



1 (4) Breach of any provisions of this chapter; or  
2 (5) Operating in any manner inconsistent with the license, or in any manner consistent  
3 with another class license, without first coming before the board for a new license application.

4 (b) Any fine imposed pursuant to this section shall not exceed five hundred dollars (\$500)  
5 for the first offense and shall not exceed one thousand dollars (\$1,000) for each subsequent  
6 offense. For the purposes of this section, any offense committed by a licensee three (3) years after  
7 a previous offense shall be considered a first offense.

8 (c) In the event that a licensee is required to hire a police detail and the police refuse to  
9 place a detail at the location because a licensee has failed to pay outstanding police detail bills or  
10 to reach a payment plan agreement with the police department, the license board may prohibit the  
11 licensee from opening its place of business until such time as the police detail bills are paid or a  
12 payment plan agreement is reached.

13 (d) Upon any violation by a licensee under § 3-5-21, the local licensing board, at its sole  
14 discretion, may impose a limitation on the hours of operation of the licensee, regardless of the  
15 license type, and notwithstanding any prior approval of an application for a later closing time.

16 SECTION 3. Section 5-69-2 of the General Laws in Chapter 5-69 entitled "License  
17 Procedure for Chemical Dependency Professionals" is hereby amended to read as follows:

18 **5-69-2. Definitions. [Effective January 1, 2017.]**

19 As used in this chapter:

20 (1) "ACDP" means an advanced chemical dependency professional certification as per  
21 the Rhode Island board for certification of chemical dependency professionals requirements.

22 (2) "ACDP II" means an advanced chemical dependency professional II certification as  
23 per the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse.  
24 "ICRC/AODA".

25 (3) "Acudetox Specialist (ADS)" means an individual licensed as a chemical-dependency  
26 professional or clinical supervisor who holds a certificate of training that meets or exceeds the  
27 NADA training from a recognized agency.

28 (4) "Advertise" includes, but is not limited to, the issuing of, or causing to be distributed,  
29 any card, sign, or device to any person; or the causing, permitting, or allowing of any sign or  
30 marking on, or in, any building or structure, or in any newspaper or magazine or in any directory,  
31 or on radio or television, or by the use of any other means designed to secure public attention.

32 (5) "Approved, continuing education" means research and training programs, college and  
33 university courses, in-service training programs, seminars, and conferences designed to maintain  
34 and enhance the skills of substance-abuse counselors or clinical supervisors and which are

1 recognized by the ICRC/AODA member board.

2 (6) "Auricular acudetox" means the subcutaneous insertion of sterile, disposable,  
3 acupuncture needles in consistent, predetermined, bilateral locations on the ear in accordance  
4 with the NADA protocol.

5 (7) "CDCS" means chemical-dependency clinical supervisor.

6 (8) "Clergy" includes any minister, priest, rabbi, Christian Science practitioner, or any  
7 other similar religious counselor.

8 (9) "Continuum of care network" means public and private substance-abuse care agencies  
9 such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient- and  
10 day-treatment clinics, and community residences for substance abusers. The services employ, or  
11 refer to, medical, psychological, health, and counseling ~~professions~~ professionals ~~that~~ who treat  
12 substance abuse and related concerns.

13 (10) "Department" means the Rhode Island department of health.

14 (11) "Director" means the director of the Rhode Island department of health.

15 (12) "Documented professional work experience" means the ICRC/AODA member  
16 board-approved form, completed by an employer or approved supervisor, verifying dates of  
17 employment and responsibilities.

18 (13) "Experience" means six thousand (6,000) hours of supervised practice of chemical-  
19 dependency counseling in a department of behavioral healthcare, developmental disabilities and  
20 hospitals licensed or ICRC/AODA member-board-approved facility during a sixty-month (60)  
21 period of time immediately preceding the date of application for licensure.

22 (14) "General supervision" means available by telephone, cellphone, or electronic means  
23 during business hours.

24 (15) "ICRC/AODA" means International Certification and Reciprocity  
25 Consortium/Alcohol and Other Drug Abuse.

26 (16) "Licensed, chemical-dependency clinical supervisor" means an individual licensed  
27 by the department of health to practice and supervise substance-abuse counseling and who meets  
28 the qualification established in this section.

29 (17) "Licensed, chemical-dependency professional" means an individual licensed by the  
30 department of health to practice substance-abuse counseling and who meets the qualifications  
31 established in this section.

32 (18) "Licensing board" or "board" means the board of licensing for chemical-dependency  
33 professionals.

34 (19) "Member Board" means the Rhode Island board for certification of chemical

1 dependency professionals.

2 (20) "National Acupuncture Detoxification Association" ("NADA") means a not-for-  
3 profit organization that provides a certificate of acudetox training.

4 (21) "Practice of substance-abuse counseling" means rendering, or offering to render,  
5 professional service for any fee, monetary or otherwise, documented to individuals, families, or  
6 groups. Those professional services include the application of the ICRC/AODA, specific  
7 knowledge, skills, counseling theory, and application of techniques to define goals and develop a  
8 treatment plan of action aimed toward the prevention, education, or treatment in the recovery  
9 process of substance abuse within the continuum-of-care service network. The practice further  
10 includes, but is not limited to, networking and making referrals to medical, social services,  
11 psychological, psychiatric, and/or legal resources when indicated.

12 (22) "Recognized education institution" means any educational institution, ~~which~~ that  
13 grants an associate, bachelor, masters, or doctoral degree and ~~which~~ that is recognized by the  
14 board, ~~or~~ or by a nationally or regionally recognized educational or professional accrediting  
15 organization.

16 (23) "Substance abuse" means addictive (chronic or habitual) consumption, injection,  
17 inhalation, or behavior of/with a substance (such as alcohol and drugs), progressively injuring  
18 and afflicting the user's psychological, physical, social, economical, and/or spiritual functioning.

19 (24) "Supervision" means no less than one hour per week and consists of individual or  
20 group supervision with a clinician licensed or certified in substance-abuse counseling with  
21 education, supervisory experience, and ethics approved by the ICRC/AODA member.

22 SECTION 4. Section 12-25-17 of the General Laws in Chapter 12-25 entitled "Criminal  
23 Injuries Compensation" is hereby amended to read as follows:

24 **12-25-17. Definitions.**

25 As used in this chapter:

26 (1) "Administrator" means the program administrator of this chapter.

27 (2) "Child" means an unmarried person who is under eighteen (18) years of age and  
28 includes a stepchild or an adopted child.

29 (3) "Court" means the superior court.

30 (4) "Dependent" means a person wholly or partially dependent upon the income of the  
31 victim at the time of his or her death or would have been so dependent but for the incapacity due  
32 to the injury from which the death resulted. The term includes a child of the victim born after the  
33 death of the victim.

34 (5) "Office" means the office of the general treasurer.

1 (6) "Pecuniary loss" includes:

2 (i) For personal injury:

3 (A) Medical expenses (including psychiatric care) for which the victim is not  
4 compensated by any other source;

5 (B) Hospital expenses for which the victim is not compensated by any other source;

6 (C) Loss of past earnings for which the victim is not compensated by any other source;

7 (D) Loss of future earnings because of a disability resulting from the personal injury for  
8 which the victim is not compensated by any other source.

9 (ii) For death:

10 (A) Funeral and burial expenses for which the victim's estate is not compensated by any  
11 other source; and

12 (B) Loss of support to the dependents of the victim for which the dependents are not  
13 compensated by any other source.

14 (iii) Any other expenses actually and necessarily incurred as a result of the personal  
15 injury or death for which the victim or his or her estate is not compensated by any other source,  
16 but it does not include property damage.

17 (7) "Personal injury" means actual bodily harm, mental or nervous shock, and a  
18 pregnancy resulting from sexual attack.

19 (8) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child,  
20 grandchild, brother, sister, half-brother, half-sister, and a spouse's parents.

21 (9) "Resident" means any person who has his or her residence within the state of Rhode  
22 Island.

23 (10) "State" includes the District of Columbia, the fifty (50) states, and the United States'  
24 territories and possessions.

25 (11) "Treasurer" means the general treasurer of the state of Rhode Island or his or her  
26 designee.

27 (12) "Victim" means a person who is injured or killed by any act of a person or persons  
28 which is within the description of any of the offenses specified in § 12-25-20 and which act  
29 occurs in the state of Rhode Island. "Victim" also means a resident of the state of Rhode Island  
30 who is a victim of an act of terrorism as defined in 18 U.S.C. § 2331 occurring outside the United  
31 States or within the United States as referred to in 42 U.S.C. § 10603b.

32 (13) "1972 Act" means the Criminal Injuries Compensation Act of 1972, established  
33 pursuant to former §§ 12-25-1 -- 12-25-12.1.

34 (14) "1996 Act" means the Criminal Injuries Compensation Act of 1996, established

1 pursuant to §§ 12-25-16 -- ~~12-25-30~~ 12-25-31.

2 SECTION 5. Section 12-32-5 of the General Laws in Chapter 12-32 entitled "Cell Phone  
3 Tracking" is hereby amended to read as follows:

4 **12-32-5. Reporting requirements.**

5 (a) By January 31 of each calendar year, each law-enforcement agency that **collects**  
6 **collected** any location information from electronic devices in the previous calendar year shall  
7 issue a report identifying the number of warrants issued for location information for an electronic  
8 device that were approved and denied in the previous year, including:

- 9 (1) The identity of the agency making the application; and  
10 (2) The offense specified in the warrant or application therefor; and  
11 (3) The number of warrants granted, in full or in part, and the number denied; and  
12 (4) The number and duration of any extensions of the warrant.

13 SECTION 6. Section 15-7-26 of the General Laws in Chapter 15-7 entitled "Adoption of  
14 Children" is hereby amended to read as follows:

15 **15-7-26. Notice to natural father.**

16 (a) If the court, after examination, determines that the natural father has not joined in a  
17 petition either for the termination of parental rights ~~of~~ or a petition for adoption or has not  
18 executed a waiver, then the court shall cause inquiry to be made of the mother, as the court in its  
19 discretion shall deem appropriate.

20 (b) (1) If, after the inquiry, the natural father is identified to the satisfaction of the court,  
21 he ~~or she~~ shall be given notice in accordance with § 15-7-8 or in any other manner that the court  
22 may direct. Proof of giving the notice shall be filed with the court before a petition for  
23 termination of parental rights or a petition for adoption is granted. If the natural father fails to  
24 appear, or if appearing fails to claim any rights to the child, the court shall enter an order  
25 terminating his ~~or her~~ rights with reference to the child. If the natural father, or a man  
26 representing himself ~~or herself~~ to be the natural father, claims rights to the child, the court shall  
27 proceed to determine his ~~or her~~ rights.

28 (2) If, after the inquiry, the court is able to identify the natural father but his ~~or her~~  
29 whereabouts are unknown, or if the court is unable to identify the natural father, the court, on the  
30 basis of all information available, shall determine whether there is a reasonable probability that  
31 publication of notice of the proceeding will lead to the ascertainment of his ~~or her~~ identity or  
32 whereabouts. If so, the court may order publication in accordance with § 15-7-9.

33 SECTION 7. Section 16-7.2-5 of the General Laws in Chapter 16-7.2 entitled "The  
34 Education Equity and Property Tax Relief Act" is hereby amended to read as follows:

1           **16-7.2-5. Charter public schools, the William M. Davies, Jr. Career and Technical**  
2           **High School, and the Metropolitan Regional Career and Technical Center.**

3           (a) Charter public schools, as defined in chapter 77 of this title, the William M. Davies,  
4           Jr. Career and Technical High School (Davies), and the Metropolitan Regional Career and  
5           Technical Center (the Met Center) shall be funded pursuant to § 16-7.2-3. If the October 1 actual  
6           enrollment data for any charter public school shows a ten percent (10%) or greater change from  
7           the prior year enrollment which is used as the reference year average daily membership, the last  
8           six (6) monthly payments to the charter public school will be adjusted to reflect actual enrollment.  
9           The state share of the permanent foundation education aid shall be paid by the state directly to the  
10          charter public schools, Davies, and the Met Center pursuant to § 16-7.2-9 and shall be calculated  
11          using the state-share ratio of the district of residence of the student as set forth in § 16-7.2-4. The  
12          department of elementary and secondary education shall provide the general assembly with the  
13          calculation of the state share of permanent foundation education aid for charter public schools  
14          delineated by school district.

15          (b) The local share of education funding shall be paid to the charter public school,  
16          Davies, and the Met Center by the district of residence of the student and shall be the local, per-  
17          pupil cost calculated by dividing the local appropriation to education from property taxes, net of  
18          debt service, and capital projects, as defined in the uniform chart of accounts by the average daily  
19          membership for each city and town, pursuant to § 16-7-22, for the reference year.

20          (c) Beginning in FY 2017, there shall be a reduction to the local per pupil funding paid by  
21          the district of residence to charter public schools, Davies, and the Met Center. This reduction  
22          shall be equal to the greater (i) Of seven percent (7%) of the local, per-pupil funding of the  
23          district of residence pursuant to subsection (b) or (ii) The per-pupil value of the district's costs for  
24          non-public textbooks, transportation for non-public students, retiree health benefits, out-of-district  
25          special-education tuition and transportation, services for students age eighteen (18) to twenty-one  
26          (21) years old, pre-school screening and intervention, and career and technical education, tuition  
27          and transportation costs, debt service and rental costs minus the average expenses incurred by  
28          charter schools for those same categories of expenses as reported in the uniform chart of accounts  
29          for the prior preceding fiscal year pursuant to § 16-7-16(11) and verified by the department of  
30          elementary and secondary education. In the case where audited financials result in a change in the  
31          calculation after the first tuition payment is made, the remaining payments shall be based on the  
32          most recent audited data. For those districts whose greater reduction occurs under the calculation  
33          of (ii), there shall be an additional reduction to payments to mayoral academies with teachers who  
34          do not participate in the state teacher's retirement system under chapter 8 of title 36 equal to the

1 per-pupil value of teacher retirement costs attributable to unfunded liability as calculated by the  
2 state's actuary for the prior preceding fiscal year.

3 (d) Local district payments to charter public schools, Davies, and the Met Center for each  
4 district's students enrolled in these schools shall be made on a quarterly basis in July, October,  
5 January, and April; however, the first local-district payment shall be made by August 15, instead  
6 of July. Failure of the community to make the local-district payment for its student(s) enrolled in  
7 a charter public school, Davies, and/or the Met Center may result in the withholding of state  
8 education aid pursuant to § 16-7-31.

9 (e) Beginning in FY 2017, school districts with charter public school, Davies, and the  
10 Met Center enrollment, that, combined, comprise five percent (5%) or more of the average daily  
11 membership as defined in § ~~16-17-22~~ 16-7-22, shall receive additional aid for a period of three  
12 (3) years. Aid in FY 2017 shall be equal to the number of charter public school, open-enrollment  
13 schools, Davies, or the Met Center students as of the reference year as defined in § 16-7-16 times  
14 a per-pupil amount of one hundred seventy-five dollars (\$175). Aid in FY 2018 shall be equal to  
15 the number of charter public school, open-enrollment schools, Davies, or the Met Center students  
16 as of the reference year as defined in § 16-7-16 times a per-pupil amount of one hundred dollars  
17 (\$100). Aid in FY 2019 shall be equal to the number of charter public school, open-enrollment  
18 schools, Davies, or the Met Center students as of the reference year as defined in § 16-7-16 times  
19 a per-pupil amount of fifty dollars (\$50.00). The additional aid shall be used to offset the adjusted  
20 fixed costs retained by the districts of residence.

21 SECTION 8. Section 16-24-1 of the General Laws in Chapter 16-24 entitled "Children  
22 With Disabilities [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
23 amended to read as follows:

24 **16-24-1. Duty of school committee to provide special education.**

25 (a) In any city or town where there is a child with a disability within the age range as  
26 designated by the regulations of the state board of regents for elementary and secondary  
27 education, who is functionally limited to such an extent that normal educational growth and  
28 development is prevented, the school committee of the city or town where the child resides shall  
29 provide the type of special education that will best satisfy the needs of the child with a disability,  
30 as recommended and approved by the state board of regents for elementary and secondary  
31 education in accordance with its regulations governing the education of children with disabilities.

32 (b) Notwithstanding any other federal or state law or regulation, the school committee  
33 where a parentally placed child who has, or develops, a disability in private school resides, shall  
34 provide the child with the same free and appropriate education as it provides to children in public



1 schools. These children shall have the same rights and remedies in the regulations of the board of  
2 regents for elementary and secondary education governing the education of children with  
3 disabilities as children in public school relative to initially determining eligibility,  
4 implementation, and/or any other rights and remedies relative to any special education services  
5 the child may be eligible ~~or~~ to receive from the public school district.

6 (c) For the purpose of this statute, a parentally placed child who has, or develops, a  
7 disability in private school is defined as a child enrolled or placed in a private school by the  
8 unilateral decision of his or her parents and without consultation of the public school district, who  
9 either has, or at some point while at the private school is diagnosed with, a learning disability.  
10 Parents who unilaterally enroll their child in a private school are required to pay the tuition costs  
11 related to the child's education that are unrelated to the child's disability, and the public school  
12 district where the child resides is responsible for payment of the services related to the child's  
13 disability as developed and determined in the child's individual education plan.

14 (d) For the purpose of this statute, a free and appropriate education is defined as special  
15 education services and related services that:

16 (1) Are provided at public expense, under public supervision and direction, and without  
17 charge;

18 (2) Meet all of the standards and requirements of the state of Rhode Island department of  
19 education and requirements of the regulations of the board of regents for elementary and  
20 secondary education governing the education of children with disabilities, which shall include  
21 initial evaluation and determination procedures;

22 (3) Include preschool, elementary school or secondary school education in the state; and

23 (4) Are provided in conformity with an individualized education program that meets the  
24 requirements of the regulations of the board of regents for elementary and secondary education  
25 governing the education of children with disabilities.

26 (e) In those cases that an individual education plan has been adopted for a child and the  
27 child moves to another town or city, the plan shall remain in effect until a new plan is adopted for  
28 the child in the new town or city.

29 (f) A child with a disability as referenced in subsection (a) of this section shall have  
30 available to them any benefits provided by this section up to their twenty-first birthday. Provided,  
31 in the event such a child with a disability is enrolled in a post-secondary or transitional  
32 educational program as part of the services provided to the child by the school committee or local  
33 education agency (LEA), and such child reaches twenty-one (21) years of age during a school or  
34 program year, then the school committee's or LEA's obligation to pay for the post-secondary or

1 transitional program shall continue through to the conclusion of the school or program's academic  
2 year. Students who require more extensive care will remain under the direction of the department  
3 of rehabilitative services and will be transitioned through the individual education plan prior to  
4 reaching age twenty-one (21).

5 SECTION 9. Section 17-19-33 of the General Laws in Chapter 17-19 entitled "Conduct  
6 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

7 **17-19-33. Sealing of voting equipment -- Sealing and forwarding of results,**  
8 **programmed memory devices and keys.**

9 (a) The copies of the printout tape from the optical-scan precinct-count unit obtained  
10 pursuant to § 17-19-32 shall be distributed as follows:

11 (1) The first copy, which includes the opening of the polling place information,  
12 signatures of the warden and clerk, a timed audit trail of certain events occurring with respect to  
13 the optical-scan precinct-count system, and the vote totals for each candidate, shall be attached to  
14 the return sheet as provided in § 17-19-11 and immediately delivered to the local board of  
15 canvassers where it is processed and delivered to the state board of elections through a procedure  
16 promulgated by the state board;

17 (2) A copy shall be made available to the public at the polling place;

18 (3) A copy shall be immediately delivered to the local board of canvassers attached to the  
19 return sheet as provided in § 17-19-11, together with the polling place supplies, including the key  
20 to the optical-scan precinct-count unit and other voting equipment and containers; and

21 (4) A copy shall be included with the voted ballots and packaged pursuant to this chapter.

22 (5) The certified paper or electronic voter list containing voters' signatures shall be  
23 secured separately and returned to the local board of canvassers.

24 (6) All completed official affidavits, forms, reports, and supplies shall be packaged and  
25 delivered to the local board for subsequent delivery to the state board.

26 (b) The warden shall:

27 (1) Remove all voted ballots from the compartment of the optical-scan precinct-count  
28 unit and package them in the container provided and labeled as voted ballots and stored pursuant  
29 to § 17-19-39.1;

30 (2) [Deleted by P.L. 2016, ch. 174, § 1 and P.L. 2016, ch. 190, § 1].

31 (3) Package all ballots from the emergency bin that have not been counted in the  
32 container provided and labeled as manual-count ballots, and ~~delivered~~ deliver to the local  
33 canvassing authority. Any ballots packaged and labeled as manual-count ballots shall remain  
34 sealed and delivered to the state board through a procedure promulgated by the state board.

1 (c) All ballots so packaged shall be immediately delivered to the local canvassing  
2 authority.

3 (d) [Deleted by P.L. 2016, ch. 174, § 1 and P.L. 2016, ch. 190, § 1].

4 SECTION 10. Section 23-17-38.1 of the General Laws in Chapter 23-17 entitled  
5 "Licensing of Health-Care Facilities" is hereby amended to read as follows:

6 **23-17-38.1. Hospitals -- Licensing fee.**

7 (a) There is also imposed a hospital licensing fee at the rate of five and eight hundred  
8 sixty-two thousandths percent (5.862%) upon the net patient-services revenue of every hospital  
9 for the hospital's first fiscal year ending on or after January 1, 2014, except that the license fee for  
10 all hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven  
11 percent (37%). The discount for Washington County hospitals is subject to approval by the  
12 Secretary of the U.S. Department of Health and Human Services of a state plan amendment  
13 submitted by the executive office of health and human services for the purpose of pursuing a  
14 waiver of the uniformity requirement for the hospital license fee. This licensing fee shall be  
15 administered and collected by the tax administrator, division of taxation within the department of  
16 revenue, and all the administration, collection, and other provisions of chapter 51 of title 44 shall  
17 apply. Every hospital shall pay the licensing fee to the tax administrator on or before July 11,  
18 2016, and payments shall be made by electronic transfer of monies to the general treasurer and  
19 deposited to the general fund. Every hospital shall, on or before June 13, 2016, make a return to  
20 the tax administrator containing the correct computation of net patient-services revenue for the  
21 hospital fiscal year ending September 30, 2014, and the licensing fee due upon that amount. All  
22 returns shall be signed by the hospital's authorized representative, subject to the pains and  
23 penalties of perjury.

24 (b) There is also imposed a hospital licensing fee at the rate of five and six hundred fifty-  
25 two thousandths percent (5.652%) upon the net patient-services revenue of every hospital for the  
26 hospital's first fiscal year ending on or after January 1, 2015, except that the license fee for all  
27 hospitals located in Washington County, Rhode Island shall be discounted by thirty-seven percent  
28 (37%). The discount for Washington County hospitals is subject to approval by the Secretary of  
29 the U.S. Department of Health and Human Services of a state plan amendment submitted by the  
30 executive office of health and human services for the purpose of pursuing a waiver of the  
31 uniformity requirement for the hospital license fee. This licensing fee shall be administered and  
32 collected by the tax administrator, division of taxation within the department of revenue, and all  
33 the administration, collection, and other provisions of chapter 51 of title 44 shall apply. Every  
34 hospital shall pay the licensing fee to the tax administrator on or before July 10, 2017, and

1 payments shall be made by electronic transfer of monies to the general treasurer and deposited to  
2 the general fund. Every hospital shall, on or before June 14, 2017, make a return to the tax  
3 administrator containing the correct computation of net patient-services revenue for the hospital  
4 fiscal year ending September 30, 2015 and the licensing fee due upon that amount. All returns  
5 shall be signed by the hospital's authorized representative, subject to the pains and penalties of  
6 perjury.

7 (c) For purposes of this section the following words and phrases have the following  
8 meanings:

9 (1) "Hospital" means the actual facilities and buildings in existence in Rhode Island,  
10 licensed pursuant to § 23-17-1 et seq. on June 30, 2010, and thereafter any premises included on  
11 that license, regardless of changes in licensure status pursuant to chapter 17.14 of title 23  
12 (hospital conversions) and § 23-17-6(b) (change in effective control), that provides short-term  
13 acute inpatient and/or outpatient care to persons who require definitive diagnosis and treatment  
14 for injury, illness, disabilities, or pregnancy. Notwithstanding the preceding language, the  
15 negotiated Medicaid managed care payment rates for a court-approved purchaser that acquires a  
16 hospital through receivership, special mastership, or other similar state insolvency proceedings  
17 (which court-approved purchaser is issued a hospital license after January 1, 2013) shall be based  
18 upon the newly negotiated rates between the court-approved purchaser and the health plan, and  
19 such rates shall be effective as of the date that the court-approved purchaser and the health plan  
20 execute the initial agreement containing the newly negotiated rate. The rate-setting methodology  
21 for inpatient hospital payments and outpatient hospital payments set forth in §§ 40-8-  
22 13.4(b)~~(1)(B)(iii)~~ and 40-8-13.4(b)(2), respectively, shall thereafter apply to negotiated increases  
23 for each annual twelve-month (12) period as of July 1 following the completion of the first full  
24 year of the court-approved purchaser's initial Medicaid managed care contract.

25 (2) "Gross patient-services revenue" means the gross revenue related to patient care  
26 services.

27 (3) "Net patient-services revenue" means the charges related to patient care services less  
28 (i) charges attributable to charity care; (ii) bad debt expenses; and (iii) contractual allowances.

29 (d) The tax administrator shall make and promulgate any rules, regulations, and  
30 procedures not inconsistent with state law and fiscal procedures that he or she deems necessary  
31 for the proper administration of this section and to carry out the provisions, policy, and purposes  
32 of this section.

33 (e) The licensing fee imposed by this section shall apply to hospitals as defined herein  
34 that are duly licensed on July 1, 2016, and shall be in addition to the inspection fee imposed by §

1 23-17-38 and to any licensing fees previously imposed in accordance with § 23-17-38.1.

2 SECTION 11. Section 23-24.9-3 of the General Laws in Chapter 23-24.9 entitled  
3 "Mercury Reduction and Education Act" is hereby amended to read as follows:

4 **23-24.9-3. Definitions. [Effective until January 1, 2020.]**

5 For the purpose of this chapter:

6 (1) "Component" means a mercury-added product ~~which~~ that is incorporated into  
7 another product to form a fabricated mercury-added product, including, but not limited to,  
8 electrical switches and lamps.

9 (2) "Department" means the department of environmental management.

10 (3) "Director" means the director of the department of environmental management or any  
11 subordinate or subordinates to whom the director has delegated the powers and duties vested in  
12 him or her by this chapter.

13 (4) "Fabricated mercury-added product" means a product that consists of a combination  
14 of individual components that combine to make a single unit, including, but not limited to,  
15 mercury-added measuring devices, lamps, and switches to which mercury or a mercury  
16 compound is intentionally added in order to provide a specific characteristic, appearance, or  
17 quality, or to perform a specific function or for any other reason.

18 (5) "Formulated mercury-added product" means a product that includes, but is not limited  
19 to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals, and coating materials  
20 that are sold as a consistent mixture of chemicals to which mercury or a mercury compound is  
21 intentionally added in order to provide a specific characteristic, appearance, or quality, or to  
22 perform a specific function or for any other reason.

23 (6) "Healthcare facility" means any hospital, nursing home, ~~extended-care~~ extended-  
24 care facility, ~~long-term-care~~ long-term-care facility, clinical or medical laboratory, state or  
25 private health or mental institution, clinic, physician's office, or health maintenance organization.

26 (7) "Manufacturer" means any person, firm, association, partnership, corporation,  
27 governmental entity, organization, combination, or joint venture that produces a mercury-added  
28 product or an importer or domestic distributor of a mercury-added product produced in a foreign  
29 country. In the case of a multi-component, mercury-added product, the manufacturer is the last  
30 manufacturer to produce or assemble the product. If the multi-component product is produced in  
31 a foreign country, the manufacturer is the importer or domestic distributor. In the case of  
32 mercury-containing thermostats, the manufacturer is the original equipment manufacturer who or  
33 that sells or sold a mercury-containing thermostat under a brand or label ~~is~~ the manufacturer  
34 owns, or is or was licensed to use a mercury-containing thermostat produced by other suppliers.

1 (8) "Mercury-added button cell battery" means a button cell battery to which the  
2 manufacturer intentionally introduces mercury for the operation of the battery.

3 (9) "Mercury-added novelty" means a mercury-added product intended mainly for  
4 personal or household enjoyment or adornment. Mercury-added novelties include, but are not  
5 limited to, items intended for use as figurines, adornments, toys, games, cards, ornaments, yard  
6 statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear),  
7 or similar products.

8 (10) "Mercury-added product" means a product, commodity, chemical, or a product with  
9 a component that contains mercury or a mercury compound intentionally added to the product,  
10 commodity, chemical, or component in order to provide a specific characteristic, appearance, or  
11 quality, or to perform a specific function or for any other reason. These products include  
12 formulated mercury-added products and fabricated mercury-added products.

13 (11) "Mercury fever thermometer" means a mercury-added product that is used for  
14 measuring body temperature.

15 (12) "Mercury-containing thermostat" means a product or device that uses a mercury  
16 switch to sense and control room temperature through communication with heating, ventilating,  
17 or air-conditions equipment. "Mercury-containing thermostat" includes thermostats used to sense  
18 and control room temperature in residential, commercial, industrial, and other buildings, but does  
19 not include a thermostat used to sense and control temperature as part of a manufacturing process.

20 (13) "Person" means an individual, trust, firm, joint stock company, corporation  
21 (including a government corporation), partnership, association, the federal government or any  
22 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
23 or any interstate body.

24 (14) "Thermostat retailer" means a person or entity who or that sells thermostats of any  
25 kind directly to homeowners or other nonprofessionals through any selling or distribution  
26 mechanism, including, but not limited to, sales using the internet or catalogues. A retailer may  
27 also be a wholesaler if it meets the definition of wholesaler.

28 (15) "Thermostat wholesaler" means a person or entity ~~that is~~ engaged in the  
29 distribution and wholesale sale of thermostats and other heating, ventilation, and air-conditioning  
30 components to contractors who install heating, ventilation, and air-conditioning components.

31 (16) "Contractor" means a person engaged in the business of installation, service, or  
32 removal of heating, ventilation, and air-conditioning components.

33 (17) "Qualified contractor" means a person engaged in the business of installation,  
34 service, or removal of heating, ventilation, and air-conditioning components who employs seven

1 (7) or more service technicians or installers or who is located in an area outside of an urban area,  
2 as defined by the United States bureau of the census.

3 (18) "Local government collections" means collections completed by household  
4 hazardous waste facilities, solid waste management agencies, environmental management  
5 agencies, or the department of health.

6 **23-24.9-3. Definitions. [Effective January 1, 2020.]**

7 For the purpose of this chapter:

8 (1) "Component" means a mercury-added product ~~which~~ that is incorporated into  
9 another product to form a fabricated mercury-added product, including, but not limited to,  
10 electrical switches and lamps.

11 (2) "Contractor" means a person engaged in the business of installation, service, or  
12 removal of heating, ventilation, and air-conditioning components.

13 (3) "Corporation" means the Rhode Island resource recovery corporation created and  
14 established pursuant to chapter 19 of title 23.

15 (4) "Covered entity" means any person who presents to a collection facility that is  
16 included in an approved plan:

17 (i) Any number of compact fluorescent mercury-containing lamps; or

18 (ii) Ten (10) or fewer mercury-containing lamps that are not compact fluorescent lamps  
19 and are not from a large-use application.

20 (5) "Department" means the department of environmental management.

21 (6) "Director" means the director of the department of environmental management or any  
22 subordinate or subordinates to whom the director has delegated the powers and duties vested in  
23 him or her by this chapter.

24 (7) "Fabricated mercury-added product" means a product that consists of a combination  
25 of individual components that combine to make a single unit, including, but not limited to,  
26 mercury-added measuring devices, lamps, and switches to which mercury, or a mercury  
27 compound, is intentionally added in order to provide a specific characteristic, appearance, or  
28 quality, or to perform a specific function, or for any other reason.

29 (8) "Formulated mercury-added product" means a product that includes, but is not limited  
30 to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals, and coating materials  
31 that are sold as a consistent mixture of chemicals to which mercury, or a mercury compound, is  
32 intentionally added in order to provide a specific characteristic, appearance, or quality, or to  
33 perform a specific function, or for any other reason.

34 (9) "Healthcare facility" means any hospital, nursing home, extended-care facility, long-

1 term care facility, clinical or medical laboratory, state or private health or mental institution,  
2 clinic, physician's office, or health maintenance organization.

3 (10) "Local government collections" means collections completed by household  
4 hazardous-waste facilities, solid-waste management agencies, environmental management  
5 agencies, or the department of health.

6 (11) "Manufacturer" means any person, firm, association, partnership, corporation,  
7 governmental entity, organization, combination, or joint venture that produces a mercury-added  
8 product or an importer or domestic distributor of a mercury-added product produced in a foreign  
9 country. In the case of a multi-component mercury-added product, the manufacturer is the last  
10 manufacturer to produce or assemble the product. If the multi-component product is produced in  
11 a foreign country, the manufacturer is the importer or domestic distributor. In the case of  
12 mercury-containing thermostats, the manufacturer is the original equipment manufacturer who or  
13 that sells or sold a mercury-containing thermostat under a brand or label ~~is~~ the manufacturer  
14 owns, or is or was licensed to use a mercury-containing thermostat produced by other suppliers.

15 (12) In the case of mercury-containing lamps, the manufacturer is a person or entity who  
16 or that:

17 (i) Manufactures or manufactured a mercury-containing lamp under his, her, or its own  
18 brand or label for sale in the state;

19 (ii) Sells in the state under its own brand or label a mercury-containing lamp produced by  
20 another supplier;

21 (iii) Owns a brand that he, she or it licenses, or licensed to another person or entity for  
22 use on a mercury-containing lamp sold in the state;

23 (iv) Imports into the United States for sale in the state a mercury-containing lamp  
24 manufactured by a person or entity without a presence in the United States;

25 (v) Manufactures a mercury-containing lamp for sale in the state without affixing a brand  
26 name; or

27 (vi) Assumes the responsibilities, obligation, and liabilities of a manufacturer as defined  
28 under paragraphs (i) through (v) of this subsection.

29 (13) "Mercury-added button cell battery" means a button cell battery to which the  
30 manufacturer intentionally introduces mercury for the operation of the battery.

31 (14) "Mercury-added novelty" means a mercury-added product intended mainly for  
32 personal or household enjoyment or adornment. Mercury-added novelties include, but are not  
33 limited to, items intended for use as figurines, adornments, toys, games, cards, ornaments, yard  
34 statues and figures, candles, jewelry, holiday decorations, items of apparel (including footwear),



1 or similar products.

2 (15) "Mercury-added product" means a product, commodity, chemical, or a product with  
3 a component that contains mercury or a mercury compound intentionally added to the product,  
4 commodity, chemical, or component in order to provide a specific characteristic, appearance, or  
5 quality, or to perform a specific function or for any other reason. These products include  
6 formulated mercury-added products and fabricated mercury-added products.

7 (16) "Mercury-containing lamp" means a general-purpose lamp to which mercury is  
8 intentionally added during the manufacturing process. "Mercury-containing lamp" does not mean  
9 a lamp used for medical, disinfection, treatment, or industrial purposes.

10 (17) "Mercury-containing thermostat" means a product or device that uses a mercury  
11 switch to sense and control room temperature through communication with heating, ventilating,  
12 or air-conditioning equipment. "Mercury-containing thermostat" includes thermostats used to  
13 sense and control room temperature in residential, commercial, industrial, and other buildings, but  
14 does not include a thermostat used to sense and control temperature as part of a manufacturing  
15 process.

16 (18) "Mercury fever thermometer" means a mercury-added product that is used for  
17 measuring body temperature.

18 (19) "Person" means an individual, trust, firm, joint stock company, corporation  
19 (including a government corporation), partnership, association, the federal government or any  
20 agency or subdivision thereof, a state, municipality, commission, political subdivision of a state,  
21 or any interstate body.

22 (20) "Qualified contractor" means a person or entity engaged in the business of  
23 installation, service, or removal of heating, ventilation, and air-conditioning components who or  
24 that employs seven (7) or more service technicians or installers or who or that is located in an  
25 area outside of an urban area, as defined by the United States bureau of the census.

26 (21) "Thermostat retailer" means a person or entity who or that sells thermostats of any  
27 kind directly to homeowners or other nonprofessionals through any selling or distribution  
28 mechanism, including, but not limited to, sales using the internet or catalogues. A retailer may  
29 also be a wholesaler if it meets the definition of wholesaler.

30 (22) "Thermostat wholesaler" means a person or entity who or that is engaged in the  
31 distribution and wholesale sale of thermostats and other heating, ventilation, and air-conditioning  
32 components to contractors who install heating, ventilation, and air-conditioning components.

33 SECTION 12. Section 27-1.2-5 of the General Laws in Chapter 27-1.2 entitled  
34 "Corporate Governance Annual Disclosure" is hereby amended to read as follows:

1           **27-1.2-5. Contents of corporate governance annual disclosure. [Effective January 1,**  
2           **2017.]**

3           (a) The insurer or insurance group shall have discretion over the responses to the CGAD  
4 inquiries, provided the CGAD shall contain the material information necessary to permit the  
5 commissioner to obtain an understanding of the insurer's or group's corporate governance  
6 structure, policies, and practices. The commissioner may request additional information that ~~they~~  
7 ~~deem~~ the commissioner deems material and necessary to provide the commissioner with a clear  
8 understanding of the corporate governance policies; the reporting or information system; or  
9 controls implementing those policies.

10          (b) Notwithstanding subsection (a), the CGAD shall be prepared consistent with the  
11 corporate governance annual disclosure regulation adopted by the division of insurance and  
12 supporting information shall be maintained and made available upon examination or upon request  
13 of the commissioner.

14          SECTION 13. Section 31-41.3-8 of the General Laws in Chapter 31-41.3 entitled  
15 "Automated School-Zone-Speed-Enforcement System Act of 2016" is hereby amended to read as  
16 follows:

17           **31-41.3-8. Procedure notice.**

18          (a) Except as expressly provided in this chapter, all prosecutions based on evidence  
19 produced by an automated school-zone-speed-enforcement system shall follow the procedures  
20 established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated by the  
21 ~~chief judge of the district court~~ chief magistrate of the traffic tribunal for the hearing of civil  
22 traffic violations. Citations may be issued by an officer solely based on evidence obtained by use  
23 of an automated school-zone-speed-enforcement system. All citations issued based on evidence  
24 obtained from an automated school-zone-speed-enforcement system shall be issued within  
25 fourteen (14) days of the violation.

26          (b) It shall be sufficient to commence a prosecution based on evidence obtained from an  
27 automated school-zone-speed-enforcement system, provided that a copy of the citation and  
28 supporting documentation be mailed to the address of the registered owner kept on file by the  
29 registry of motor vehicles pursuant to § 31-3-34. For purposes of this section, the date of issuance  
30 shall be the date of mailing.

31          (c) The officer issuing the citation shall certify under penalties of perjury that the  
32 evidence obtained from the automated school-zone-speed-enforcement system was sufficient to  
33 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all  
34 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient

1 proof of actual notice in all cases where the citation is not answered within the time period  
2 permitted.

3 (d) The citation shall contain all the information provided for in the uniform summons as  
4 referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the  
5 traffic tribunal.

6 (e) In addition to the information in the uniform summons, the following information  
7 shall be attached to the citation:

8 (1) Copies of two (2) or more photographs, or microphotographs, or other recorded  
9 images taken as proof of the violation; and

10 (2) A signed statement by a trained law enforcement officer that, based on inspection of  
11 recorded images, the motor vehicle was being operated in violation of chapter 14 of title 31  
12 relating to speed restrictions: and

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

14 (4) A statement that the person who receives a summons under this chapter may either  
15 pay the civil penalty in accordance with the provisions of § 31-41.1-3, or elect to stand trial for  
16 the alleged violation.

17 SECTION 14. Section 34-25.2-6 of the General Laws in Chapter 34-25.2 entitled "Rhode  
18 Island Home Loan Protection Act" is hereby amended to read as follows:

19 **34-25.2-6. Limitations and prohibited practices regarding high-cost home loans.**

20 A high-cost home loan shall be subject to the following additional limitations and  
21 prohibited practices:

22 (a) In connection with a high-cost home loan, no creditor shall directly or indirectly  
23 finance any points or fees which total is greater than five percent (5%) ~~of~~ of the total loan amount  
24 ~~of or~~ eight hundred dollars (\$800) whichever is greater.

25 (b) No prepayment fees or penalties shall be included in the loan documents for a high-  
26 cost home loan.

27 (c) No high-cost home loan may contain a scheduled payment that is more than twice as  
28 large as the average of earlier scheduled payments. This provision does not apply when the  
29 payment schedule is adjusted to the seasonal or irregular income of the borrower.

30 (d) No high-cost home loan may include payment terms under which the outstanding  
31 principal balance or accrued interest will increase at any time over the course of the loan because  
32 the regularly scheduled periodic payments do not cover the full amount of interest due.

33 (e) No high-cost home loan may contain a provision that increases the interest rate after  
34 default. This provision does not apply to interest rate changes in a ~~variable-rate~~ variable-rate

1 loan otherwise consistent with the provisions of the loan documents, provided the change in the  
2 interest rate is not triggered by the event of default or the acceleration of the indebtedness.

3 (f) No high-cost home loan may include terms under which more than two (2) periodic  
4 payments required under the loan are consolidated and paid in advance from the loan proceeds  
5 provided to the borrower.

6 (g) A creditor may not make a high-cost home loan without first receiving certification  
7 from a counselor with a third-party nonprofit organization approved by the United States  
8 Department of Housing and Urban Development that the borrower has received counseling on the  
9 advisability of the loan transaction.

10 (h) A high-cost home loan shall not be extended to a borrower unless a reasonable  
11 creditor would believe at the time the loan is closed that one or more of the borrowers will be able  
12 to make the scheduled payments associated with the loan based upon a consideration of his or her  
13 current and expected income, current obligations, employment status, and other financial  
14 resources, other than the borrower's equity in the collateral that secures the repayment of the loan.  
15 There is a rebuttable presumption that the borrower is able to make the scheduled payments to  
16 repay the obligation if, at the time the loan is consummated, said borrower's total monthly debts,  
17 including amounts under the loan, do not exceed fifty percent (50%) of said borrower's monthly  
18 gross income as verified by tax returns, payroll receipts, and other third-party income verification.

19 (i) A creditor may not pay a contractor under a home-improvement contract from the  
20 proceeds of a high-cost home loan, unless:

21 (1) The creditor is presented with a signed and dated completion certificate showing that  
22 the home improvements have been completed; and

23 (2) The instrument is payable to the borrower or jointly to the borrower and the  
24 contractor, or, at the election of the borrower, through a third-party escrow agent in accordance  
25 with terms established in a written agreement signed by the borrower, the creditor, and the  
26 contractor prior to the disbursement.

27 (j) A creditor may not charge a borrower any fees or other charges to modify, renew,  
28 extend, or amend a high-cost home loan or to defer any payment due under the terms of a high-  
29 cost home loan.

30 (k) A creditor shall not make available a high-cost home loan that provides for a late  
31 payment fee except as follows:

32 (1) The late payment fee shall not be in excess of three percent (3%) of the amount of the  
33 payment past due.

34 (2) The late payment fee shall only be assessed for a payment past due for fifteen (15)

1 days or more or ten (10) days or more in cases of bi-weekly mortgage payment arrangement.

2 (3) The late payment fee shall not be imposed more than once with respect to a single late  
3 payment. If a late payment fee is deducted from a payment made on the loan, and the deduction  
4 causes a subsequent default on a subsequent payment, no late payment fee may be imposed for  
5 the default.

6 (4) A creditor shall treat each payment as posted on the same business day as it was  
7 received.

8 (l) All high-cost home loan documents that create a debt or pledge property as collateral  
9 shall contain the following notice on the first page in a conspicuous manner: "Notice: This a high-  
10 cost home loan subject to special rules under state law. Purchasers or assignees of this high-cost  
11 home loan may be liable for all claims and defenses by the borrower with respect to the home  
12 loan."

13 SECTION 15. Section 39-1-27.12 of the General Laws in Chapter 39-1 entitled "Public  
14 Utilities Commission" is hereby amended to read as follows:

15 **39-1-27.12. Low-Income Home-Energy Assistance Program Enhancement Plan.**

16 (a) The Low-Income Home-Energy Assistance Program Enhancement Plan (hereinafter  
17 "LIHEAP Enhancement Plan") is hereby created to supplement the federal Low-Income Home-  
18 Energy Assistance Program ("LIHEAP") funding being received by customers of Rhode Island  
19 electric- and gas-distribution companies.

20 (b) Within a period of time sufficient to accomplish the purposes of this section, but not  
21 longer than ninety (90) days after the effective date of this chapter, the department of human  
22 services shall develop a recommended monthly "LIHEAP enhancement charge" rate for the  
23 following year and make a filing with the commission pursuant to this chapter recommending  
24 rates. Thereafter annually, but no later than October 15 of each year, the department shall make  
25 filings with the commission to recommend the LIHEAP enhancement charge rates for each class  
26 of electric- and natural-gas distribution company customer for the following year.

27 (c) A LIHEAP enhancement charge approved by the commission shall have the following  
28 limitations:

29 (1) For electric-distribution company customers, the charge shall not be more than ten  
30 dollars (\$10.00) per year.

31 (2) For natural-gas-distribution company customers, the charge shall not be more than ten  
32 dollars (\$10.00) per year.

33 (3) The total projected annual revenue for the LIHEAP enhancement plan through  
34 charges to all electric- and natural-gas-distribution company customers shall not exceed seven

1 million five hundred thousand dollars (\$7,500,000) and shall not be below six million five  
2 hundred thousand dollars (\$6,500,000).

3 A minimum of five percent (5%) shall be allocated to provide assistance to customers  
4 who are seeking LIHEAP certification for the sole purpose of entering into an arrearage plan as  
5 defined in § 39-2-1(d)(2) between April 15 and September 30 of each year. Such customers must  
6 be a homeless family or individual ~~who is~~ transitioning from a shelter into housing and ~~provide~~  
7 who have provided documentation acceptable to the department of human services. Any funds  
8 remaining at the end of the fiscal year shall be available for the upcoming winter season.

9 (d) The commission shall open a docket, to consider for approval, LIHEAP enhancement  
10 charge rates proposed by the department. In reviewing the recommended rates, the commission  
11 shall give due consideration to the recommendations of the department and the standards set forth  
12 in subsection (c). The commission shall issue a decision within sixty (60) days after said  
13 recommendations and report are filed with the commission establishing the enhancement plan  
14 charge rates.

15 (e) The electric- or gas-distribution company shall use the funds collected through this  
16 enhancement plan charge to provide a credit to customers' accounts that are receiving federal  
17 LIHEAP assistance payments in a manner determined by the department of human services. The  
18 department of human services shall designate to the gas- or electric-distribution company the  
19 qualifying customer accounts and the amounts to be credited to those customer accounts,  
20 provided that the total amount to be credited to those accounts shall be fully funded by, and not  
21 exceed, the total amount collected through the enhancement plan charge. The electric- or gas-  
22 distribution company's added administrative expenses to process the credit assignments provided  
23 to it by the department of human services will be recoverable either from the LIHEAP  
24 enhancement charge or through a separate charge approved by the public utilities commission.

25 (f) As used in this section, "electric- and natural-gas-distribution company" means a  
26 company as defined in subsection 39-1-2(12), but not including the Block Island Power Company  
27 or the Pascoag Utility District.

28 SECTION 16. Section 39-2-1 of the General Laws in Chapter 39-2 entitled "Duties of  
29 Utilities and Carriers" is hereby amended to read as follows:

30 **39-2-1. Reasonable and adequate services -- Reasonable and just charges.**

31 (a) Every public utility is required to furnish safe, reasonable, and adequate services and  
32 facilities. The rate, toll, or charge, or any joint rate made, exacted, demanded, or collected by any  
33 public utility for the conveyance or transportation of any persons or property, including sewage,  
34 between points within the state; or for any heat, light, water, or power produced, transmitted,

1 distributed, delivered, or furnished; or for any telephone or telegraph message conveyed; or for  
2 any service rendered or to be rendered in connection therewith, shall be reasonable and just, and  
3 every unjust or unreasonable charge for the service is prohibited and declared unlawful, and no  
4 public utility providing heat, light, water, or power produced, transmitted, distributed, delivered,  
5 or furnished shall terminate the service or deprive any home or building, or whatsoever, of  
6 service if the reason therefor is nonpayment of the service without first notifying the user of the  
7 service, or the owner, or owners, of the building as recorded with the utility of the impending  
8 service termination by written notice at least ten (10) days prior to the effective date of the  
9 proposed termination of service.

10 (1) Effective immediately, following the issuance of a decision by the commission under  
11 ~~39-1-27.2(d)~~ [§ 39-1-27.12\(d\)](#), the utility shall collect a LIHEAP enhancement charge from all  
12 utility customers, for the funding of the LIHEAP Enhancement Fund.

13 (b) Any existing rules and regulations dealing with the termination of utility service and  
14 establishing reasonable methods of debt collection promulgated by the commission pursuant to  
15 this chapter and the provisions of § 39-1.1-3 including, but not limited to, any rules and  
16 regulations dealing with deposit and deferred-payment arrangements, winter moratorium and  
17 medical emergency protections, and customer dispute resolution procedures, shall be applicable  
18 to any public utility ~~which~~ [that](#) distributes electricity.

19 (c) The commission shall promulgate such further rules and regulations as are necessary  
20 to protect consumers following the introduction of competition in the electric industry and ~~which~~  
21 [that](#) are consistent with this chapter and the provisions of § 39-1.1-3. In promulgating such rules  
22 and regulations, the commission shall confer with the retail electric licensing commission and  
23 shall give reasonable consideration to any and all recommendations of the retail electric licensing  
24 commission.

25 (d) (1) On or before August 15, 2011, the commission shall administer such rules and  
26 regulations, as may be necessary, to implement the purpose of subdivision (2) of this subsection  
27 and to provide for the restoration of electric and/or gas service to low-income home energy  
28 assistance program (LIHEAP)-eligible households, as this eligibility is defined in the current  
29 LIHEAP state plan for Rhode Island filed with the U.S. Department of Health and Human  
30 Services.

31 (2) Effective no later than September 1, 2016, notwithstanding the provisions of part V  
32 sections 4(E)(1)(B) and (C) of the public utilities commission rules and regulations governing the  
33 termination of residential electric-, gas-, and water-utility service, a LIHEAP-eligible customer,  
34 as defined above in this section, who has been terminated from gas and/or electric service or is

1 recognized, pursuant to a rule or decision by the division, as being scheduled for actual shut-off  
2 of service on a specific date, shall not be deprived electric and/or gas utility service provided the  
3 following conditions are met:

4 (i) The customer has an account balance of at least three hundred dollars (\$300) that is  
5 more than sixty (60) days past due;

6 (ii) The customer is eligible for the federal low-income home-energy assistance program  
7 and the account is enrolled in the utility low-income rate if offered;

8 (iii) If utility service has been terminated, the customer shall make an initial payment of  
9 twenty-five percent (25%) of the unpaid balance, unless the commission has enacted emergency  
10 regulations in which case the customer shall pay the down payment required by the emergency  
11 regulations;

12 (iv) The customer agrees to participate in energy efficiency programs;

13 (v) The customer applies for other available energy-assistance programs, including fuel  
14 assistance and weatherization;

15 (vi) The customer agrees to make at least twelve (12) monthly payments in an amount  
16 determined by the utility and based on the customer's average monthly usage of the previous year,  
17 and the customer's actual or anticipated fuel assistance, if known. The electric- and/or gas-utility  
18 company shall review the payment plan every three (3) months and may adjust said plan based on  
19 the following: the amount of or change in fuel assistance; the customer moves, actual usage  
20 differs from estimated usage; and/or significant changes in the company's energy costs or rates  
21 from the time of anticipated enrollment;

22 (vii) With each payment, a portion of the customer's outstanding account balance shall be  
23 forgiven in an amount equal to the total past-due balance divided by the number of months in the  
24 customer agreement;

25 (viii) Up to one thousand five hundred dollars (\$1,500) shall be forgiven in a twelve-  
26 month (12) period. If the outstanding account balance is greater than one thousand five hundred  
27 dollars (\$1,500), the length of the agreement may, at the request of the customer, be extended for  
28 more than twelve (12) months to accommodate the total outstanding balance, provided that the  
29 customer is current with payments at the conclusion of the previous twelve-month (12) period;

30 (ix) The customer agrees to remain current with payments. For purposes of this  
31 subsection, remaining current shall mean that the customer: (A) Misses no more than two (2)  
32 payments in a twelve-month (12) period covered by the agreement; and (B) That the amount due  
33 under the agreement is paid in full, by the conclusion of the twelve-month (12) period of the  
34 agreement;



1 (x) Failure to comply with the payment provisions set forth in this subsection shall be  
2 grounds for the customer to be removed from the repayment program established by this  
3 subsection and the balance due on the unpaid balance shall be due and payable in full, in  
4 accordance with the rules of the commission governing the termination of residential electric-,  
5 gas-, and water-utility service, provided, that any arrearage already forgiven under subsection  
6 (d)(2)(ii) of this section shall remain forgiven and be written off by the utility. The amount of the  
7 arrearage, so forgiven, shall be recovered by the electric and/or gas company through an annual  
8 reconciling factor approved by the commission;

9 (xi) The commission may promulgate rules and regulations to implement this section that  
10 ensure efficient administration of the program in a non-discriminatory manner consistent with the  
11 goal of providing assistance to customers who are willing and able to meet their obligations to the  
12 utility under this program;

13 (xii) Each public utility that provides gas or electric service to residential ratepayers shall  
14 file tariffs implementing the requirements of this section on a date to be determined by the  
15 commission which shall allow for the program to be in place no later than October 1, 2016; and

16 (xiii) After two (2) years from the date of completion of the plan or removal from the  
17 plan for failure to remain current with payments and upon recommendation from a community  
18 action partnership agency, a customer shall be eligible to enroll in a subsequent arrearage  
19 forgiveness plan.

20 (xiv) A customer, who completes the schedule of payments pursuant to this subsection,  
21 shall have the balance of any arrearage forgiven, and the customer's obligation to the gas and/or  
22 electric company for such unpaid balance shall be deemed to be fully satisfied. The amount of the  
23 arrearage, so forgiven, shall be treated as bad debt for purposes of cost recovery by the gas or the  
24 electric company up to the amount allowed in the gas and/or electric company's most recent  
25 general rate filing. In the event the gas or electric company's bad debt for a calendar year exceeds  
26 the amount allowed in the most recent general-rate filing for the same period, the gas or electric  
27 company shall be entitled to recovery of those write-offs that were the result of the arrearage  
28 forgiveness plan set forth in this section.

29 (3) A customer terminated from service under the provisions of subdivision (d)(1) or  
30 (d)(2) shall be eligible for restoration of service in accordance with the applicable provisions of  
31 part V section 4(E)(1)(C), or its successor provision, of the public utilities commission rules and  
32 regulations governing the termination of residential electric, gas, and water service.

33 (e) The commission shall complete a comprehensive review of all utility- and energy-  
34 related programs and policies impacting protected classes and low-income ratepayers. In

1 conducting its review, the commission shall consult with the division, the attorney general, the  
2 utility, the department of human services, the ratepayers advisory board established by § 39-1-  
3 37.1, community-based organizations, a homeless advisory group, and community action  
4 agencies, each of whom shall cooperate with meetings scheduled by the commission and any  
5 requests for information received by the commission by providing responses within twenty-one  
6 (21) days from issuance. The commission shall submit a report of its findings and  
7 recommendations to the governor and the general assembly no later than November 1, 2018. No  
8 later than November 15, 2017, and annually thereafter, the commission shall submit to the  
9 governor, the senate president, and the speaker of the house a report on the effectiveness of the  
10 customer arrearage program which shall include a cost-benefit analysis and recommendations to  
11 improve effectiveness of the arrearage program.

12 SECTION 17. Section 39-26.4-2 of the General Laws in Chapter 39-26.4 entitled "Net  
13 Metering" is hereby amended to read as follows:

14 **39-26.4-2. Definitions.**

15 Terms not defined in this section herein shall have the same meaning as contained in  
16 chapter 26 of title 39 of the general laws. When used in this chapter:

17 (1) "Community remote-net-metering system" means a facility generating electricity  
18 using an eligible net-metering resource that allocates net-metering credits to a minimum of one  
19 account for system associated with low or moderate housing eligible credit recipients, or three (3)  
20 eligible credit-recipient customer accounts, provided that no more than fifty percent (50%) of the  
21 credits produced by the system are allocated to one eligible credit recipient, and provided further  
22 at least fifty percent (50%) of the credits produced by the system are allocated to the remaining  
23 eligible credit recipients in an amount not to exceed that which is produced annually by twenty-  
24 five kilowatt (25 kW) AC capacity. The community remote-net-metering system may transfer  
25 credits to eligible credit recipients in an amount that is equal to or less than the sum of the usage  
26 of the eligible credit recipient accounts measured by the three-year (3) average annual  
27 consumption of energy over the previous three (3) years. A projected annual consumption of  
28 energy may be used until the actual three-year (3) average annual consumption of energy over the  
29 previous three (3) years at the eligible credit recipient accounts becomes available for use in  
30 determining eligibility of the generating system. The community remote-net-metering system  
31 may be owned by the same entity that is the customer of record on the net-metered account or  
32 may be owned by a third party.

33 (2) "Electric-distribution company" shall have the same meaning as § 39-1-2, but shall  
34 not include block island power company or Pascoag utility district, each of whom shall be

1 required to offer net metering to customers through a tariff approved by the public utilities  
2 commission after a public hearing. Any tariff or policy on file with the public utilities  
3 commission on the date of passage of this chapter shall remain in effect until the commission  
4 approves a new tariff.

5 (3) "Eligible credit recipient" means one of the following eligible recipients in the  
6 electric-distribution company's service territory whose electric service account or accounts may  
7 receive net-metering credits from a community remote net-metering system. Eligible credit  
8 recipients include the following definitions:

9 (i) Residential accounts in good standing.

10 (ii) "Low- or moderate-income housing eligible credit recipient" means an electric service  
11 account or accounts in good standing associated with any housing development or developments  
12 owned or operated by a public agency, nonprofit organization, limited-equity housing  
13 cooperative, or private developer, that receives assistance under any federal, state, or municipal  
14 government program to assist the construction or rehabilitation of housing affordable to low- or  
15 moderate-income households, as defined in the applicable federal or state statute, or local  
16 ordinance, encumbered by a deed restriction or other covenant recorded in the land records of the  
17 municipality in which the housing is located, that:

18 (A) Restricts occupancy of no less than fifty percent (50%) of the housing to households  
19 with a gross, annual income that does not exceed eighty percent (80%) of the area median income  
20 as defined annually by the United States Department of Housing and Urban Development (HUD);

21 (B) Restricts the monthly rent, including a utility allowance, that may be charged to  
22 residents, to an amount that does not exceed thirty percent (30%) of the gross, monthly income of  
23 a household earning ~~eight~~ eighty percent (80%) of the area, median income as defined annually  
24 by HUD;

25 (C) That has an original term of not less than thirty (30) years from initial occupancy.  
26 Electric service account or accounts in good standing associated with housing developments that  
27 are under common ownership or control may be considered a single low- or moderate-income  
28 housing-eligible credit recipient for purposes of this section. The value of the credits shall be used  
29 to provide benefits to tenants.

30 (4) "Eligible net-metering resource" means eligible renewable-energy resource, as  
31 defined in § 39-26-5 including biogas created as a result of anaerobic digestion, but, specifically  
32 excluding all other listed eligible biomass fuels;

33 (5) "Eligible net-metering system" means a facility generating electricity using an eligible  
34 net-metering resource that is reasonably designed and sized to annually produce electricity in an

1 amount that is equal to, or less than, the renewable self-generator's usage at the eligible net-  
2 metering-system site measured by the three-year (3) average annual consumption of energy over  
3 the previous three (3) years at the electric-distribution account(s) located at the eligible net-  
4 metering-system site. A projected annual consumption of energy may be used until the actual  
5 three-year (3) average annual consumption of energy over the previous three (3) years at the  
6 electric-distribution account(s) located at the eligible net-metering-system site becomes available  
7 for use in determining eligibility of the generating system. The eligible net-metering system may  
8 be owned by the same entity that is the customer of record on the net-metered accounts or may be  
9 owned by a third party that is not the customer of record at the eligible net-metering system site  
10 and which may offer a third-party, net-metering financing arrangement or public entity, net-  
11 metering financing arrangement, as applicable. Notwithstanding any other provisions of this  
12 chapter, any eligible net-metering resource: (i) Owned by a public entity or multi-municipal  
13 collaborative or (ii) Owned and operated by a renewable-generation developer on behalf of a  
14 public entity or multi-municipal collaborative through public entity net-metering financing  
15 arrangement shall be treated as an eligible net-metering system and all accounts designated by the  
16 public entity or multi-municipal collaborative for net metering shall be treated as accounts  
17 eligible for net metering within an eligible net-metering-system site.

18 (6) "Eligible net-metering-system site" means the site where the eligible net-metering  
19 system or community remote net-metering system is located or is part of the same campus or  
20 complex of sites contiguous to one another and the site where the eligible net-metering system or  
21 community remote-net-metering system is located or a farm in which the eligible net-metering  
22 system or community remote-net-metering system is located. Except for an eligible net-metering  
23 system owned by or operated on behalf of a public entity or multi-municipal collaborative  
24 through a public entity net-metering financing arrangement, the purpose of this definition is to  
25 reasonably assure that energy generated by the eligible net-metering system is consumed by net-  
26 metered electric service account(s) that are actually located in the same geographical location as  
27 the eligible net-metering system. All energy generated from any eligible net-metering system is,  
28 and will be considered, consumed at the meter where the renewable-energy resource is  
29 interconnected for valuation purposes. Except for an eligible net-metering system owned by, or  
30 operated on behalf of, a public entity or multi-municipal collaborative through a public entity net-  
31 metering financing arrangement, or except for a community remote-net-metering system, all of  
32 the net-metered accounts at the eligible net-metering-system site must be the accounts of the same  
33 customer of record and customers are not permitted to enter into agreements or arrangements to  
34 change the name on accounts for the purpose of artificially expanding the eligible net-metering-

1 system site to contiguous sites in an attempt to avoid this restriction. However, a property owner  
2 may change the nature of the metered service at the accounts at the site to be master metered in  
3 the owner's name, or become the customer of record for each of the accounts, provided that the  
4 owner becoming the customer of record actually owns the property at which the account is  
5 located. As long as the net-metered accounts meet the requirements set forth in this definition,  
6 there is no limit on the number of accounts that may be net metered within the eligible net-  
7 metering-system site.

8 (7) "Excess renewable net-metering credit" means a credit that applies to an eligible net-  
9 metering system or community remote-net-metering system for that portion of the production of  
10 electrical energy beyond one hundred percent (100%) and no greater than one hundred twenty-  
11 five percent (125%) of the renewable self-generator's own consumption at the eligible net-  
12 metering-system site or the sum of the usage of the eligible credit recipient accounts associated  
13 with the community remote-net-metering system during the applicable billing period. Such excess  
14 renewable net-metering credit shall be equal to the electric-distribution company's avoided cost  
15 rate, which is hereby declared to be the electric-distribution company's standard offer service  
16 kilowatt hour (kWh) charge for the rate class and time-of-use billing period (if applicable)  
17 applicable to the customer of record for the eligible net-metering system or applicable to the  
18 customer of record for the community remote-net-metering system. The commission shall have  
19 the authority to make determinations as to the applicability of this credit to specific generation  
20 facilities to the extent there is any uncertainty or disagreement.

21 (8) "Farm" shall be defined in accordance with § 44-27-2, except that all buildings  
22 associated with the farm shall be eligible for net-metering credits as long as: (i) The buildings are  
23 owned by the same entity operating the farm or persons associated with operating the farm; and  
24 (ii) The buildings are on the same farmland as the project on either a tract of land contiguous  
25 with, or reasonably proximate to, such farmland or across a public way from such farmland.

26 (9) "Multi-municipal collaborative" means a group of towns and/or cities that enter into  
27 an agreement for the purpose of co-owning a renewable-generation facility or entering into a  
28 financing arrangement pursuant to subdivision (16).

29 (10) "Municipality" means any Rhode Island town or city, including any agency or  
30 instrumentality thereof, with the powers set forth in title 45 of the general laws.

31 (11) "Net metering" means using electrical energy generated by an eligible, net-metering  
32 system for the purpose of self-supplying electrical energy and power at the eligible net-metering-  
33 system site, or with respect to a community remote-net-metering system, for the purpose of  
34 generating net-metering credits to be applied to the electric bills of the eligible credit recipients

1 associated with the community net-metering system. The amount so generated will thereby offset  
2 consumption at the eligible net-metering system site through the netting process established in  
3 this chapter, or with respect to a community remote-net-metering system, the amounts generated  
4 in excess of that amount will result in credits being applied to the eligible credit-recipient  
5 accounts associated with the community remote-net-metering system.

6 (12) "Net-metering customer" means a customer of the electric-distribution company  
7 receiving and being billed for distribution service whose distribution account(s) are being net  
8 metered.

9 (13) "Person" means an individual, firm, corporation, association, partnership, farm, town  
10 or city of the State of Rhode Island, multi-municipal collaborative, or the State of Rhode Island or  
11 any department of the state government, governmental agency, or public instrumentality of the  
12 state.

13 (14) "Project" means a distinct installation of an eligible net-metering system or a  
14 community remote-net-metering system. An installation will be considered distinct if it is  
15 installed in a different location, or at a different time, or involves a different type of renewable  
16 energy.

17 (15) "Public entity" means the state of Rhode Island, municipalities, wastewater  
18 treatment facilities, public transit agencies or any water distributing plant or system employed for  
19 the distribution of water to the consuming public within this state including the water supply  
20 board of the city of Providence.

21 (16) "Public entity net-metering financing arrangement" means arrangements entered into  
22 by a public entity or multi-municipal collaborative with a private entity to facilitate the financing  
23 and operation of a net-metering resource, in which the private entity owns and operates an  
24 eligible net-metering resource on behalf of a public entity or multi-municipal collaborative,  
25 where: (i) The eligible net-metering resource is located on property owned or controlled by the  
26 public entity or one of the municipalities, as applicable, and (ii) The production from the eligible  
27 net-metering resource and primary compensation paid by the public entity or multi-municipal  
28 collaborative to the private entity for such production is directly tied to the consumption of  
29 electricity occurring at the designated net-metered accounts.

30 (17) "Renewable net-metering credit" means a credit that applies to an eligible net-  
31 metering system or a community remote-net-metering system up to one hundred percent (100%)  
32 of either the renewable self-generator's usage at the eligible net-metering-system site or the sum  
33 of the usage of the eligible credit-recipient accounts associated with the community remote net-  
34 metering system over the applicable billing period. This credit shall be equal to the total kilowatt

1 hours of electrical energy generated up to the amount consumed on-site, and/or generated up to  
2 the sum of the eligible credit-recipient account usage during the billing period multiplied by the  
3 sum of the distribution company's:

4 (i) Standard offer service kilowatt hour charge for the rate class applicable to the net-  
5 metering customer, except that for remote public entity and multi-municipality collaborative net-  
6 metering systems that submit an application for an interconnection study on or after July 1, 2017,  
7 and community remote-net-metering systems, the standard offer service kilowatt-hour charge  
8 shall be net of the renewable energy standard charge or credit;

9 (ii) Distribution kilowatt-hour charge;

10 (iii) Transmission kilowatt-hour charge; and

11 (iv) Transition kilowatt-hour charge.

12 Notwithstanding the foregoing, except for systems that have requested an interconnection  
13 study for which payment has been received by the distribution company, or if an interconnection  
14 study is not required, a completed and paid interconnection application, by December 31, 2018,  
15 the renewable net-metering credit for all remote public entity and multi-municipal collaborative  
16 net-metering systems shall not include the distribution kilowatt hour charge commencing on  
17 January 1, 2050.

18 (18) "Renewable self-generator" means an electric distribution service customer of record  
19 for the eligible net-metering system or community remote-net-metering system at the eligible net-  
20 metering-system site which system is primarily designed to produce electrical energy for  
21 consumption by that same customer at its distribution service account(s), and/or, with respect to  
22 community remote-net-metering systems, electrical energy which generates net-metering credits  
23 to be applied to offset the eligible credit-recipient account usage.

24 (19) "Third party" means and includes any person or entity, other than the renewable self-  
25 generator, who owns or operates the eligible net-metering system or community remote-net-  
26 metering system on the eligible net-metering-system site for the benefit of the renewable self-  
27 generator.

28 (20) "Third-party, net-metering financing arrangement" means the financing of eligible  
29 net-metering systems or community remote-net-metering systems through lease arrangements or  
30 power/credit purchase agreements between a third party and renewable self-generator, except for  
31 those entities under a public entity net-metering finance arrangement. A third party engaged in  
32 providing financing arrangements related to such net-metering systems with a public or private  
33 entity is not a public utility as defined in § 39-1-2.

34 SECTION 18. Section 42-11.2-3 of the General Laws in Chapter 42-11.2 entitled

1 "Affordable Housing Opportunity" is hereby amended to read as follows:

2 **42-11.2-3. Definitions.**

3 Terms used in this chapter shall be defined as follows, unless another meaning is  
4 expressed or clearly apparent from the language or context:

5 (1) "Eligible owner" means any of the following entities, provided that it shall have the  
6 legal right to lease or sub-lease existing, newly constructed, or substantially rehabilitated dwelling  
7 units.

8 **(i) A mutual housing association, a nonprofit housing development corporation, a**  
9 **limited equity housing cooperative, a limited partnership in which a nonprofit housing**  
10 **development corporation is the general partner, or a limited partnership in which a**  
11 **corporation wholly owned by a nonprofit housing development corporation is the general**  
12 **partner.**

13 **(ii) Any other person or entity the department elects to contract with.**

14 (2) "Fair market rent" means the fair rental amount for a dwelling unit, as established by  
15 the executive department pursuant to § 42-11.2-9.

16 ~~**(i) A mutual housing association, a nonprofit housing development corporation, a**~~  
17 ~~**limited equity housing cooperative, a limited partnership in which a nonprofit housing**~~  
18 ~~**development corporation is the general partner, or a limited partnership in which a**~~  
19 ~~**corporation wholly owned by a nonprofit housing development corporation is the general**~~  
20 ~~**partner.**~~

21 ~~**(ii) Any other person or entity the department elects to contract with.**~~

22 (3) "Housing costs" means an amount equal to the fair market rent for an assisted unit,  
23 plus a utility allowance for that unit as determined by the executive department.

24 (4) "Limited equity housing cooperative" means a cooperative housing association or  
25 corporation organized and operated primarily for the benefit of low and moderate income  
26 persons, and whose equity, after allowance for maximum transfer value of its stock, is  
27 permanently dedicated to providing housing to persons of low or moderate income or to a  
28 charitable purpose.

29 (5) "Low-income family" means an individual or family whose total income does not  
30 exceed sixty percent (60%) of the median family income adjusted by family size for the area of  
31 the state in which the family lives, as determined annually by the U.S. Department of Housing  
32 and Urban Development.

33 (6) "Mutual housing association" means a nonprofit corporation, incorporated pursuant to  
34 chapter 6 of title 7 and having articles of incorporation approved by the executive director of the



1 Rhode Island housing and mortgage finance corporation, having as one of its purposes the  
2 prevention and elimination of neighborhood deterioration and the preservation of neighborhood  
3 stability by affording community and resident involvement in the provision of high-quality, long-  
4 term housing for low and moderate income families in which residents: (i) participate in the  
5 ongoing operation and management of that housing; (ii) have the right to continue residing in the  
6 housing for as long as they comply with the terms of their occupancy agreement; and (iii) do not  
7 possess an equity or ownership interest in the housing.

8 (7) "Nonprofit housing development corporation" means a nonprofit corporation, which  
9 has applied under 42 U.S.C. § 501(c)(3) for approval as a § 501(c)(3) corporation with the  
10 Internal Revenue Service, or been so approved, and which is organized and operated with one of  
11 its principal purposes being to provide housing for low and moderate income persons.

12 (8) "Utility allowance" means an amount established by the executive department  
13 pursuant to § 42-11.2-10.

14 SECTION 19. Section 42-17.1-2 of the General Laws in Chapter 16-77.4 entitled  
15 "Department of Environmental Management" is hereby amended to read as follows:

16 **42-17.1-2. Powers and duties.**

17 The director of environmental management shall have the following powers and duties:

18 (1) To supervise and control the protection, development, planning, and utilization of the  
19 natural resources of the state, such resources, including, but not limited to: water, plants, trees,  
20 soil, clay, sand, gravel, rocks and other minerals, air, mammals, birds, reptiles, amphibians, fish,  
21 shellfish, and other forms of aquatic, insect, and animal life;

22 (2) To exercise all functions, powers, and duties heretofore vested in the department of  
23 agriculture and conservation, and in each of the divisions of the department, such as the  
24 promotion of agriculture and animal husbandry in their several branches, including the inspection  
25 and suppression of contagious diseases among animals; the regulation of the marketing of farm  
26 products; the inspection of orchards and nurseries; the protection of trees and shrubs from  
27 injurious insects and diseases; protection from forest fires; the inspection of apiaries and the  
28 suppression of contagious diseases among bees; the prevention of the sale of adulterated or  
29 misbranded agricultural seeds; promotion and encouragement of the work of farm bureaus, in  
30 cooperation with the University of Rhode Island, farmers' institutes, and the various organizations  
31 established for the purpose of developing an interest in agriculture; together with such other  
32 agencies and activities as the governor and the general assembly may, from time to time, place  
33 under the control of the department; and as heretofore vested by such of the following chapters  
34 and sections of the general laws as are presently applicable to the department of environmental

1 management and that were previously applicable to the department of natural resources and the  
2 department of agriculture and conservation or to any of its divisions: chapters 1 through 22,  
3 inclusive, as amended, in title 2 entitled "Agriculture and Forestry"; chapters 1 through 17,  
4 inclusive, as amended, in title 4 entitled "Animals and Animal Husbandry"; chapters 1 through  
5 19, inclusive, as amended, in title 20 entitled "Fish and Wildlife"; chapters 1 through 32,  
6 inclusive, as amended, in title 21 entitled "Food and Drugs"; chapter 7 of title 23, as amended,  
7 entitled "Mosquito Abatement"; and by any other general or public law relating to the department  
8 of agriculture and conservation or to any of its divisions or bureaus;

9 (3) To exercise all the functions, powers, and duties heretofore vested in the division of  
10 parks and recreation of the department of public works by chapters 1, 2, and 5 in title 32 entitled  
11 "Parks and Recreational Areas"; by chapter 22.5 of title 23, as amended, entitled "Drowning  
12 Prevention and Lifesaving"; and by any other general or public law relating to the division of  
13 parks and recreation;

14 (4) To exercise all the functions, powers, and duties heretofore vested in the division of  
15 harbors and rivers of the department of public works, or in the department itself by such as were  
16 previously applicable to the division or the department, of chapters 1 through 22 and sections  
17 thereof, as amended, in title 46 entitled "Waters and Navigation"; and by any other general or  
18 public law relating to the division of harbors and rivers;

19 (5) To exercise all the functions, powers, and duties heretofore vested in the department  
20 of health by chapters 25, 18.9, and 19.5 of title 23, as amended, entitled "Health and Safety"; and  
21 by chapters 12 and 16 of title 46, as amended, entitled "Waters and Navigation"; by chapters 3, 4,  
22 5, 6, 7, 9, 11, 13, 18, and 19 of title 4, as amended, entitled "Animals and Animal Husbandry";  
23 and those functions, powers, and duties specifically vested in the director of environmental  
24 management by the provisions of § 21-2-22, as amended, entitled "Inspection of Animals and  
25 Milk"; together with other powers and duties of the director of the department of health as are  
26 incidental to, or necessary for, the performance of the functions transferred by this section;

27 (6) To cooperate with the Rhode Island commerce corporation in its planning and  
28 promotional functions, particularly in regard to those resources relating to agriculture, fisheries,  
29 and recreation;

30 (7) To cooperate with, advise, and guide conservation commissions of cities and towns  
31 created under chapter 35 of title 45 entitled "Conservation Commissions", as enacted by chapter  
32 203 of the Public Laws, 1960;

33 (8) To assign or reassign, with the approval of the governor, any functions, duties, or  
34 powers established by this chapter to any agency within the department, except as hereinafter

1 limited;

2 (9) To cooperate with the water resources board and to provide to the board facilities,  
3 administrative support, staff services, and such other services as the board shall reasonably  
4 require for its operation and, in cooperation with the board and the statewide planning program,  
5 to formulate and maintain a long-range guide plan and implementing program for development of  
6 major water-sources transmission systems needed to furnish water to regional- and local-  
7 distribution systems;

8 (10) To cooperate with the solid waste management corporation and to provide to the  
9 corporation such facilities, administrative support, staff services, and such other services within  
10 the department as the corporation shall reasonably require for its operation;

11 (11) To provide for the maintenance of waterways and boating facilities, consistent with  
12 chapter 6.1 of title 46, by: (i) Establishing minimum standards for upland beneficial use and  
13 disposal of dredged material; (ii) Promulgating and enforcing rules for water quality, ground  
14 water protection, and fish and wildlife protection pursuant to § 42-17.1-24; (iii) Planning for the  
15 upland beneficial use and/or disposal of dredged material in areas not under the jurisdiction of the  
16 council pursuant to § 46-23-6(2); and (iv) Cooperating with the coastal resources management  
17 council in the development and implementation of comprehensive programs for dredging as  
18 provided for in §§ 46-23-6(1)(ii)(H) and 46-23-18.3; and (v) Monitoring dredge material  
19 management and disposal sites in accordance with the protocols established pursuant to § 46-6.1-  
20 5(3) and the comprehensive program provided for in § 46-23-6(1)(ii)(H); no powers or duties  
21 granted herein shall be construed to abrogate the powers or duties granted to the coastal resources  
22 management council under chapter 23 of title 46, as amended;

23 (12) To establish minimum standards, subject to the approval of the environmental  
24 standards board, relating to the location, design, construction, and maintenance of all sewage-  
25 disposal systems;

26 (13) To enforce, by such means as provided by law, the standards for the quality of air,  
27 and water, and the design, construction, and operation of all sewage-disposal systems; any order  
28 or notice issued by the director relating to the location, design, construction, or maintenance of a  
29 sewage-disposal system shall be eligible for recordation under chapter 13 of title 34. The director  
30 shall forward the order or notice to the city or town wherein the subject property is located and  
31 the order or notice shall be recorded in the general index by the appropriate municipal official in  
32 the land evidence records in the city or town wherein the subject property is located. Any  
33 subsequent transferee of that property shall be responsible for complying with the requirements of  
34 the order or notice. Upon satisfactory completion of the requirements of the order or notice, the

1 director shall provide written notice of the same, which notice shall be similarly eligible for  
2 recordation. The original written notice shall be forwarded to the city or town wherein the subject  
3 property is located and the notice of satisfactory completion shall be recorded in the general index  
4 by the appropriate municipal official in the land evidence records in the city or town wherein the  
5 subject property is located. A copy of the written notice shall be forwarded to the owner of the  
6 subject property within five (5) days of a request for it, and, in any event, shall be forwarded to  
7 the owner of the subject property within thirty (30) days after correction;

8 (14) To establish minimum standards for the establishment and maintenance of salutary  
9 environmental conditions, including standards and methods for the assessment and the  
10 consideration of the cumulative effects on the environment of regulatory actions and decisions,  
11 which standards for consideration of cumulative effects shall provide for: (i) Evaluation of  
12 potential cumulative effects that could adversely effect public health and/or impair ecological  
13 functioning; (ii) Analysis of such other matters relative to cumulative effects as the department  
14 may deem appropriate in fulfilling its duties, functions and powers; which standards and methods  
15 shall only be applicable to ISDS systems in the town of Jamestown in areas that are dependent for  
16 water supply on private and public wells, unless broader use is approved by the general assembly.  
17 The department shall report to the general assembly not later than March 15, 2008, with regard to  
18 the development and application of such standards and methods in Jamestown;

19 (15) To establish and enforce minimum standards for permissible types of septage,  
20 industrial-waste disposal sites, and waste-oil disposal sites;

21 (16) To establish minimum standards, subject to the approval of the environmental  
22 standards board, for permissible types of refuse disposal facilities; the design, construction,  
23 operation, and maintenance of disposal facilities; and the location of various types of facilities;

24 (17) To exercise all functions, powers, and duties necessary for the administration of  
25 chapter 19.1 of title 23 entitled "Rhode Island Hazardous Waste Management Act";

26 (18) To designate, in writing, any person in any department of the state government or  
27 any official of a district, county, city, town, or other governmental unit, with that official's  
28 consent, to enforce any rule, regulation, or order promulgated and adopted by the director under  
29 any provision of law; provided, however, that enforcement of powers of the coastal resources  
30 management council shall be assigned only to employees of the department of environmental  
31 management, except by mutual agreement or as otherwise provided in chapter 23 of title 46;

32 (19) To issue and enforce such rules, regulations, and orders as may be necessary to carry  
33 out the duties assigned to the director and the department by any provision of law; and to conduct  
34 such investigations and hearings and to issue, suspend, and revoke such licenses as may be

1 necessary to enforce those rules, regulations, and orders. Any license suspended under such rules,  
2 regulations, and/or orders shall be terminated and revoked if the conditions that led to the  
3 suspension are not corrected to the satisfaction of the director within two (2) years; provided that  
4 written notice is given by certified mail, return receipt requested, no less than sixty (60) days  
5 prior to the date of termination.

6 Notwithstanding the provisions of § 42-35-9 to the contrary, no informal disposition of a  
7 contested licensing matter shall occur where resolution substantially deviates from the original  
8 application unless all interested parties shall be notified of said proposed resolution and provided  
9 with opportunity to comment upon said resolution pursuant to applicable law and any rules and  
10 regulations established by the director;

11 (20) To enter, examine, or survey, at any reasonable time, such places as the director  
12 deems necessary to carry out his or her responsibilities under any provision of law subject to the  
13 following provisions:

14 (i) For criminal investigations, the director shall, pursuant to chapter 5 of title 12, seek a  
15 search warrant from an official of a court authorized to issue warrants, unless a search without a  
16 warrant is otherwise allowed or provided by law;

17 (ii) (A) All administrative inspections shall be conducted pursuant to administrative  
18 guidelines promulgated by the department in accordance with chapter 35 of title 42;

19 (B) A warrant shall not be required for administrative inspections if conducted under the  
20 following circumstances, in accordance with the applicable constitutional standards:

21 (I) For closely regulated industries;

22 (II) In situations involving open fields or conditions that are in plain view;

23 (III) In emergency situations;

24 (IV) In situations presenting an imminent threat to the environment or public health,  
25 safety, or welfare;

26 (V) If the owner, operator, or agent in charge of the facility, property, site, or location  
27 consents; or

28 (VI) In other situations in which a warrant is not constitutionally required.

29 (C) Whenever it shall be constitutionally or otherwise required by law, or whenever the  
30 director in his or her discretion deems it advisable, an administrative search warrant, or its  
31 functional equivalent, may be obtained by the director from a neutral magistrate for the purpose  
32 of conducting an administrative inspection. The warrant shall be issued in accordance with the  
33 applicable constitutional standards for the issuance of administrative search warrants. The  
34 administrative standard of probable cause, not the criminal standard of probable cause, shall

1 apply to applications for administrative search warrants;

2 (I) The need for, or reliance upon, an administrative warrant shall not be construed as  
3 requiring the department to forfeit the element of surprise in its inspection efforts;

4 (II) An administrative warrant issued pursuant to this subsection must be executed and  
5 returned within ten (10) days of its issuance date unless, upon a showing of need for additional  
6 time, the court orders otherwise;

7 (III) An administrative warrant may authorize the review and copying of documents that  
8 are relevant to the purpose of the inspection. If documents must be seized for the purpose of  
9 copying, and the warrant authorizes such seizure, the person executing the warrant shall prepare  
10 an inventory of the documents taken. The time, place, and manner regarding the making of the  
11 inventory shall be set forth in the terms of the warrant itself, as dictated by the court. A copy of  
12 the inventory shall be delivered to the person from whose possession or facility the documents  
13 were taken. The seized documents shall be copied as soon as feasible under circumstances  
14 preserving their authenticity, then returned to the person from whose possession or facility the  
15 documents were taken;

16 (IV) An administrative warrant may authorize the taking of samples of air, water, or soil  
17 or of materials generated, stored, or treated at the facility, property, site, or location. Upon  
18 request, the department shall make split samples available to the person whose facility, property,  
19 site, or location is being inspected;

20 (V) Service of an administrative warrant may be required only to the extent provided for  
21 in the terms of the warrant itself, by the issuing court.

22 (D) Penalties. Any willful and unjustified refusal of right of entry and inspection to  
23 department personnel pursuant to an administrative warrant shall constitute a contempt of court  
24 and shall subject the refusing party to sanctions, which in the court's discretion may result in up to  
25 six (6) months imprisonment and/or a monetary fine of up to ten thousand dollars (\$10,000) per  
26 refusal.

27 (21) To give notice of an alleged violation of law to the person responsible therefor  
28 whenever the director determines that there are reasonable grounds to believe that there is a  
29 violation of any provision of law within his or her jurisdiction or of any rule or regulation adopted  
30 pursuant to authority granted to him or her, unless other notice and hearing procedure is  
31 specifically provided by that law. Nothing in this chapter shall limit the authority of the attorney  
32 general to prosecute offenders as required by law;

33 (i) The notice shall provide for a time within which the alleged violation shall be  
34 remedied, and shall inform the person to whom it is directed that a written request for a hearing

1 on the alleged violation may be filed with the director within ten (10) days after service of the  
2 notice. The notice will be deemed properly served upon a person if a copy thereof is served him  
3 or her personally; or sent by registered or certified mail to his or her last known address; or if he  
4 or she is served with notice by any other method of service now or hereafter authorized in a civil  
5 action under the laws of this state. If no written request for a hearing is made to the director  
6 within ten (10) days of the service of notice, the notice shall automatically become a compliance  
7 order;

8 (ii) (A) Whenever the director determines that there exists a violation of any law, rule, or  
9 regulation within his or her jurisdiction that requires immediate action to protect the environment,  
10 he or she may, without prior notice of violation or hearing, issue an immediate-compliance order  
11 stating the existence of the violation and the action he or she deems necessary. The compliance  
12 order shall become effective immediately upon service or within such time as is specified by the  
13 director in such order. No request for a hearing on an immediate-compliance order may be made;

14 (B) Any immediate-compliance order issued under this section without notice and prior  
15 hearing shall be effective for no longer than forty-five (45) days; provided, however, that for  
16 good cause shown, the order may be extended one additional period not exceeding forty-five (45)  
17 days.

18 (iii) The director may, at his or her discretion and for the purposes of timely and effective  
19 resolution and return to compliance, cite a person for alleged noncompliance through the issuance  
20 of an expedited citation in accordance with subsection 42-17.6-3(c);

21 (iv) If a person upon whom a notice of violation has been served under the provisions of  
22 this section or if a person aggrieved by any such notice of violation requests a hearing before the  
23 director within ten (10) days of the service of notice of violation, the director shall set a time and  
24 place for the hearing, and shall give the person requesting that hearing at least five (5) days  
25 written notice thereof. After the hearing, the director may make findings of fact and shall sustain,  
26 modify, or withdraw the notice of violation. If the director sustains or modifies the notice, that  
27 decision shall be deemed a compliance order and shall be served upon the person responsible in  
28 any manner provided for the service of the notice in this section;

29 (v) The compliance order shall state a time within which the violation shall be remedied,  
30 and the original time specified in the notice of violation shall be extended to the time set in the  
31 order;

32 (vi) Whenever a compliance order has become effective, whether automatically where no  
33 hearing has been requested, where an immediate compliance order has been issued, or upon  
34 decision following a hearing, the director may institute injunction proceedings in the superior

1 court of the state for enforcement of the compliance order and for appropriate temporary relief,  
2 and in that proceeding, the correctness of a compliance order shall be presumed and the person  
3 attacking the order shall bear the burden of proving error in the compliance order, except that the  
4 director shall bear the burden of proving in the proceeding the correctness of an immediate  
5 compliance order. The remedy provided for in this section shall be cumulative and not exclusive  
6 and shall be in addition to remedies relating to the removal or abatement of nuisances or any  
7 other remedies provided by law;

8 (vii) Any party aggrieved by a final judgment of the superior court may, within thirty (30)  
9 days from the date of entry of such judgment, petition the supreme court for a writ of certiorari to  
10 review any questions of law. The petition shall set forth the errors claimed. Upon the filing of the  
11 petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of  
12 certiorari.

13 (22) To impose administrative penalties in accordance with the provisions of chapter 17.6  
14 of this title and to direct that such penalties be paid into the account established by subdivision  
15 (26); and

16 (23) The following definitions shall apply in the interpretation of the provisions of this  
17 chapter:

18 (i) Director: The term "director" shall mean the director of environmental management of  
19 the state of Rhode Island or his or her duly authorized agent;

20 (ii) Person: The term "person" shall include any individual, group of individuals, firm,  
21 corporation, association, partnership, or private or public entity, including a district, county, city,  
22 town, or other governmental unit or agent thereof, and in the case of a corporation, any individual  
23 having active and general supervision of the properties of such corporation;

24 (iii) Service: (A) Service upon a corporation under this section shall be deemed to include  
25 service upon both the corporation and upon the person having active and general supervision of  
26 the properties of such corporation;

27 (B) For purposes of calculating the time within which a claim for a hearing is made  
28 pursuant to subdivision (21)(i), service shall be deemed to be the date of receipt of such notice or  
29 three (3) days from the date of mailing of said notice, whichever shall first occur.

30 (24) (i) To conduct surveys of the present private and public camping and other  
31 recreational areas available and to determine the need for and location of such other camping and  
32 recreational areas as may be deemed necessary and in the public interest of the state of Rhode  
33 Island and to report back its findings on an annual basis to the general assembly on or before  
34 March 1 of every year;



1 (ii) Additionally, the director of the department of environmental management shall take  
2 such additional steps, including, but not limited to, matters related to funding as may be necessary  
3 to establish such other additional recreational facilities and areas as are deemed to be in the public  
4 interest.

5 (25) (i) To apply for and accept grants and bequests of funds, with the approval of the  
6 director of administration, from other states, interstate agencies, and independent authorities, and  
7 private firms, individuals, and foundations, for the purpose of carrying out his or her lawful  
8 responsibilities. The funds shall be deposited with the general treasurer in a restricted receipt  
9 account created in the natural resources program for funds made available for that program's  
10 purposes or in a restricted receipt account created in the environmental protection program for  
11 funds made available for that program's purposes. All expenditures from the accounts shall be  
12 subject to appropriation by the general assembly, and shall be expended in accordance with the  
13 provisions of the grant or bequest. In the event that a donation or bequest is unspecified, or in the  
14 event that the trust account balance shows a surplus after the project as provided for in the grant  
15 or bequest has been completed, the director may utilize said appropriated unspecified or  
16 appropriated surplus funds for enhanced management of the department's forest and outdoor  
17 public recreation areas, or other projects or programs that promote the accessibility of recreational  
18 opportunities for Rhode Island residents and visitors;

19 (ii) The director shall submit to the house fiscal advisor and the senate fiscal advisor, by  
20 October 1 of each year, a detailed report on the amount of funds received and the uses made of  
21 such funds.

22 (26) To establish fee schedules by regulation, with the approval of the governor, for the  
23 processing of applications and the performing of related activities in connection with the  
24 department's responsibilities pursuant to subdivision (12); chapter 19.1 of title 23, as it relates to  
25 inspections performed by the department to determine compliance with chapter 19.1 and rules  
26 and regulations promulgated in accordance therewith; chapter 18.9 of title 23, as it relates to  
27 inspections performed by the department to determine compliance with chapter 18.9 and the rules  
28 and regulations promulgated in accordance therewith; chapters 19.5 and 23 of title 23; chapter 12  
29 of title 46, insofar as it relates to water-quality certifications and related reviews performed  
30 pursuant to provisions of the federal Clean Water Act; the regulation and administration of  
31 underground storage tanks and all other programs administered under chapter 12 of title 46 and §  
32 2-1-18 et seq., and chapter 13.1 of title 46 and chapter 13.2 of title 46, insofar as they relate to  
33 any reviews and related activities performed under the provisions of the Groundwater Protection  
34 Act; chapter 24.9 of title 23 as it relates to the regulation and administration of mercury-added

1 products; and chapter 17.7 of this title, insofar as it relates to administrative appeals of all  
2 enforcement, permitting and licensing matters to the administrative adjudication division for  
3 environmental matters. Two (2) fee ranges shall be required: for "Appeal of enforcement  
4 actions", a range of fifty dollars (\$50) to one hundred dollars (\$100), and for "Appeal of  
5 application decisions", a range of five hundred dollars (\$500) to ten thousand dollars (\$10,000).  
6 The monies from the administrative adjudication fees will be deposited as general revenues and  
7 the amounts appropriated shall be used for the costs associated with operating the administrative  
8 adjudication division.

9         There is hereby established an account within the general fund to be called the water and  
10 air protection program. The account shall consist of sums appropriated for water and air pollution  
11 control and waste-monitoring programs and the state controller is hereby authorized and directed  
12 to draw his or her orders upon the general treasurer for the payment of such sums, or such  
13 portions thereof, as may be required, from time to time, upon receipt by him or her of properly  
14 authenticated vouchers. All amounts collected under the authority of this subdivision for the  
15 sewage-disposal-system program and fresh-waters wetlands program will be deposited as general  
16 revenues and the amounts appropriated shall be used for the purposes of administering and  
17 operating the programs. The director shall submit to the house fiscal advisor and the senate fiscal  
18 advisor by January 15 of each year a detailed report on the amount of funds obtained from fines  
19 and fees and the uses made of such funds.

20         (27) To establish and maintain a list or inventory of areas within the state worthy of  
21 special designation as "scenic" to include, but not be limited to, certain state roads or highways,  
22 scenic vistas, and scenic areas, and to make the list available to the public;

23         (28) To establish and maintain an inventory of all interests in land held by public and  
24 private land trust and to exercise all powers vested herein to insure the preservation of all  
25 identified lands;

26         (i) The director may promulgate and enforce rules and regulations to provide for the  
27 orderly and consistent protection, management, continuity of ownership and purpose, and  
28 centralized records-keeping for lands, water, and open spaces owned in fee or controlled in full or  
29 in part through other interests, rights, or devices such as conservation easements or restrictions,  
30 by private and public land trusts in Rhode Island. The director may charge a reasonable fee for  
31 filing of each document submitted by a land trust;

32         (ii) The term "public land trust" means any public instrumentality created by a Rhode  
33 Island municipality for the purposes stated herein and financed by means of public funds  
34 collected and appropriated by the municipality. The term "private land trust" means any group of

1 five (5) or more private citizens of Rhode Island who shall incorporate under the laws of Rhode  
2 Island as a nonbusiness corporation for the purposes stated herein, or a national organization such  
3 as the nature conservancy. The main purpose of either a public or a private land trust shall be the  
4 protection, acquisition, or control of land, water, wildlife, wildlife habitat, plants, and/or other  
5 natural features, areas, or open space for the purpose of managing or maintaining, or causing to  
6 be managed or maintained by others, the land, water, and other natural amenities in any  
7 undeveloped and relatively natural state in perpetuity. A private land trust must be granted  
8 exemption from federal income tax under Internal Revenue Code 501c(3) [26 U.S.C. § 501(c)(3)]  
9 within two (2) years of its incorporation in Rhode Island or it may not continue to function as a  
10 land trust in Rhode Island. A private land trust may not be incorporated for the exclusive purpose  
11 of acquiring or accepting property or rights in property from a single individual, family,  
12 corporation, business, partnership, or other entity. Membership in any private land trust must be  
13 open to any individual subscribing to the purposes of the land trust and agreeing to abide by its  
14 rules and regulations including payment of reasonable dues;

15 (iii) (A) Private land trusts will, in their articles of association or their bylaws, as  
16 appropriate, provide for the transfer to an organization, created for the same or similar purposes,  
17 the assets, lands and land rights and interests held by the land trust in the event of termination or  
18 dissolution of the land trust.

19 (B) All land trusts, public and private, will record in the public records, of the appropriate  
20 towns and cities in Rhode Island, all deeds, conservation easements, or restrictions or other  
21 interests and rights acquired in land and will also file copies of all such documents and current  
22 copies of their articles of association, their bylaws, and [their](#) annual reports with the secretary of  
23 state and with the director of the Rhode Island department of environmental management. The  
24 director is hereby directed to establish and maintain permanently a system for keeping records of  
25 all private and public land trust land holdings in Rhode Island.

26 (29) The director will contact in writing, not less often than once every two (2) years,  
27 each public or private land trust to ascertain: that all lands held by the land trust are recorded with  
28 the director; the current status and condition of each land holding; that any funds or other assets  
29 of the land trust held as endowment for specific lands have been properly audited at least once  
30 within the two-year (2) period; the name of the successor organization named in the public or  
31 private land trust's bylaws or articles of association; and any other information the director deems  
32 essential to the proper and continuous protection and management of land and interests or rights  
33 in land held by the land trust. In the event that the director determines that a public or private land  
34 trust holding land or interest in land appears to have become inactive, he or she shall initiate

1 proceedings to effect the termination of the land trust and the transfer of its lands, assets, land  
2 rights, and land interests to the successor organization named in the defaulting trust's bylaws or  
3 articles of association or to another organization created for the same or similar purposes. Should  
4 such a transfer not be possible, then the land trust, assets, and interest and rights in land will be  
5 held in trust by the state of Rhode Island and managed by the director for the purposes stated at  
6 the time of original acquisition by the trust. Any trust assets or interests other than land or rights  
7 in land accruing to the state under such circumstances will be held and managed as a separate  
8 fund for the benefit of the designated trust lands;

9 (30) Consistent with federal standards, issue and enforce such rules, regulations, and  
10 orders as may be necessary to establish requirements for maintaining evidence of financial  
11 responsibility for taking corrective action and compensating third parties for bodily injury and  
12 property damage caused by sudden and non-sudden accidental releases arising from operating  
13 underground storage tanks;

14 (31) To enforce, by such means as provided by law, the standards for the quality of air,  
15 and water, and the location, design, construction, and operation of all underground storage  
16 facilities used for storing petroleum products or hazardous materials; any order or notice issued  
17 by the director relating to the location, design construction, operation, or maintenance of an  
18 underground storage facility used for storing petroleum products or hazardous materials shall be  
19 eligible for recordation under chapter 13 of title 34. The director shall forward the order or notice  
20 to the city or town wherein the subject facility is located, and the order or notice shall be recorded  
21 in the general index by the appropriate municipal officer in the land-evidence records in the city  
22 or town wherein the subject facility is located. Any subsequent transferee of that facility shall be  
23 responsible for complying with the requirements of the order or notice. Upon satisfactory  
24 completion of the requirements of the order or notice, the director shall provide written notice of  
25 the same, which notice shall be eligible for recordation. The original, written notice shall be  
26 forwarded to the city or town wherein the subject facility is located, and the notice of satisfactory  
27 completion shall be recorded in the general index by the appropriate municipal official in the  
28 land-evidence records in the city or town wherein the subject facility is located. A copy of the  
29 written notice shall be forwarded to the owner of the subject facility within five (5) days of a  
30 request for it, and, in any event, shall be forwarded to the owner of the subject facility within  
31 thirty (30) days after correction;

32 (32) To manage and disburse any and all funds collected pursuant to § 46-12.9-4, in  
33 accordance with § 46-12.9-5, and other provisions of the Rhode Island Underground Storage  
34 Tank Financial Responsibility Act, as amended;

1 (33) To support, facilitate, and assist the Rhode Island Natural History Survey, as  
2 appropriate and/or as necessary, in order to accomplish the important public purposes of the  
3 survey in gathering and maintaining data on Rhode Island natural history; making public  
4 presentations and reports on natural history topics; ranking species and natural communities;  
5 monitoring rare species and communities; consulting on open-space acquisitions and management  
6 plans; reviewing proposed federal and state actions and regulations with regard to their potential  
7 impact on natural communities; and seeking outside funding for wildlife management, land  
8 management, and research;

9 (34) To promote the effective stewardship of lakes and ponds, including collaboration  
10 with associations of lakefront property owners on planning and management actions that will  
11 prevent and mitigate water quality degradation, the loss of native habitat due to infestation of  
12 non-native species, and nuisance conditions that result from excessive growth of algal or non-  
13 native plant species. By January 31, 2012, the director shall prepare and submit a report to the  
14 governor and general assembly that, based upon available information, provides: (a) An  
15 assessment of lake conditions including a description of the presence and extent of aquatic  
16 invasive species in lakes and ponds; (b) Recommendations for improving the control and  
17 management of aquatic invasives species in lakes and ponds; and (c) An assessment of the  
18 feasibility of instituting a boat-sticker program for the purpose of generating funds to support  
19 implementation actions to control aquatic invasive species in the freshwaters of the state; and

20 (35) In implementing the programs established pursuant to this chapter, to identify  
21 critical areas for improving service to customers doing business with the department, and to  
22 develop and implement strategies to improve performance and effectiveness in those areas. Key  
23 aspects of a customer-service program shall include, but not necessarily be limited to, the  
24 following components:

25 (a) Maintenance of an organizational unit within the department with the express purpose  
26 of providing technical assistance to customers and helping customers comply with environmental  
27 regulations and requirements;

28 (b) Maintenance of an employee-training program to promote customer service across the  
29 department;

30 (c) Implementation of a continuous business process evaluation and improvement effort,  
31 including process reviews to encourage development of quality proposals; ensure timely and  
32 predictable reviews; and result in effective decisions and consistent follow up and implementation  
33 throughout the department; and publish an annual report on such efforts;

34 (d) Creation of a centralized location for the acceptance of permit applications and other

1 submissions to the department;

2 (e) Maintenance of a process to promote, organize, and facilitate meetings prior to the  
3 submission of applications or other proposals in order to inform the applicant on options and  
4 opportunities to minimize environmental impact; improve the potential for sustainable  
5 environmental compliance; and support an effective and efficient review and decision-making  
6 process on permit applications related to the proposed project;

7 (f) Development of single permits under multiple authorities otherwise provided in state  
8 law to support comprehensive and coordinated reviews of proposed projects. The director may  
9 address and resolve conflicting or redundant process requirements in order to achieve an effective  
10 and efficient review process that meets environmental objectives; and

11 (g) Exploration of the use of performance-based regulations coupled with adequate  
12 inspection and oversight, as an alternative to requiring applications or submissions for approval  
13 prior to initiation of projects. The department shall work with the office of regulatory reform to  
14 evaluate the potential for adopting alternative compliance approaches and provide a report to the  
15 governor and the general assembly by May 1, 2015.

16 SECTION 20. Section 44-18-7.3 of the General Laws in Chapter 44-18 entitled "Sales  
17 and Use Taxes - Liability and Computation" is hereby amended to read as follows:

18 **44-18-7.3. Services defined.**

19 (a) "Services" means all activities engaged in for other persons for a fee, retainer,  
20 commission, or other monetary charge, which activities involve the performance of a service in  
21 this state as distinguished from selling property.

22 (b) The following businesses and services performed in this state, along with the  
23 applicable 2007 North American Industrial Classification System (NAICS) codes, are included in  
24 the definition of services:

25 (1) Taxicab and limousine services including but not limited to:

26 (i) Taxicab services including taxi dispatchers (485310); and

27 (ii) Limousine services (485320).

28 (2) Other road transportation service including but not limited to:

29 (i) Charter bus service (485510);

30 (ii) "Transportation network companies" (TNC) defined as an entity that uses a digital  
31 network to connect transportation network company riders to transportation network operators  
32 who provide prearranged rides. Any TNC operating in this state is a retailer as provided in § 44-  
33 18-15 and is required to file a business application and registration form and obtain a permit to  
34 make sales at retail with the tax administrator, to charge, collect, and remit Rhode Island sales

1 and use tax; and

2 (iii) All other transit and ground passenger transportation (485999).

3 (3) Pet care services (812910) except veterinary and testing laboratories services.

4 (4) (i) "Room reseller" or "reseller" means any person, except a tour operator as defined  
5 in § 42-63.1-2, having any right, permission, license, or other authority from or through a hotel as  
6 defined in § 42-63.1-2, to reserve, or arrange the transfer of occupancy of, accommodations the  
7 reservation or transfer of which is subject to this chapter, such that the occupant pays all or a  
8 portion of the rental and other fees to the room reseller or reseller, room reseller or reseller shall  
9 include, but not be limited to, sellers of travel packages as defined in this section.  
10 Notwithstanding the provisions of any other law, where said reservation or transfer of occupancy  
11 is done using a room reseller or reseller, the application of the sales and use [tax](#) under §§ 44-18-  
12 18 and 44-18-20, and the hotel tax under § 44-18-36.1 shall be as follows: The room reseller or  
13 reseller is required to register with, and shall collect and pay to, the tax administrator the sales  
14 and use and hotel taxes, with said taxes being calculated upon the amount of rental and other fees  
15 paid by the occupant to the room reseller or reseller, less the amount of any rental and other fees  
16 paid by the room reseller or reseller to the hotel. The hotel shall collect and pay to the tax  
17 administrator said taxes upon the amount of rental and other fees paid to the hotel by the room  
18 reseller or reseller and/or the occupant. No assessment shall be made by the tax administrator  
19 against a hotel because of an incorrect remittance of the taxes under this chapter by a room  
20 reseller or reseller. No assessment shall be made by the tax administrator against a room reseller  
21 or reseller because of an incorrect remittance of the taxes under this chapter by a hotel. If the  
22 hotel has paid the taxes imposed under this chapter, the occupant and/or room reseller or reseller,  
23 as applicable, shall reimburse the hotel for said taxes. If the room reseller or reseller has paid said  
24 taxes, the occupant shall reimburse the room reseller or reseller for said taxes. Each hotel and  
25 room reseller or reseller shall add and collect, from the occupant or the room reseller or the  
26 reseller, the full amount of the taxes imposed on the rental and other fees. When added to the  
27 rental and other fees, the taxes shall be a debt owed by the occupant to the hotel or room reseller  
28 or reseller, as applicable, and shall be recoverable at law in the same manner as other debts. The  
29 amount of the taxes collected by the hotel and/or room reseller or reseller from the occupant  
30 under this chapter shall be stated and charged separately from the rental and other fees, and shall  
31 be shown separately on all records thereof, whether made at the time the transfer of occupancy  
32 occurs, or on any evidence of the transfer issued or used by the hotel or the room reseller or the  
33 reseller. A room reseller or reseller shall not be required to disclose to the occupant the amount of  
34 tax charged by the hotel; provided, however, the room reseller or reseller shall represent to the

1 occupant that the separately stated taxes charged by the room reseller or reseller include taxes  
2 charged by the hotel. No person shall operate a hotel in this state, or act as a room reseller or  
3 reseller for any hotel in the state, unless the tax administrator has issued a permit pursuant to §  
4 44-19-1.

5 (ii) "Travel package" means a room, or rooms, bundled with one or more other, separate  
6 components of travel such as air transportation, car rental, or similar items, which travel package  
7 is charged to the customer or occupant for a single, retail price. When the room occupancy is  
8 bundled for a single consideration, with other property, services, amusement charges, or any other  
9 items, the separate sale of which would not otherwise be subject to tax under this chapter, the  
10 entire single consideration shall be treated as the rental or other fees for room occupancy subject  
11 to tax under this chapter; provided, however, that where the amount of the rental, or other fees for  
12 room occupancy is stated separately from the price of such other property, services, amusement  
13 charges, or other items, on any sales slip, invoice, receipt, or other statement given the occupant,  
14 and such rental and other fees are determined by the tax administrator to be reasonable in relation  
15 to the value of such other property, services, amusement charges, or other items, only such  
16 separately stated rental and other fees will be subject to tax under this chapter. The value of the  
17 transfer of any room, or rooms, bundled as part of a travel package may be determined by the tax  
18 administrator from the room reseller's and/or reseller's and/or hotel's books and records that are  
19 kept in the regular course of business.

20 (c) All services as defined herein are required to file a business application and  
21 registration form and obtain a permit to make sales at retail with the tax administrator, to charge,  
22 collect, and remit Rhode Island sales and use tax.

23 (d) The tax administrator is authorized to promulgate rules and regulations in accordance  
24 with the provisions of chapter 42-35 to carry out the provisions, policies, and purposes of this  
25 chapter.

26 SECTION 21. Section 44-30-2.6 of the General Laws in Chapter 44-30 entitled "Personal  
27 Income Tax" is hereby amended to read as follows:

28 **44-30-2.6. Rhode Island taxable income -- Rate of tax. [Effective January 1, 2017.]**

29 (a) "Rhode Island taxable income" means federal taxable income as determined under  
30 the Internal Revenue Code, 26 U.S.C. § 1 et seq., not including the increase in the basic,  
31 standard-deduction amount for married couples filing joint returns as provided in the Jobs and  
32 Growth Tax Relief Reconciliation Act of 2003 and the Economic Growth and Tax Relief  
33 Reconciliation Act of 2001 (EGTRRA), and as modified by the modifications in § 44-30-12.

34 (b) Notwithstanding the provisions of §§ 44-30-1 and 44-30-2, for tax years beginning



1 on or after January 1, 2001, a Rhode Island personal income tax is imposed upon the Rhode  
2 Island taxable income of residents and nonresidents, including estates and trusts, at the rate of  
3 twenty-five and one-half percent (25.5%) for tax year 2001, and twenty-five percent (25%) for  
4 tax year 2002 and thereafter of the federal income tax rates, including capital gains rates and any  
5 other special rates for other types of income, except as provided in § 44-30-2.7, which were in  
6 effect immediately prior to enactment of the Economic Growth and Tax Relief Reconciliation  
7 Act of 2001 (EGTRRA); provided, rate schedules shall be adjusted for inflation by the tax  
8 administrator beginning in taxable year 2002 and thereafter in the manner prescribed for  
9 adjustment by the commissioner of Internal Revenue in 26 U.S.C. § 1(f). However, for tax years  
10 beginning on or after January 1, 2006, a taxpayer may elect to use the alternative flat tax rate  
11 provided in § 44-30-2.10 to calculate his or her personal income tax liability.

12 (c) For tax years beginning on or after January 1, 2001, if a taxpayer has an alternative  
13 minimum tax for federal tax purposes, the taxpayer shall determine if he or she has a Rhode  
14 Island alternative minimum tax. The Rhode Island alternative minimum tax shall be computed  
15 by multiplying the federal tentative minimum tax without allowing for the increased exemptions  
16 under the Jobs and Growth Tax Relief Reconciliation Act of 2003 (as redetermined on federal  
17 form 6251 Alternative Minimum Tax-Individuals) by twenty-five and one-half percent (25.5%)  
18 for tax year 2001, and twenty-five percent (25%) for tax year 2002 and thereafter, and  
19 comparing the product to the Rhode Island tax as computed otherwise under this section. The  
20 excess shall be the taxpayer's Rhode Island alternative minimum tax.

21 (1) For tax years beginning on or after January 1, 2005, and thereafter, the exemption  
22 amount for alternative minimum tax, for Rhode Island purposes, shall be adjusted for inflation  
23 by the tax administrator in the manner prescribed for adjustment by the commissioner of Internal  
24 Revenue in 26 U.S.C. § 1(f).

25 (2) For the period January 1, 2007, through December 31, 2007, and thereafter, Rhode  
26 Island taxable income shall be determined by deducting from federal adjusted gross income as  
27 defined in 26 U.S.C. § 62 as modified by the modifications in § 44-30-12 the Rhode Island  
28 itemized-deduction amount and the Rhode Island exemption amount as determined in this  
29 section.

30 (A) Tax imposed.

31 (1) There is hereby imposed on the taxable income of married individuals filing joint  
32 returns and surviving spouses a tax determined in accordance with the following table:

33 If taxable income is:	The tax is:
34 Not over \$53,150	3.75% of taxable income

1	Over \$53,150 but not over \$128,500	\$1,993.13 plus 7.00% of the excess over \$53,150
2	Over \$128,500 but not over \$195,850	\$7,267.63 plus 7.75% of the excess over \$128,500
3	Over \$195,850 but not over \$349,700	\$12,487.25 plus 9.00% of the excess over \$195,850
4	Over \$349,700	\$26,333.75 plus 9.90% of the excess over \$349,700

5 (2) There is hereby imposed on the taxable income of every head of household a tax  
6 determined in accordance with the following table:

7	If taxable income is:	The tax is:
8	Not over \$42,650	3.75% of taxable income
9	Over \$42,650 but not over \$110,100	\$1,599.38 plus 7.00% of the excess over \$42,650
10	Over \$110,100 but not over \$178,350	\$6,320.88 plus 7.75% of the excess over \$110,100
11	Over \$178,350 but not over \$349,700	\$11,610.25 plus 9.00% of the excess over \$178,350
12	Over \$349,700	\$27,031.75 plus 9.90% of the excess over \$349,700

13 (3) There is hereby imposed on the taxable income of unmarried individuals (other than  
14 surviving spouses and heads of households) a tax determined in accordance with the following  
15 table:

16	If taxable income is:	The tax is:
17	Not over \$31,850	3.75% of taxable income
18	Over \$31,850 but not over \$77,100	\$1,194.38 plus 7.00% of the excess over \$31,850
19	Over \$77,100 but not over \$160,850	\$4,361.88 plus 7.75% of the excess over \$77,100
20	Over \$160,850 but not over \$349,700	\$10,852.50 plus 9.00% of the excess over \$160,850
21	Over \$349,700	\$27,849.00 plus 9.90% of the excess over \$349,700

22 (4) There is hereby imposed on the taxable income of married individuals filing  
23 separate returns and bankruptcy estates a tax determined in accordance with the following table:

24	If taxable income is:	The tax is:
25	Not over \$26,575	3.75% of taxable income
26	Over \$26,575 but not over \$64,250	\$996.56 plus 7.00% of the excess over \$26,575
27	Over \$64,250 but not over \$97,925	\$3,633.81 plus 7.75% of the excess over \$64,250
28	Over \$97,925 but not over \$174,850	\$6,243.63 plus 9.00% of the excess over \$97,925
29	Over \$174,850	\$13,166.88 plus 9.90% of the excess over \$174,850

30 (5) There is hereby imposed a taxable income of an estate or trust a tax determined in  
31 accordance with the following table:

32	If taxable income is:	The tax is:
33	Not over \$2,150	3.75% of taxable income
34	Over \$2,150 but not over \$5,000	\$80.63 plus 7.00% of the excess over \$2,150

1	Over \$5,000 but not over \$7,650	\$280.13 plus 7.75% of the excess over \$5,000
2	Over \$7,650 but not over \$10,450	\$485.50 plus 9.00% of the excess over \$7,650
3	Over \$10,450	\$737.50 plus 9.90% of the excess over \$10,450

4 (6) Adjustments for inflation.

5 The dollars amount contained in paragraph (A) shall be increased by an amount equal to:

- 6 (a) Such dollar amount contained in paragraph (A) in the year 1993, multiplied by;
- 7 (b) The cost-of-living adjustment determined under section (J) with a base year of 1993;
- 8 (c) The cost-of-living adjustment referred to in subparagraphs (a) and (b) used in making
- 9 adjustments to the nine percent (9%) and nine and nine tenths percent (9.9%) dollar amounts shall
- 10 be determined under section (J) by substituting "1994" for "1993."

11 (B) Maximum capital gains rates.

12 (1) In general.

13 If a taxpayer has a net capital gain for tax years ending prior to January 1, 2010, the tax

14 imposed by this section for such taxable year shall not exceed the sum of:

15 (a) 2.5 % of the net capital gain as reported for federal income tax purposes under section

16 26 U.S.C. 1(h)(1)(a) and 26 U.S.C. 1(h)(1)(b).

17 (b) 5% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

18 1(h)(1)(c).

19 (c) 6.25% of the net capital gain as reported for federal income tax purposes under 26

20 U.S.C. 1(h)(1)(d).

21 (d) 7% of the net capital gain as reported for federal income tax purposes under 26 U.S.C.

22 1(h)(1)(e).

23 (2) For tax years beginning on or after January 1, 2010, the tax imposed on net capital

24 gain shall be determined under subdivision 44-30-2.6(c)(2)(A).

25 (C) Itemized deductions.

26 (1) In general.

27 For the purposes of section (2), "itemized deductions" means the amount of federal

28 itemized deductions as modified by the modifications in § 44-30-12.

29 (2) Individuals who do not itemize their deductions.

30 In the case of an individual who does not elect to itemize his deductions for the taxable

31 year, they may elect to take a standard deduction.

32 (3) Basic standard deduction.

33 The Rhode Island standard deduction shall be allowed in accordance with the following

34 table:

1	Filing status	Amount
2	Single	\$5,350
3	Married filing jointly or qualifying widow(er)	\$8,900
4	Married filing separately	\$4,450
5	Head of Household	\$7,850

6 (4) Additional standard deduction for the aged and blind.

7 An additional standard deduction shall be allowed for individuals age sixty-five (65) or  
8 older or blind in the amount of \$1,300 for individuals who are not married and \$1,050 for  
9 individuals who are married.

10 (5) Limitation on basic standard deduction in the case of certain dependents.

11 In the case of an individual to whom a deduction under section (E) is allowable to another  
12 taxpayer, the basic standard deduction applicable to such individual shall not exceed the greater  
13 of:

14 (a) \$850;

15 (b) The sum of \$300 and such individual's earned income;

16 (c) Certain individuals not eligible for standard deduction.

17 In the case of:

18 (a) A married individual filing a separate return where either spouse itemizes deductions;

19 (b) Nonresident alien individual;

20 (c) An estate or trust;

21 The standard deduction shall be zero.

22 (7) Adjustments for inflation.

23 Each dollar amount contained in paragraphs (3), (4) and (5) shall be increased by an  
24 amount equal to:

25 (a) Such dollar amount contained in paragraphs (3), (4) and (5) in the year 1988,  
26 multiplied by

27 (b) The cost-of-living adjustment determined under section (J) with a base year of 1988.

28 (D) Overall limitation on itemized deductions.

29 (1) General rule.

30 In the case of an individual whose adjusted gross income as modified by § 44-30-12  
31 exceeds the applicable amount, the amount of the itemized deductions otherwise allowable for the  
32 taxable year shall be reduced by the lesser of:

33 (a) Three percent (3%) of the excess of adjusted gross income as modified by § 44-30-12  
34 over the applicable amount; or

1 (b) Eighty percent (80%) of the amount of the itemized deductions otherwise allowable  
2 for such taxable year.

3 (2) Applicable amount.

4 (a) In general.

5 For purposes of this section, the term "applicable amount" means \$156,400 (\$78,200 in  
6 the case of a separate return by a married individual)

7 (b) Adjustments for inflation.

8 Each dollar amount contained in paragraph (a) shall be increased by an amount equal to:

9 (i) Such dollar amount contained in paragraph (a) in the year 1991, multiplied by

10 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

11 (3) Phase-out of Limitation.

12 (a) In general.

13 In the case of taxable year beginning after December 31, 2005, and before January 1,  
14 2010, the reduction under section (1) shall be equal to the applicable fraction of the amount which  
15 would be the amount of such reduction.

16 (b) Applicable fraction.

17 For purposes of paragraph (a), the applicable fraction shall be determined in accordance  
18 with the following table:

19 For taxable years beginning in calendar year	The applicable fraction is
20 2006 and 2007	2/3
21 2008 and 2009	1/3

22 (E) Exemption amount.

23 (1) In general.

24 Except as otherwise provided in this subsection, the term "exemption amount" means  
25 \$3,400.

26 (2) Exemption amount disallowed in case of certain dependents.

27 In the case of an individual with respect to whom a deduction under this section is  
28 allowable to another taxpayer for the same taxable year, the exemption amount applicable to such  
29 individual for such individual's taxable year shall be zero.

30 (3) Adjustments for inflation.

31 The dollar amount contained in paragraph (1) shall be increased by an amount equal to:

32 (a) Such dollar amount contained in paragraph (1) in the year 1989, multiplied by

33 (b) The cost-of-living adjustment determined under section (J) with a base year of 1989.

34 (4) Limitation.

1 (a) In general.

2 In the case of any taxpayer whose adjusted gross income as modified for the taxable year  
3 exceeds the threshold amount shall be reduced by the applicable percentage.

4 (b) Applicable percentage.

5 In the case of any taxpayer whose adjusted gross income for the taxable year exceeds the  
6 threshold amount, the exemption amount shall be reduced by two (2) percentage points for each  
7 \$2,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year  
8 exceeds the threshold amount. In the case of a married individual filing a separate return, the  
9 preceding sentence shall be applied by substituting "\$1,250" for "\$2,500." In no event shall the  
10 applicable percentage exceed one hundred percent (100%).

11 (c) Threshold Amount.

12 For the purposes of this paragraph, the term "threshold amount" shall be determined with  
13 the following table:

14 Filing status	Amount
15 Single	\$156,400
16 Married filing jointly of qualifying widow(er)	\$234,600
17 Married filing separately	\$117,300
18 Head of Household	\$195,500

19 (d) Adjustments for inflation.

20 Each dollar amount contained in paragraph (b) shall be increased by an amount equal to:

21 (i) Such dollar amount contained in paragraph (b) in the year 1991, multiplied by

22 (ii) The cost-of-living adjustment determined under section (J) with a base year of 1991.

23 (5) Phase-out of limitation.

24 (a) In general.

25 In the case of taxable years beginning after December 31, 2005, and before January 1,  
26 2010, the reduction under section 4 shall be equal to the applicable fraction of the amount which  
27 would be the amount of such reduction.

28 (b) Applicable fraction.

29 For the purposes of paragraph (a), the applicable fraction shall be determined in  
30 accordance with the following table:

31 For taxable years beginning in calendar year	The applicable fraction is
32 2006 and 2007	2/3
33 2008 and 2009	1/3

34 (F) Alternative minimum tax.

1 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
2 subtitle) a tax equal to the excess (if any) of:

3 (a) The tentative minimum tax for the taxable year, over

4 (b) The regular tax for the taxable year.

5 (2) The tentative minimum tax for the taxable year is the sum of:

6 (a) 6.5 percent of so much of the taxable excess as does not exceed \$175,000, plus

7 (b) 7.0 percent of so much of the taxable excess above \$175,000.

8 (3) The amount determined under the preceding sentence shall be reduced by the  
9 alternative minimum tax foreign tax credit for the taxable year.

10 (4) Taxable excess. For the purposes of this subsection the term "taxable excess" means  
11 so much of the federal alternative minimum taxable income as modified by the modifications in §  
12 44-30-12 as exceeds the exemption amount.

13 (5) In the case of a married individual filing a separate return, subparagraph (2) shall be  
14 applied by substituting "\$87,500" for \$175,000 each place it appears.

15 (6) Exemption amount.

16 For purposes of this section "exemption amount" means:

17 Filing status	Amount
18 Single	\$39,150
19 Married filing jointly or qualifying widow(er)	\$53,700
20 Married filing separately	\$26,850
21 Head of Household	\$39,150
22 Estate or trust	\$24,650

23 (7) Treatment of unearned income of minor children

24 (a) In general.

25 In the case of a minor child, the exemption amount for purposes of section (6) shall not  
26 exceed the sum of:

27 (i) Such child's earned income, plus

28 (ii) \$6,000.

29 (8) Adjustments for inflation.

30 The dollar amount contained in paragraphs (6) and (7) shall be increased by an amount  
31 equal to:

32 (a) Such dollar amount contained in paragraphs (6) and (7) in the year 2004, multiplied  
33 by

34 (b) The cost-of-living adjustment determined under section (J) with a base year of 2004.

1 (9) Phase-out.

2 (a) In general.

3 The exemption amount of any taxpayer shall be reduced (but not below zero) by an  
4 amount equal to twenty-five percent (25%) of the amount by which alternative minimum taxable  
5 income of the taxpayer exceeds the threshold amount.

6 (b) Threshold amount.

7 For purposes of this paragraph, the term "threshold amount" shall be determined with the  
8 following table:

9 Filing status	Amount
10 Single	\$123,250
11 Married filing jointly or qualifying widow(er)	\$164,350
12 Married filing separately	\$82,175
13 Head of Household	\$123,250
14 Estate or Trust	\$82,150

15 (c) Adjustments for inflation

16 Each dollar amount contained in paragraph (9) shall be increased by an amount equal to:

17 (i) Such dollar amount contained in paragraph (9) in the year 2004, multiplied by

18 (ii) The cost-of-living adjustment determined under section (J) with a base year of 2004.

19 (G) Other Rhode Island taxes.

20 (1) General rule. There is hereby imposed (in addition to any other tax imposed by this  
21 subtitle) a tax equal to twenty-five percent (25%) of:

22 (a) The Federal income tax on lump-sum distributions.

23 (b) The Federal income tax on parents' election to report child's interest and dividends.

24 (c) The recapture of Federal tax credits that were previously claimed on Rhode Island  
25 return.

26 (H) Tax for children under 18 with investment income.

27 (1) General rule. There is hereby imposed a tax equal to twenty-five percent (25%) of:

28 (a) The Federal tax for children under the age of 18 with investment income.

29 (I) Averaging of farm income.

30 (1) General rule. At the election of an individual engaged in a farming business or fishing  
31 business, the tax imposed in section 2 shall be equal to twenty-five percent (25%) of:

32 (a) The Federal averaging of farm income as determined in IRC section 1301 [26 U.S.C.  
33 § 1301].

34 (J) Cost-of-living adjustment.



1 (1) In general.

2 The cost-of-living adjustment for any calendar year is the percentage (if any) by which:

3 (a) The CPI for the preceding calendar year exceeds

4 (b) The CPI for the base year.

5 (2) CPI for any calendar year.

6 For purposes of paragraph (1), the CPI for any calendar year is the average of the  
7 consumer price index as of the close of the twelve (12) month period ending on August 31 of  
8 such calendar year.

9 (3) Consumer price index.

10 For purposes of paragraph (2), the term "consumer price index" means the last consumer  
11 price index for all urban consumers published by the department of labor. For purposes of the  
12 preceding sentence, the revision of the consumer price index that is most consistent with the  
13 consumer price index for calendar year 1986 shall be used.

14 (4) Rounding.

15 (a) In general.

16 If any increase determined under paragraph (1) is not a multiple of \$50, such increase  
17 shall be rounded to the next lowest multiple of \$50.

18 (b) In the case of a married individual filing a separate return, subparagraph (a) shall be  
19 applied by substituting "\$25" for \$50 each place it appears.

20 (K) Credits against tax. For tax years beginning on or after January 1, 2001, a taxpayer  
21 entitled to any of the following federal credits enacted prior to January 1, 1996 shall be entitled to  
22 a credit against the Rhode Island tax imposed under this section:

23 (1) [Deleted by P.L. 2007, ch. 73, art. 7, § 5].

24 (2) Child and dependent care credit;

25 (3) General business credits;

26 (4) Credit for elderly or the disabled;

27 (5) Credit for prior year minimum tax;

28 (6) Mortgage interest credit;

29 (7) Empowerment zone employment credit;

30 (8) Qualified electric vehicle credit.

31 (L) Credit against tax for adoption. For tax years beginning on or after January 1, 2006, a  
32 taxpayer entitled to the federal adoption credit shall be entitled to a credit against the Rhode  
33 Island tax imposed under this section if the adopted child was under the care, custody, or  
34 supervision of the Rhode Island department of children, youth and families prior to the adoption.

1 (M) The credit shall be twenty-five percent (25%) of the aforementioned federal credits  
2 provided there shall be no deduction based on any federal credits enacted after January 1, 1996,  
3 including the rate reduction credit provided by the federal Economic Growth and Tax  
4 Reconciliation Act of 2001 (EGTRRA). In no event shall the tax imposed under this section be  
5 reduced to less than zero. A taxpayer required to recapture any of the above credits for federal tax  
6 purposes shall determine the Rhode Island amount to be recaptured in the same manner as  
7 prescribed in this subsection.

8 (N) Rhode Island earned-income credit .

9 (1) In general.

10 For tax years beginning before January 1, 2015, a taxpayer entitled to a federal earned-  
11 income credit shall be allowed a Rhode Island earned-income credit equal to twenty-five percent  
12 (25%) of the federal earned-income credit. Such credit shall not exceed the amount of the Rhode  
13 Island income tax.

14 For tax years beginning on or after January 1, 2015, and before January 1, 2016, a  
15 taxpayer entitled to a federal earned-income credit shall be allowed a Rhode Island earned-  
16 income credit equal to ten percent (10%) of the federal earned-income credit. Such credit shall  
17 not exceed the amount of the Rhode Island income tax.

18 For tax years beginning on or after January 1, 2016, a taxpayer entitled to a federal  
19 earned-income credit shall be allowed a Rhode Island earned-income credit equal to twelve and  
20 one-half percent (12.5%) of the federal earned-income credit. Such credit shall not exceed the  
21 amount of the Rhode Island income tax.

22 For tax years beginning on or after January 1, 2017, a taxpayer entitled to a federal  
23 earned-income credit shall be allowed a Rhode Island earned-income credit equal to fifteen  
24 percent (15%) of the federal earned-income credit. Such credit shall not exceed the amount of the  
25 Rhode Island income tax.

26 (2) Refundable portion.

27 In the event the Rhode Island earned-income credit allowed under paragraph (N)(1) of  
28 this section exceeds the amount of Rhode Island income tax, a refundable earned-income credit  
29 shall be allowed as follows.

30 (i) For tax years beginning before January 1, 2015, for purposes of paragraph (2)  
31 refundable earned-income credit means fifteen percent (15%) of the amount by which the Rhode  
32 Island earned-income credit exceeds the Rhode Island income tax.

33 (ii) For tax years beginning on or after January 1, 2015, for purposes of paragraph (2)  
34 refundable earned-income credit means one hundred percent (100%) of the amount by which the

1 Rhode Island earned-income credit exceeds the Rhode Island income tax.

2 (O) The tax administrator shall recalculate and submit necessary revisions to paragraphs  
3 (A) through (J) to the general assembly no later than February 1, 2010 and every three (3) years  
4 thereafter for inclusion in the statute.

5 (3) For the period January 1, 2011 through December 31, 2011, and thereafter, "Rhode  
6 Island taxable income" means federal adjusted gross income as determined under the Internal  
7 Revenue Code, 26 U.S.C. 1 et seq., and as modified for Rhode Island purposes pursuant to § 44-  
8 30-12 less the amount of Rhode Island Basic Standard Deduction allowed pursuant to  
9 subparagraph 44-30-2.6(c)(3)(B), and less the amount of personal exemption allowed pursuant to  
10 subparagraph 44-30-2.6(c)(3)(C).

11 (A) Tax imposed.

12 (I) There is hereby imposed on the taxable income of married individuals filing joint  
13 returns, qualifying widow(er), every head of household, unmarried individuals, married  
14 individuals filing separate returns and bankruptcy estates, a tax determined in accordance with the  
15 following table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay + % on Excess	on the amount over
\$0 -	\$ 55,000	\$ 0 + 3.75%	\$0
55,000 -	125,000	2,063 + 4.75%	55,000
125,000 -		5,388 + 5.99%	125,000

21 (II) There is hereby imposed on the taxable income of an estate or trust a tax determined  
22 in accordance with the following table:

RI Taxable Income		RI Income Tax	
Over	But not over	Pay + % on Excess	on the amount over
\$0 -	\$ 2,230	\$ 0 + 3.75%	\$0
2,230 -	7,022	84 + 4.75%	2,230
7,022 -		312 + 5.99%	7,022

28 (B) Deductions:

29 (I) Rhode Island Basic Standard Deduction. Only the Rhode Island standard deduction  
30 shall be allowed in accordance with the following table:

Filing status:	Amount
Single	\$7,500
Married filing jointly or qualifying widow(er)	\$15,000
Married filing separately	\$7,500

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Head of Household \$11,250

(II) Nonresident alien individuals, estates and trusts are not eligible for standard deductions.

(III) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island purposes pursuant to § 44-30-12, for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000), the standard deduction amount shall be reduced by the applicable percentage. The term "applicable percentage" means twenty (20) percentage points for each five thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

(C) Exemption Amount:

(I) The term "exemption amount" means three thousand five hundred dollars (\$3,500) multiplied by the number of exemptions allowed for the taxable year for federal income tax purposes.

(II) Exemption amount disallowed in case of certain dependents. In the case of an individual with respect to whom a deduction under this section is allowable to another taxpayer for the same taxable year, the exemption amount applicable to such individual for such individual's taxable year shall be zero.

(D) In the case of any taxpayer whose adjusted gross income, as modified for Rhode Island purposes pursuant to § ~~33-30-12~~ 44-30-12, for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000), the exemption amount shall be reduced by the applicable percentage. The term "applicable percentage" means twenty (20) percentage points for each five thousand dollars (\$5,000) (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds one hundred seventy-five thousand dollars (\$175,000).

(E) Adjustment for inflation. The dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) shall be increased annually by an amount equal to:

(I) Such dollar amount contained in subparagraphs 44-30-2.6(c)(3)(A), 44-30-2.6(c)(3)(B) and 44-30-2.6(c)(3)(C) adjusted for inflation using a base tax year of 2000, multiplied by;

(II) The cost-of-living adjustment with a base year of 2000.

(III) For the purposes of this section, the cost-of-living adjustment for any calendar year is the percentage (if any) by which the consumer price index for the preceding calendar year exceeds the consumer price index for the base year. The consumer price index for any calendar year is the average of the consumer price index as of the close of the twelve-month (12) period

1 ending on August 31, of such calendar year.

2 (IV) For the purpose of this section the term "consumer price index" means the last  
3 consumer price index for all urban consumers published by the department of labor. For the  
4 purpose of this section the revision of the consumer price index that is most consistent with the  
5 consumer price index for calendar year 1986 shall be used.

6 (V) If any increase determined under this section is not a multiple of fifty dollars  
7 (\$50.00), such increase shall be rounded to the next lower multiple of fifty dollars (\$50.00). In the  
8 case of a married individual filing separate return, if any increase determined under this section is  
9 not a multiple of twenty-five dollars (\$25.00), such increase shall be rounded to the next lower  
10 multiple of twenty-five dollars (\$25.00).

11 (F) Credits against tax.

12 (I) Notwithstanding any other provisions of Rhode Island Law, for tax years beginning on  
13 or after January 1, 2011, the only credits allowed against a tax imposed under this chapter shall be  
14 as follows:

15 (a) Rhode Island earned-income credit: Credit shall be allowed for earned-income credit  
16 pursuant to subparagraph 44-30-2.6(c)(2)(N).

17 (b) Property Tax Relief Credit: Credit shall be allowed for property tax relief as provided  
18 in § 44-33-1 et seq.

19 (c) Lead Paint Credit: Credit shall be allowed for residential lead abatement income tax  
20 credit as provided in § 44-30.3-1 et seq.

21 (d) Credit for income taxes of other states. Credit shall be allowed for income tax paid to  
22 other states pursuant to § 44-30-74.

23 (e) Historic Structures Tax Credit: Credit shall be allowed for historic structures tax  
24 credit as provided in § 44-33.2-1 et seq.

25 (f) Motion Picture Productions Tax Credit: Credit shall be allowed for motion picture  
26 production tax credit as provided in § 44-31.2-1 et seq.

27 (g) Child and Dependent Care: Credit shall be allowed for twenty-five percent (25%) of  
28 the federal child and dependent care credit allowable for the taxable year for federal purposes;  
29 provided, however, such credit shall not exceed the Rhode Island tax liability.

30 (h) Tax credits for contributions to Scholarship Organizations: Credit shall be allowed for  
31 contributions to scholarship organizations as provided in chapter 62 of title 44.

32 (i) Credit for tax withheld. Wages upon which tax is required to be withheld shall be  
33 taxable as if no withholding were required, but any amount of Rhode Island personal income tax  
34 actually deducted and withheld in any calendar year shall be deemed to have been paid to the tax

1 administrator on behalf of the person from whom withheld, and the person shall be credited with  
2 having paid that amount of tax for the taxable year beginning in that calendar year. For a taxable  
3 year of less than twelve (12) months, the credit shall be made under regulations of the tax  
4 administrator.

5 (j) Stay Invested in RI Wavemaker Fellowship: Credit shall be allowed for stay invested  
6 in RI wavemaker fellowship program as provided in § 42-64.26-1 et seq.

7 (k) Rebuild Rhode Island: Credit shall be allowed for rebuild RI tax credit as provided in  
8 § 42-64.20-1 et seq.

9 (l) Rhode Island Qualified Jobs Incentive Program: Credit shall be allowed for Rhode  
10 Island new qualified jobs incentive program credit as provided in § 44-48.3-1 et seq.

11 (2) Except as provided in section 1 above, no other state and federal tax credit shall be  
12 available to the taxpayers in computing tax liability under this chapter.

## 13 ARTICLE II--STATUTORY REENACTMENT

14 SECTION 22. Section 19-7-1 of the General Laws in Chapter 19-7 entitled "Interstate  
15 Banking, Interstate Branching and Bank Holding Company Mergers and Acquisitions" is hereby  
16 amended to read as follows:

### 17 **19-7-1. Definitions.**

18 (a) For the purposes of this chapter, the term or terms:

19 (1) "Bank," ~~"bank holding bank-holding~~ company," "company," "subsidiary," and  
20 "control" have the meanings set forth in the Federal Bank Holding Company Act of 1956, 12  
21 U.S.C. § 1841 et seq., except that "bank" shall also ~~includes~~ include financial institutions, as  
22 defined in this title, and other forms of federally insured deposit-taking institutions, ~~and bank~~  
23 ~~holding~~ Bank-holding companies shall include ~~thrift holding~~ thrift-holding companies as set  
24 forth in the Home Owners' Loan Act, 12 U.S.C. § 1461 et seq., whether organized with or without  
25 capital stock.

26 (2) "Out-of-state bank" means a bank whose principal office is located in any other state.

27 (3) "Out-of-state ~~bank holding bank-holding~~ company" means a holding company for  
28 which the operations of its bank subsidiaries are principally conducted in any other state.

29 (4) "Rhode Island ~~bank holding bank-holding~~ company" means a ~~bank holding bank-~~  
30 holding company that controls a financial institution, provided that an out-of-state bank or ~~bank~~  
31 ~~holding~~ bank-holding company that acquired control of one or more financial institutions shall  
32 not be deemed to be a Rhode Island ~~bank holding bank-holding~~ company, unless operations of  
33 its bank subsidiaries are principally conducted in this state.

34 (b) For the purposes of this chapter, the state in which operations of a ~~bank holding~~

1 bank-holding company's bank subsidiaries are principally conducted in the state in which total  
2 deposits of all of its bank subsidiaries are the largest.

3 SECTION 23. Section 20-1-9 of the General Laws in Chapter 20-1 entitled "General  
4 Provisions" is hereby amended to read as follows:

5 **20-1-9. Operation of patrol boats.**

6 The general assembly shall annually appropriate any sum that it may deem necessary to  
7 patrol and police the shellfish grounds; check the licenses of fishermen; protect the scallop  
8 areas; collect animal specimens; ~~and~~ execute special work incidental to the lobster and other  
9 shellfisheries; and enforce the provisions of chapter 22 of title 46, this sum to be expended under  
10 the direction of the director of the department of environmental management for the purpose of  
11 maintaining and operating patrol boats and their crews. The controller is hereby authorized and  
12 directed to draw orders upon the general treasurer for the payment of the sum, or sums, as may be  
13 required from time to time, upon the receipt by the controller of proper vouchers approved by the  
14 director.

15 SECTION 24. Sections 20-2-3 and 20-2-27.1 of the General Laws in Chapter 20-2  
16 entitled "Licensing" are hereby amended to read as follows:

17 **20-2-3. Record of licenses issued -- Accounting for fees.**

18 Every city and town clerk or agent appointed under this chapter shall record all licenses  
19 issued under this chapter in books kept for that purpose, one coupon of which shall be retained in  
20 his or her record. The books shall be supplied by the department; shall remain the property of the  
21 state; shall be open to public inspection during the usual office hours of the clerk or appointee;  
22 and shall be subject at all times to audit and inspection by the director, by the director of  
23 administration, or by the agents of either; ~~and, each~~ Each of these clerks or appointees shall, on  
24 the first Monday of every month, pay to the department all moneys received by the clerk or  
25 appointee for the registrations issued during the month preceding, except for recording fee,  
26 together with a receipted bill for fees retained in accordance with § 20-2-4, and shall, within thirty  
27 (30) days succeeding January first of each year, return to the department all registration books  
28 and unused and void certificates. The director shall pay the money received to the general  
29 treasurer with a list of the number and kind of registrations recorded by each city and town clerk  
30 or agent during the month.

31 **20-2-27.1. Rhode Island party and charter boat license.**

32 (a) All party and charter boats carrying recreational passengers to take, or attempt to take,  
33 marine fish upon the navigable state and coastal waters of Rhode Island shall be required to  
34 obtain a Rhode Island party and charter boat license. The licenses shall be issued by the

1 department on a biennial basis for a fee of twenty-five dollars (\$25) per vessel. All licensed party  
2 and charter boats shall be required to display a party and charter boat decal provided by the  
3 department. To obtain a license, the owner of a qualified vessel must submit:

4 (1) A current copy of the operator's ~~U.S.C.G.~~ United States Coast Guard license to  
5 carry passengers for hire;

6 (2) A current copy of the vessel's "Certificate of Documentation" certifying that the  
7 vessel is documented "Coastwise," or if the vessel is under five (5) net tons, a copy of the vessel's  
8 state registration;

9 (3) Proof that the operator and crew are currently enrolled in a random drug testing  
10 program that complies with the federal government's 46\_CFR § 16.101 et seq. "Drug Testing  
11 Program" regulations; and

12 (4) A signed, license-application form certifying that the vessel is, and will be, operated  
13 in compliance with all state and federal safety regulations for the vessel.

14 (b) Rhode Island party and charter boat licenses shall expire on the last day of February  
15 every other year, with the first expiration date being in February 2001.

16 SECTION 25. Section 20-2.2-2 of the General Laws in Chapter 20-2.2 entitled  
17 "Recreational Saltwater Fishing License" is hereby amended to read as follows:

18 **20-2.2-2. Purposes.**

19 The purposes of this chapter are to:

20 (1) Enable recreational fisherman to fish legally in the marine waters of Rhode Island,  
21 and in all offshore federal waters, via a state-based recreational fishing licensing program,  
22 established in accordance with the requirements set forth by the federal Magnuson-Stevens  
23 Fishery Conservation and Management Act (16 U.S.C. § ~~1601~~ 1801 et seq.);

24 (2) Establish a state-based licensing program that will: provide Rhode Island recreational  
25 fisherman, including residents and non-resident visitors, with a convenient and inexpensive  
26 licensing process; support and contribute to more accurate state-based fishing and resource  
27 assessments; and provide for fair and effective management programs that optimize benefits and  
28 opportunities for Rhode Island recreational fisherman; and

29 (3) Establish a dedicated funding vehicle to support improved coastal access  
30 opportunities for recreational fisherman along the Rhode Island shoreline.

31 SECTION 26. Section 20-4-13 of the General Laws in Chapter 20-4 entitled  
32 "Commercial Fisheries" is hereby amended to read as follows:

33 **20-4-13. Commercial gill net fishery -- License or permit required.**

34 It shall be unlawful for any person to set, haul, and/or maintain a commercial gill net in



1 the public waters of the state without first obtaining a license or permit as provided in § ~~20-2-26.1~~  
2 20-2.1-5(2)(ii)(C). Any person violating the provisions of this section shall, upon conviction, be  
3 punished by a fine not exceeding five hundred dollars (\$500) or imprisoned for not more than one  
4 year, or both.

5 SECTION 27. Sections 20-6-10 and 20-6-11 of the General Laws in Chapter 20-6  
6 entitled "Shellfish" are hereby amended to read as follows:

7 **20-6-10. Allowance of shellfish taking under license.**

8 (a) Unless otherwise specified by regulation of the marine fisheries council, a holder of a  
9 commercial shellfishing license may take and/or possess, in any one day, up to twelve (12)  
10 bushels of quahaugs, twelve (12) bushels of ~~soft-shell~~ soft-shell clams, and three (3) bushels of  
11 oysters.

12 (b) A holder of a non-resident shellfishing license may take in any one day not more than  
13 one peck each of oysters, quahaugs, soft-shell clams, surf clams, or mussels. Any person taking  
14 more than these allowances in any one day shall be fined upon conviction one hundred dollars  
15 (\$100) for each bushel or part of a bushel exceeding the prescribed quantity or be imprisoned ~~for~~  
16 not exceeding thirty (30) days, or both.

17 **20-6-11. Minimum size of shellfish -- Penalty.**

18 (a) No person shall take and/or possess any quahogs less than one inch (1") shell  
19 thickness (hinge width). In addition, no person shall take and/or possess ~~soft-shell~~ soft-shell  
20 clams, taken from the free and common ~~soft-shell~~ soft-shell clam fisheries, of a diameter less  
21 than one and one half inches (1 1/2") taking the maximum shell diameter, or any oysters, taken  
22 from the free and common oyster fisheries, measuring less than three inches (3") measured  
23 parallel to the long axis of the oyster, unless greater minimum sizes are established by the  
24 director, in consultation with the marine fisheries council. Any person who takes and/or possesses  
25 shellfish of less than the minimum size, as delineated above, upon conviction, shall be fined not  
26 less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each and every fifteen (15)  
27 shellfish taken. Additionally, any person who takes and/or possesses shellfish of less than the  
28 minimum size commingled and/or otherwise stored or contained with shellfish of not less than the  
29 minimum size, where the percentage of the less than minimum size shellfish is not less than ten  
30 percent (10%) of the total piece count of the commingled and/or otherwise stored or contained  
31 package, shipment, or container, shall be subject to seizure and/or forfeiture of the entire  
32 commingled and/or otherwise stored or contained package, shipment, or container, in accordance  
33 with the provisions of §§ 20-1-8~~(e) and (f)~~(a)(5) and (6) and 20-1-8.1.

34 (b) Notwithstanding the provisions of subsection (a) above, the director of the department

1 of environmental management is authorized to promulgate regulations establishing a special  
2 exemption permit that would exempt ~~Department of Health licensed~~ department of health-  
3 licensed food processing facilities from the ~~one-inch (1") minimum size~~ one-inch-minimum  
4 (1") size restriction governing bay quahogs. The exemption permit may only apply to frozen,  
5 packaged, cultured bay quahog products shipped into Rhode Island for redistribution outside of  
6 the state. The regulations shall prescribe the procedures to apply for the exemption permit and the  
7 standards to be employed by the director in his or her consideration of the application. The  
8 regulations shall prescribe rules governing the conduct and operation of the facility and may  
9 include restrictions on product forms, sizes, possession requirements, and other provisions in  
10 order to maintain the protection of the quahog resource and enforcement of the provisions of this  
11 chapter.

12 SECTION 28. Section 20-8.1-3 of the General Laws in Chapter 20-8.1 entitled "Shellfish  
13 Grounds" is hereby amended to read as follows:

14 **20-8.1-3. Investigation of shellfish grounds -- Notice of polluted areas.**

15 The director shall investigate the sanitary condition of the waters overlying shellfish  
16 grounds. Those waters that are found to be in an unsatisfactory sanitary condition for the taking  
17 of shellfish for human consumption shall be declared to be polluted areas. The director shall give  
18 annual notice as to those areas of the waters of the state that he or she has declared to be polluted  
19 by advertising this action in at least one public newspaper published in the city of Providence.  
20 The director shall provide notice with each shellfish license issued or reissued after December 31,  
21 1994, that it is the obligation of each licensee to inquire by calling a dedicated telephone line, or  
22 dedicated teletext phone for persons who are deaf, hard of hearing, or ~~speech-impaired~~ speech-  
23 impaired (TTY) line maintained by the department of environmental management prior to taking  
24 any shellfish in the waters of the state that are conditionally approved waters. The director shall  
25 arrange for notice to be provided on the telephone and TTY telephone lines as to those  
26 conditionally approved waters of the state ~~which that~~ the director declares to be polluted ~~and in~~  
27 from which no shellfish may be taken.

28 SECTION 29. Sections 20-10-3.1 and 20-10-17 of the General Laws in Chapter 20-10  
29 entitled "Aquaculture" are hereby amended to read as follows:

30 **20-10-3.1. Sales and use tax exemption.**

31 Any person engaging in aquaculture shall be eligible for the tax exemption in § 44-18-  
32 30(~~33-32~~) provided that the requirements set forth in that section are met.

33 **20-10-17. Arrest, seizure, and prosecution of violators.**

34 (a) Any police officer authorized to make arrests, the director, and conservation officers

1 appointed under the authority of § ~~20-1-10~~ 20-1-6 shall be empowered:

2 (1) To enforce all laws, rules, and regulations relating to this chapter;

3 (2) To execute all warrants and search warrants for the violation of laws, rules, and  
4 regulations relating to this chapter;

5 (3) To serve subpoenas issued for the trial of all offenses hereunder;

6 (4) To arrest, without a warrant and on view, any person found violating any law, rule, or  
7 regulation relating to this chapter; take that person before a court having jurisdiction for trials;  
8 detain that person in custody at the expense of the state until arraignment; and to make and  
9 execute complaints within any district; to the justice or clerk of the court; against any person for  
10 any of the offenses enumerated under this chapter, committed within the district.

11 (b) The director, and the director's deputies and assistants, may, by virtue of their  
12 respective offices, make complaints of any violation of this chapter, and they shall not be required  
13 to give recognizance or to furnish surety for costs or be liable for costs on those complaints.

14 SECTION 30. Section 20-38-5 of the General Laws in Chapter 20-38 entitled "The  
15 Rhode Island Seafood Marketing Collaborative of 2011" is hereby amended to read as follows:

16 **20-38-5. Powers and duties.**

17 The collaborative shall support and work collaboratively with the Rhode Island fishing  
18 community to promote the marketing and sustainability of Rhode Island seafood, including but  
19 not limited to:

20 (1) ~~Identify~~ Identifying regulatory restrictions preventing and/or inhibiting local seafood  
21 marketing initiatives and ~~identify~~ identifying opportunities to remove those regulatory  
22 restrictions;

23 (2) ~~Identify~~ Identifying and ~~facilitate~~ facilitating opportunities to increase consumer  
24 demand for local seafood;

25 (3) ~~Identify~~ Identifying and ~~facilitate~~ facilitating opportunities to establish agreements  
26 with local fishermen and seafood dealers for potential seafood marketplace expansion;

27 (4) ~~Review~~ Reviewing and ~~identify~~ identifying existing studies, pilot programs and  
28 initiatives of this state and other states regarding seafood-marketing practices;

29 (5) ~~Provide~~ Providing educational opportunities for consumers and the fishing  
30 community regarding local seafood issues and initiatives;

31 (6) ~~Identify~~ Identifying funding sources available to the fishing community to support  
32 seafood marketing;

33 (7) ~~Respond~~ Responding to requests for information from the legislature and ~~comment~~  
34 commenting on proposed legislation;

1 (8) ~~Issue~~ Issuing recommendations necessary to achieve these goals;

2 (9) ~~Identify~~ Identifying opportunities for potential funding to support Rhode Island  
3 seafood marketing efforts and initiatives.

4 SECTION 31. This act shall take effect upon passage.

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LC000790/SUB A/2  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO 2017 STATUTORY CONSTRUCTION BILL -- LAW REVISION  
SUBMISSION

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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 I of this act would take effect on December 31, 2017. The remaining portions of  
5 this act would take effect upon passage.

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LC000790/SUB A/2  
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