, shall be considered as
22 meeting the requirements of this subsection.

23 (xvi) All windows and vents opening to the outside shall be provided with fly-proof
24 screens of not less than No. 16 mesh.

25 (xvii) All doors to the exterior shall open outward, shall be self-closing, and shall be
26 visually screened by means of a vestibule or wall to prevent direct view of the interior when the
27 exterior doors are open. Such screening shall not be required on ~~single-toilet~~ single-toilet units.

28 (xviii) The interior finish of walls shall be moisture resistant to a height of four (4) feet to
29 facilitate washing and cleaning.

30 (xix) The floors shall be constructed of materials impervious to water and shall be easily
31 cleanable. Any toilet building having flush toilets shall be provided with a floor drain in the toilet
32 room. This drain shall be provided with a means to protect the trap seal as required by this code.

33 (7) Showers: Showers and shower dressing areas shall be built to code. All shower
34 compartments, regardless of shape, shall have a minimum finished interior of one thousand

1 twenty-four (1,024) square inches (0.66m²) and shall be capable of encompassing a ~~thirty (30)~~
2 ~~inch~~ thirty-inch (30) (762mm) circle. The minimum required area and dimensions shall be
3 measured at a height equal to the top of the threshold and at a point tangent to its centerline. Each
4 shower shall be designed to minimize the flow of water into the dressing area and shall be
5 properly connected to the sewage system by means of a trapped inlet.

6 (i) If showers are provided, an individual dressing area, visually screened from view,
7 shall also be provided with a minimum floor area of thirty-six (36) inches by thirty-six (36)
8 inches (0.9m by 0.9m) and such dressing areas shall be equipped with a minimum of one clothing
9 hook and one stool (or equivalent bench area).

10 (ii) The floor of showers and dressing areas shall have an impervious, skid-resistant
11 surface.

12 (iii) Open showers provided exclusively for the removal of sand, etc., following beach
13 activities, need not comply with the provisions of this subsection.

14 SECTION 57. Article II of this act shall take effect on December 31, 2016. The
15 remaining portions of this act would take effect upon passage.

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LC003665/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATUTES AND STATUTORY CONSTRUCTION -- 2016

1 This act would make a number of technical amendments to the general laws, prepared at
2 the recommendation of the Law Revision Office. Article I of the act includes the statutory
3 construction bill. Article II of the act contains reenactments of selected general laws.

4 Article II of this act would take effect on December 31, 2016. The remaining portions of
5 this act would take effect upon passage.

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LC003665/SUB A/2
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