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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO STATUTORY CONSTRUCTION

Introduced By: Representative K. Joseph Shekarchi

Date Introduced: July 02, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 **ARTICLE I--STATUTORY REENACTMENT**

2 SECTION 1. It is the express intention of the General Assembly to reenact the entirety of
3 Titles 39, 40, 40.1 and 41 of the General Laws of R.I., including every chapter and section therein
4 and any chapters and sections of Titles 39, 40, 40.1 and 41 not included in this act may be, and are
5 hereby reenacted as if fully set forth herein.

6 SECTION 2. Sections 39-1-2, 39-1-27.9, 39-1-38 and 39-1-61 of the General Laws in
7 chapter 39-1 entitled "Public Utilities Commission" are hereby amended to read as follows:

8 **39-1-2. Definitions.**

9 (a) Terms used in this title shall be construed as follows, unless another meaning is
10 expressed or is clearly apparent from the language or context:

11 (1) "Administrator" means the administrator of the division of public utilities and carriers;

12 (2) "Airport" and "landing field" mean and include all airports and landing fields other than
13 those owned by the state;

14 (3) "Chairperson" means the chairperson of the public utilities commission;

15 (4) "Charter carrier" means and includes all carriers for hire or compensation within this
16 state not included in the definition of common carrier;

17 (5) "Commission" means the public utilities commission;

18 (6) "Commissioner" means a member of the public utilities commission;

19 (7) "Common carrier", except when used in chapters 12, 13, and 14 of this title, means and

1 includes all carriers for hire or compensation including railroads, street railways, express, freight
2 and freight line companies, dining car companies, steam boat, motor boat, power boat, hydrofoil,
3 and ferry companies and all other companies operating any agency or facility for public use in ~~this~~
4 the conveyance over fixed routes, or between fixed termini within this state ~~or~~ of persons or
5 property by or by a combination of land, air, or water;

6 (8) "Company" means and includes a person, firm, partnership, corporation, quasi-
7 municipal corporation, association, joint stock association or company, and his, her, its, or their
8 lessees, trustees, or receivers appointed by any court;

9 (9) "Customer" means a company taking service from an electric distribution company at
10 a single point of delivery or meter location;

11 (10) "Distribution facility" means plant or equipment used for the distribution of electricity
12 and which is not a transmission facility;

13 (11) "Division" means the division of public utilities and carriers;

14 (12) "Electric distribution company" means a company engaging in the distribution of
15 electricity or owning, operating, or controlling distribution facilities and shall be a public utility
16 pursuant to § 39-1-2(20);

17 (13) "Electric transmission company" means a company engaging in the transmission of
18 electricity or owning, operating, or controlling transmission facilities. An electric transmission
19 company shall not be subject to regulation as a public utility except as specifically provided in the
20 general laws, but shall be regulated by the federal energy regulatory commission and shall provide
21 transmission service to all nonregulated power producers and customers, whether affiliated or not,
22 on comparable, nondiscriminatory prices and terms. Electric transmission companies shall have the
23 power of eminent domain exercisable following a petition to the commission pursuant to § 39-1-
24 31;

25 (14) "Liquefied natural gas" means a fluid in the liquid state composed predominantly of
26 methane and ~~which~~ that may contain minor quantities of ethane, propane, nitrogen, or other
27 components normally found in natural gas;

28 (15) "Manufacturing customers" means all customers that have on file with an electric
29 distribution company a valid certificate of exemption from the Rhode Island sales tax indicating
30 the customer's status as a manufacturer pursuant to § 44-18-30;

31 (16) "Motor carriers" means any carrier regulated by the administrator pursuant to Chapters
32 3, 11, 12, 13 and 14 of this title;

33 (17) "Natural gas" means the combustible gaseous mixture of low-molecular-weight,
34 paraffin hydrocarbons, generated below the surface of the earth containing mostly methane and

1 ethane with small amounts of propane, butane, and hydrocarbons, and sometimes nitrogen, carbon
2 dioxide, hydrogen sulfide, and helium;

3 (18) "Nonprofit housing development corporation" means a nonprofit corporation, ~~which~~
4 ~~that~~ has been approved as a ~~§ 501(e)(3)~~, 26 U.S.C. § 501(c)(3), corporation by the ~~internal~~
5 ~~revenue service~~ Internal Revenue Service, and which is organized and operated primarily for the
6 purpose of providing housing for low and moderate income persons;

7 (19) "Nonregulated power producer" means a company engaging in the business of
8 producing, manufacturing, generating, buying, aggregating, marketing or brokering electricity for
9 sale at wholesale or for retail sale to the public; provided however, that companies ~~which~~ ~~that~~
10 negotiate the purchase of electric generation services on behalf of customers and do not engage in
11 the purchase and resale of electric generation services shall be excluded from this definition. A
12 nonregulated power producer shall not be subject to regulation as a public utility except as
13 specifically provided in the general laws;

14 (20) "Public utility" means and includes every company that is an electric distribution
15 company and every company operating or doing business in intrastate commerce and in this state
16 as a railroad, street railway, common carrier, gas, liquefied natural gas, water, telephone, telegraph,
17 and pipeline company, and every company owning, leasing, maintaining, managing, or controlling
18 any plant or equipment or any part of any plant or equipment within this state for manufacturing,
19 producing, transmitting, distributing, delivering, or furnishing natural or manufactured gas, directly
20 or indirectly to or for the public, or any cars or equipment employed on or in connection with any
21 railroad or street railway for public or general use within this state, or any pipes, mains, poles,
22 wires, conduits, fixtures, through, over, across, under, or along any public highways, parkways or
23 streets, public lands, waters, or parks for the transmission, transportation, or distribution of gas for
24 sale to the public for light, heat, cooling, or power for providing audio or visual telephonic or
25 telegraphic communication service within this state or any pond, lake, reservoir, stream, well, or
26 distributing plant or system employed for the distribution of water to the consuming public within
27 this state including the water supply board of the city of Providence; provided, that, except as
28 provided in § 39-16-9 and in chapter 2072 of the public laws, 1933, as amended, this definition
29 shall not be construed to apply to any public waterworks or water service owned and furnished by
30 any city, town, water district, fire district, or any other municipal or quasi-municipal corporation,
31 excepting the water supply board of the city of Providence, unless any city, town, water district,
32 fire district, municipal, or quasi-municipal corporation obtains water from a source owned or leased
33 by the water resources board, either directly or indirectly, or obtains a loan from the board pursuant
34 to the provisions of chapter ~~15~~ 15.1 of title 46, or sells water, on a wholesale or retail basis, inside

1 and outside the territorial limits of the city or town, water district, fire district, municipal or quasi-
2 municipal corporation, except, however, that a public waterworks or water service owned and
3 furnished by any city, town, water district, fire district, or any other municipal or quasi-municipal
4 corporation which sells water, on a wholesale or retail basis, inside and outside its territorial limits
5 shall not be construed as a public utility if it has fewer than one-thousand five hundred (1,500) total
6 customer service connections and provided outside sales do not exceed ten percent (10%) of the
7 total water service connections or volumetric sales and provided the price charged to outside
8 customers, per unit of water, is not greater than the price charged to inside customers for the same
9 unit of water, nor to the Rhode Island public transit authority, or to the production and/or
10 distribution of steam, heat, or water by Rhode Island port authority and economic development
11 corporation in the town of North Kingstown; and the term "public utility" shall also mean and
12 include the Narragansett Bay water quality management district commission; and provided that the
13 ownership or operation of a facility by a company which dispenses alternative fuel or energy
14 sources at retail for use as a motor vehicle fuel or energy source, and the dispensing of alternative
15 fuel or energy sources at retail from such a facility, does not make the company a public utility
16 within the meaning of this title solely because of that ownership, operation, or sale; and provided
17 further that this exemption shall not apply to presently regulated public utilities which sell natural
18 gas or are dispensers of other energy sources; and provided further, that the term "public utility"
19 shall not include any company; :

20 (i) Producing or distributing steam or heat from a fossil fuel fired cogeneration plant
21 located at the university of Rhode Island South Kingstown, Rhode Island;

22 (ii) Producing and/or distributing thermal energy and/or electricity to a state owned facility
23 from a plant located on an adjacent site regardless of whether steam lines cross a public highway;
24 and

25 (iii) Providing wireless service.

26 (21) "Purchasing cooperatives" shall mean any association of electricity consumers **which**
27 **that** join for the purpose of negotiating the purchase of power from a nonregulated power producer,
28 provided however, that purchasing cooperatives shall not be required to be legal entities and are
29 prohibited from being engaged in the re-sale of electric power;

30 (22) "Railroad" means and includes every railroad other than a street railway, by
31 whatsoever power operated for public use in the conveyance in this state of persons or property for
32 compensation, with all bridges, ferries, tunnels, switches, spurs, tracks, stations, wharves, and
33 terminal facilities of every kind, used, operated, controlled, leased, or owned by or in connection
34 with any railroad;

1 (23) "Retail access" means the use of transmission and distribution facilities owned by an
2 electric transmission company or an electric distribution company to transport electricity sold by a
3 nonregulated power producer to retail customers pursuant to § 39-1-27.3;

4 (24) "Street railway" means and includes every railway by whatsoever power operated or
5 any extension or extensions, branch, or branches thereof, for public use in the conveyance in this
6 state of persons or property for compensation, being mainly upon, along, above, or below any street,
7 avenue, road, highway, bridge, or public place in any city or town, and including all switches, spurs,
8 tracks, rights of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind,
9 used, operated, controlled, or owned by or in connection with any street railway;

10 (25) "Transmission facility" means plant or equipment used for the transmission of
11 electricity as determined by the federal energy regulatory commission pursuant to federal law as of
12 the date of the property transfers pursuant to § 39-1-27(c);

13 ~~(26) Notwithstanding any provision of this section or any provision of the act entitled,~~
14 ~~"An Act Relating to the Utility Restructuring Act of 1996" (hereinafter "Utility~~
15 ~~Restructuring Act"), upon request by the affected electric utility, the commission may exempt~~
16 ~~from the Utility Restructuring Act or any provision(s) thereof, an electric utility which meets~~
17 ~~the following requirements: (i) the utility is not selling or distributing electricity outside of~~
18 ~~the service territory in effect for that utility on the date of passage of the Utility Restructuring~~
19 ~~Act; and (ii) the number of kilowatt hours sold or distributed annually by the utility to the~~
20 ~~public is less than five percent (5%) of the total kilowatt hours consumed annually by the~~
21 ~~state. Provided however that nothing contained in this section shall prevent the commission~~
22 ~~from allowing competition in the generation of electricity in service territories of utilities~~
23 ~~exempted in whole or in part from the Utility Restructuring Act pursuant to this section, as~~
24 ~~long as such allowance of competition is conditioned upon payment to the exempted electric~~
25 ~~utility of a nonbypassable transition charge calculated to recover the elements comparable in~~
26 ~~nature to the elements in § 39-1-27.4(b) and (c) taking into consideration any unique~~
27 ~~circumstances applicable to the exempted electric utility.~~

28 ~~(27)~~ (26) "Wireless service" means communication services provided over spectrum
29 licensed by or subject to the jurisdiction of the federal communications commission.

30 (b) Notwithstanding any provision of this section or any provision of the act entitled,
31 "An Act Relating to the Utility Restructuring Act of 1996" (hereinafter "Utility
32 Restructuring Act"), upon request by the affected electric utility, the commission may exempt
33 from the Utility Restructuring Act or any provision(s) thereof, an electric utility that meets
34 the following requirements:

1 (1) The utility is not selling or distributing electricity outside of the service territory
2 in effect for that utility on the date of passage of the Utility Restructuring Act; and

3 (2) The number of kilowatt hours sold or distributed annually by the utility to the
4 public is less than five percent (5%) of the total kilowatt hours consumed annually by the
5 state. Provided however that nothing contained in this section shall prevent the commission
6 from allowing competition in the generation of electricity in service territories of utilities
7 exempted in whole or in part from the utility restructuring act pursuant to this section, as
8 long as such allowance of competition is conditioned upon payment to the exempted electric
9 utility of a nonbypassable transition charge calculated to recover the elements comparable in
10 nature to the elements in § 39-1-27.4(b) and (c) taking into consideration any unique
11 circumstances applicable to the exempted electric utility.

12 **39-1-27.9. Office of energy resources participation.**

13 In any commission inquiry into, or examination of matters that relate to or could potentially
14 impact any programs, functions or duties of the office of energy resources and/or the energy
15 efficiency and resources management council, including, but not limited to, those programs,
16 functions and duties pursuant to this chapter and chapters 42-140, 42-140.1, 42-140.2, and 42-141,
17 the office of energy resources and the energy resources council shall be deemed, upon the formal
18 request of the office or the council as appropriate, to be an interested party for all purposes, and as
19 such, shall receive all notices and may file complaints, institute proceedings, and participate as a
20 party in administrative hearings.

21 **39-1-38. Liberal construction -- Incidental powers -- Severability.**

22 The provisions of this title shall be interpreted and construed liberally in aid of its declared
23 purpose. The commission and the division shall have, in addition to powers specified in this
24 chapter, all additional, implied, and incidental power which may be proper or necessary to
25 effectuate their purposes. No rule, order, act, or regulation of the commission and of the division
26 shall be declared inoperative, illegal, or void for any omission of a technical nature. If any provision
27 of this title, or of any rule or regulation made thereunder, or the application thereof to any company
28 ~~of~~ or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the title,
29 rule, or regulation, and the application of such provision to other companies or circumstances shall
30 not be affected thereby. The invalidity of any section or sections or parts of any section or sections
31 of this title shall not affect the validity of the remainder of the title.

32 **39-1-61. Rhode Island telecommunications education access fund.**

33 (a) Preamble. For the past ten (10) years, the schools and libraries of Rhode Island have
34 benefited from a regulatory agreement with Verizon and its predecessor companies that has

1 provided up to two million dollars (\$2,000,000) annually for support of telecommunications lines
2 for internet access. In addition, the funds provided for in the original regulatory agreement and
3 every dollar generated hereunder leverages a one dollar and twenty-seven cents (\$1.27) federal E-
4 Rate match. With the regulatory agreement approaching its termination and the advent of more
5 advanced technologies, it is the intent of this section to provide a continued source of funding for
6 internet access for eligible public and private schools and libraries.

7 (b) Definitions. As used in this section, the following terms have the following meanings:

8 (1) "Department" means the Rhode Island department of elementary and secondary
9 education.

10 (2) "Division" means the Division of Public Utilities and Carriers.

11 (3) "Telecommunications education access fund" means the programs and funding made
12 available to qualified libraries and schools to assist in paying the costs of acquiring, installing and
13 using telecommunications technologies to access the internet.

14 (c) Purpose. The purpose of the telecommunications education access fund shall be to fund
15 a basic level of internet connectivity for all of the qualified schools (kindergarten through grade
16 12) and libraries in the state.

17 (d) Authority. The division shall establish, by rule or regulation, an appropriate funding
18 mechanism to recover from the general body of ratepayers the costs of providing
19 telecommunications technology to access the internet.

20 (1) The general assembly shall determine the amount of a monthly surcharge to be levied
21 upon each residence and business telephone access line or trunk in the state, including PBX trunks
22 and centrex equivalent trunks and each service line or trunk, and upon each user interface number
23 or extension number or similarly identifiable line, trunk, or path to or from a digital network. The
24 department will provide the general assembly with information and recommendations regarding
25 the necessary level of funding to effectuate the purposes of this ~~article~~ [section](#). The surcharge shall
26 be billed by each telecommunications services provider and shall be payable to the
27 telecommunications services provider by the subscriber of the telecommunications services. State,
28 local and quasi-governmental agencies shall be exempt from the surcharge. The surcharge shall be
29 deposited in a restricted receipt account, hereby created within the department of elementary and
30 secondary education and known as the telecommunications education access fund, to pay any and
31 all costs associated with subsection (b)(3). The amount of the surcharge shall not exceed thirty-five
32 cents (\$.35) per access line or trunk.

33 (2) The surcharge is hereby determined to be twenty-six cents (\$.26) per access line or
34 trunk.

1 (3) The amount of the surcharge shall not be subject to the sales and use tax imposed under
2 chapter 18 of title 44 nor be included within the gross earnings of the telecommunications
3 corporation providing telecommunications service for the purpose of computing the tax under
4 chapter 13 of title 44.

5 (e) Administration. The division, with input from the department, shall administer the
6 telecommunications education access fund consistent with the requirements of the Universal
7 Service (E-Rate) program. The division of taxation shall collect from the telecommunications
8 service providers the amounts of the surcharge collected from their subscribers. The department,
9 with the approval of the division, shall publish requests for proposals that do not favor any
10 particular technology, evaluate competitive bids, and select products and services that best serve
11 the internet access needs of schools and libraries. In doing so, the department shall endeavor to
12 obtain all available E-Rate matching funds. The department is further authorized and encouraged
13 to seek matching funds from all local, state, and federal public or private entities. The department
14 shall approve ~~dispersement~~ ~~[disbursement]~~ disbursement of funds under this section in
15 accordance with the division's directives. Unsuccessful bids may be appealed to the division. The
16 division shall annually review the department's disbursements from this account to ensure that the
17 department's decisions do not favor any competitor.

18 (f) Eligibility. All schools seeking support from the fund must be eligible for Universal
19 Service (E-Rate) support and meet the definition of "elementary school" or "secondary school" in
20 the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. § 8801). Schools
21 operating as a for-profit business or with endowments exceeding fifty million dollars (\$50,000,000)
22 are not eligible for support. All libraries seeking support from the fund must meet the definition of
23 "library" or "library consortium" in the Library Services and Technology Act, P.L. 104-208, § 211
24 et seq., 110 Stat. 3009 (1996) and must be eligible for assistance from a state library administrative
25 agency under that act. Only libraries that have budgets that are completely separate from any
26 schools (including, but not limited to, elementary and secondary, colleges and universities) shall
27 be eligible to receive support. Libraries operating as a for-profit business shall not be eligible for
28 support.

29 (g) Effective date. The effective date of assessment for the telecommunications education
30 access fund shall be January 1, 2004.

31 SECTION 3. Sections 39-2-1, 39-2-13 and 39-2-20 of the General Laws in Chapter 39-2
32 entitled "Duties of Utilities and Carriers" are hereby amended to read as follows:

33 **39-2-1. Reasonable and adequate services -- Reasonable and just charges.**

34 (a) Every public utility is required to furnish safe, reasonable, and adequate services and

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

13 (1) Effective immediately, following the issuance of a decision by the commission under
14 § 39-1-27.12(d), the utility shall collect a LIHEAP enhancement charge from all utility customers,
15 for the funding of the LIHEAP Enhancement Fund.

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

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

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

33 (2) Effective no later than September 1, 2016, notwithstanding the provisions of part V
34 sections 4(E)(1)(B) and (C) of the public utilities commission rules and regulations governing the

1 termination of residential electric-, gas-, and water-utility service, a LIHEAP-eligible customer, as
2 defined above in this section, who has been terminated from gas and/or electric service or is
3 recognized, pursuant to a rule or decision by the division, as being scheduled for actual shut-off of
4 service on a specific date, shall not be deprived electric and/or gas utility service provided the
5 following conditions are met:

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

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

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

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

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

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

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

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

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

1 agreement is paid in full, by the conclusion of the twelve-month (12) period of the agreement;

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

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

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

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

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

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

34 (e) The commission shall complete a comprehensive review of all utility- and energy-

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

13 **39-2-13. Admission of guide dogs.**

14 Any blind or deaf person, who uses the services of a seeing-eye guide dog, or personal
15 assistance animal or a hearing-ear signal dog, clearly identified as such by a yellow harness and
16 trained by a recognized training agency or school, may enter any public facility of any public utility
17 or common carrier in this state, and when riding on any bus or other public utility or common
18 carrier, engaged in the transportation of passengers or when riding in any elevator in this state
19 where a landlord has the elevator operated for the use of ~~his~~ the landlord's tenants and their
20 visitors, or while in any building in this state open to the public, may keep the animal in his or her
21 immediate custody; and the person shall not be required to pay any charge or fare, for or on account
22 of the transportation thereon of him or herself and any dog so accompanying him or her, in addition
23 to the charge ~~of~~ or fare lawfully chargeable for his or her own transportation; provided, however,
24 the provisions of this section shall not apply to railroad sleeping, parlor, club, buffet, or lounge
25 cars.

26 **39-2-20. Communications common carriers -- Duty to disclose certain information.**

27 (a) A communications common carrier, as defined in § 12-5.1-1, shall disclose to the
28 attorney general, or an assistant attorney general specially designated by the attorney general, or
29 any chief of police, the director of the statewide fugitive task force, or the superintendent of state
30 police, the names, addresses, and telephone numbers of persons to whom nonpublished service is
31 furnished upon written certification by the attorney general, or assistant attorney general, or any
32 chief of police, the director of the statewide fugitive task force or the superintendent of state police
33 that the information is necessary for an investigation of or prosecution of criminal violations of the
34 laws of Rhode Island. No cause of action shall lie in any court against any communications common

1 carrier, its officers, employees, or agents for furnishing or disclosing the information in accordance
2 with the certification. The attorney general, or any chief of police, or the superintendent of state
3 police, or the director of the statewide fugitive task force shall not disclose any information obtained
4 as a result of the written certification except as it is essential to the proper discharge of their duties.

5 **(b)(1)** Upon request of a law enforcement agency, a wireless telecommunications carrier
6 shall provide device location information concerning the telecommunications device of the user to
7 the requesting law enforcement agency in order to respond to a call for emergency services or in
8 an emergency situation that involves the risk of death or serious physical injury to any person and
9 requires disclosure without delay of information relating to the emergency.

10 (2) Notwithstanding any other provision of law to the contrary, nothing in this section
11 prohibits a wireless telecommunications carrier from establishing protocols by which the carrier
12 could voluntarily disclose device location information.

13 (3) No cause of action shall lie in any court against any wireless telecommunications
14 carrier, its officers, employees, agents or other specified persons for providing device location
15 information while acting in good faith and in accordance with the provisions of this section.

16 (4) All wireless telecommunications carriers registered to do business in the state of Rhode
17 Island or submitting to the jurisdiction thereof and all resellers of wireless telecommunications
18 services shall submit their emergency contact information to the Rhode Island division of public
19 safety's E-911 unit in order to facilitate requests from a law enforcement agency for call location
20 information in accordance with this section. This contact information must be submitted annually
21 by June 15th or immediately upon any change in contact information.

22 (5) The Rhode Island division of public safety's E-911 unit shall maintain a database
23 containing emergency contact information for all wireless telecommunications carriers registered
24 to do business in the state of Rhode Island and shall make the information immediately available
25 upon request to all public safety answer points in the state.

26 ~~(6)(c)~~ This section shall be known and may be cited as the "Kelsey Smith Act."

27 SECTION 4. Sections 39-3-1.2 and 39-3-17 of the General Laws in Chapter 39-3 entitled
28 "Regulatory Powers Of Administration" are hereby amended to read as follows:

29 **39-3-1.2. Aggregation of electrical load by municipality or group of municipalities.**

30 (a)**(1)** The legislative authority of a municipality may adopt an ordinance or resolution,
31 under which it may aggregate in accordance with this section one or more classes of the retail
32 electrical loads located, respectively, within the municipality or town and, for that purpose, may
33 enter into service agreements to facilitate for those loads the sale and purchase of electricity. The
34 legislative authority also may exercise this authority jointly with any other legislative authority. An

1 ordinance or resolution under this section shall specify whether the aggregation will occur only
2 with the prior consent of each person owning, occupying, controlling, or using an electric load
3 center proposed to be aggregated or will occur automatically for all persons pursuant to the opt-out
4 requirements of this section. Nothing in this section, however, authorizes the aggregation of retail
5 electric loads of an electric load center that is located in the certified territory of a nonprofit electric
6 supplier or an electric load center served by transmission or distribution facilities of a municipal
7 electric utility.

8 (2) No legislative authority pursuant to an ordinance or resolution under this section that
9 provides for automatic aggregation as described in this section, shall aggregate the electrical load
10 of any electric load center located within its jurisdiction unless it in advance clearly discloses to the
11 person owning, occupying, controlling, or using the load center that the person will be enrolled
12 automatically in the aggregation program and will remain so enrolled unless the person
13 affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state
14 prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure
15 shall allow any person enrolled in the aggregation program the opportunity, at a minimum, to opt-
16 out of the program every two (2) years, without paying a switching fee. Any person that leaves the
17 aggregation program pursuant to the stated procedure shall default to the last resort service until
18 the person chooses an alternative supplier.

19 (b) A governmental aggregator under this section is not a public utility engaging in the
20 wholesale purchase and resale of electricity, and the aggregated service is not a wholesale utility
21 transaction. A governmental aggregator shall be subject to supervision and regulation by the
22 commission only to the extent of any competitive retail electric service it provides and commission
23 authority.

24 (c) A town may initiate a process to authorize aggregation by a majority vote of a town
25 meeting or of the town council. A city may initiate a process to authorize aggregation by a majority
26 vote of the city council, with the approval of the mayor, or the city manager. Two (2) or more
27 municipalities may, as a group, initiate a process jointly to authorize aggregation by a majority vote
28 of each particular municipality as required in this section.

29 (d) Upon the applicable requisite authority under this section, the legislative authority shall
30 develop a plan of operation and governance for the aggregation program so authorized. Before
31 adopting a plan under this section, the legislative authority shall hold at least one public hearing on
32 the plan. Before the hearing, the legislative authority shall publish notice of the hearing once a
33 week for two (2) consecutive weeks in a newspaper of general circulation in the jurisdiction. The
34 notice shall summarize the plan and state the date, time, and location of any hearing. A municipality

1 or group of municipalities establishing load aggregation pursuant to this section shall develop a
2 plan, for review by its citizens, detailing the process and consequences of aggregation. The plan
3 shall identify which classes of customers may participate, based on their applicable electric
4 distribution company tariff or rate schedule. Any municipal load aggregation plan established
5 pursuant to this section shall provide for universal access to all applicable customers and equitable
6 treatment of applicable classes of customers and shall meet any requirements established by law or
7 the commission concerning aggregated service. The plan shall be filed with the commission, for its
8 final review and approval, and shall include, without limitation, an organizational structure of the
9 program, its operations, and its funding; the process for establishing rates and allocating costs
10 among participants; the methods for entering and terminating agreements with other entities; the
11 rights and responsibilities of program participants; and termination of the program. The plan must
12 also include the terms and conditions under which retail customers who have chosen to opt-out of
13 the aggregated service may take service from the aggregated entity. At the time of the legislative
14 authority's filing of the plan with the commission, a copy of the proposed plan filing shall be
15 provided to the electric distribution company whose customers would be included in the plan. Prior
16 to its decision, the commission shall conduct a public hearing. Following approval of the plan, the
17 legislative authority may solicit bids from nonregulated power producers pursuant to the methods
18 established by the plan. The legislative authority shall report the results of this solicitation and
19 proposed agreement awards to the commission. The legislative authority shall have the right to
20 terminate the operation of the plan by placing its customers on last-resort service. If the legislative
21 authority terminates the operation of the plan and places customers on last-resort service, a
22 municipality seeking to form a new municipal aggregation load must submit a new plan to the
23 commission for approval, in accordance with this section, before the customers may enroll in a new
24 aggregation program.

25 (e)(1) Any retail customer in a municipality with an approved aggregation plan may elect
26 instead to receive retail supply from another licensed retail supplier or from the local distribution
27 company. Within thirty (30) days of the date the aggregated entity is fully operational, ratepayers
28 who have not affirmatively elected an alternative authorized supplier shall be transferred to the
29 aggregated entity subject to the opt-out provision in this section. Following adoption of aggregation
30 as specified above, the program shall allow any retail customer to opt-out and choose any supplier
31 or provider that the retail customer wishes. Nothing in this section shall be construed as authorizing
32 any city or town or any municipal retail load aggregator to restrict the ability of retail electric
33 customers to obtain or receive service from any authorized provider of it.

34 (2) It shall be the duty of the aggregated entity to fully inform participating ratepayers in

1 advance of automatic enrollment that they are to be automatically enrolled and that they have the
2 right to opt-out of the aggregated entity without penalty. In addition, such disclosure shall
3 prominently state all charges to be made and shall include full disclosure of the standard-offer rate,
4 how to access it, and the fact that it is available to them without penalty, if they are currently on
5 standard-offer service. The commission shall furnish, without charge, to any citizen a list of all
6 other supply options available to them in a meaningful format that shall enable comparison of price
7 and product.

8 (f) The municipality or group of municipalities shall, within two (2) years of approval of
9 its plan, or such further time as the commission may allow, provide written notice to the
10 commission that its plan is implemented. The commission may revoke certification of the
11 aggregation plan if the municipality or group of municipalities fails to substantially implement the
12 plan.

13 (g) The commission may, from time to time, promulgate rules by which the legislative
14 authority may request information from the electric-distribution company or companies whose
15 customers would be included in its plan. These rules shall ensure that municipalities have
16 reasonable and timely access to information pertinent to the formation of the plan and solicitation
17 of bids to serve customers, that confidentiality of individuals is protected, that charges for
18 production of data are reasonable and not unduly burdensome to the legislative authority.

19 **39-3-17. Procedure for obtaining authority for security issues.**

20 (a) The proceedings for obtaining the consent and authority of the division for the security
21 issue as provided in §§ 39-3-15 -- 39-3-23 shall be as follows:

22 (1) In case the stocks, bonds, notes, or other evidence of indebtedness are to be issued for
23 money only, the public utility shall file with the division a statement, signed and verified by the
24 president and secretary thereof, setting forth:

25 (i) The amount and character of the stocks, bonds, or other evidence of indebtedness;

26 (ii) The purposes for which they are to be issued;

27 (iii) The terms upon which they are to be issued;

28 (iv) The total assets and liabilities of the public utility in such detail as the division may
29 require;

30 (v) If the issue is desired for the purpose of reimbursement of money expended from
31 income, as herein provided, the amount expended, when and for what purposes expended; and

32 (vi) Such other facts and information pertinent to the inquiry as the division may require.

33 (2) If the stocks, bonds, notes, or other evidence of indebtedness are to be issued, partly, or
34 wholly for property or services or other consideration than money, the public utility shall file with

1 the division a statement, signed and verified by its president and secretary, setting forth:

2 (i) The amount and character of the stocks, bonds, or other evidence of indebtedness
3 proposed to be issued;

4 (ii) The purposes for which they are to be issued;

5 (iii) The description and value of the property or services for which they are to be issued;

6 (iv) The terms on which they are to be issued or exchanged;

7 (v) The amount of money, if any, to be received from the same in addition to the property,
8 service, or other consideration;

9 (vi) The total assets and liabilities of the public utility in such detail as the division may
10 require; and

11 (vii) Such other facts and information pertinent to the inquiry as the division may require.

12 (b) For the purpose of enabling the division to determine whether it should issue the order,
13 it shall hold such hearings, make such inquiries or investigations, and examine such witnesses,
14 books, papers, documents, and contracts as it may deem proper.

15 SECTION 5. Section 39-9-2 of the General Laws in Chapter 39-9 entitled "Railroad Rates
16 and Service" is hereby amended to read as follows:

17 **39-9-2. Abandonment of stations -- Seasonal stations.**

18 No railroad corporation shall abandon any railroad station which is on its road and in this
19 state after the station has been established for twelve (12) months, except by permission of the
20 commission; but the corporation may establish stations to be used only during ~~such~~ certain months
21 of each year, and for such trains, as they may designate by notice put up and maintained in some
22 conspicuous place at the stations so established, specifying the months during which the station
23 will be used.

24 SECTION 6. Sections 39-12.1-4, 39-12.1-5, 39-12.1-8 and 39-12.1-13 of the General Laws
25 in Chapter 39-12.1 entitled "The Towing Storage Act" are hereby amended to read as follows:

26 **39-12.1-4. Notice and processing of abandoned and unclaimed motor vehicles by**
27 **certificated tower.**

28 (a) A certified tower removing an abandoned or unattended vehicle shall notify within two
29 (2) hours thereof, the police department of the city or town from which the vehicle is towed, and
30 shall provide:

31 (1) The year, make, model and serial number of the vehicle.

32 (2) The name, address and telephone number of the certificated tower.

33 (3) The street address or location from which the vehicle was towed.

34 (b) A certificated tower removing an abandoned or unattended vehicle shall notify within

1 fourteen (14) days thereof, by registered mail, return receipt requested, the last known registered
2 owner of the vehicle and all lienholders of record at the address shown in the records of the
3 appropriate registry in the state in which the vehicle is registered that the vehicle has been taken
4 into custody. The notice shall be substantially in the form provided in § 39-12.1-13 and shall
5 describe:

6 (1) The year, make, model and serial number of the vehicle.

7 (2) The name, address and telephone number of the certificated tower.

8 (3) That the vehicle is in the possession of that certificated tower.

9 (4) That recovery, towing, and storage charges are accruing as a legal liability of the
10 registered and/or legal owner.

11 (5) That the certificated tower claims a possessory lien for all recovery, towing, and storage
12 charges.

13 (6) That the registered and/or legal owner may retake possession at any time during
14 business hours by appearing, proving ownership, and paying all charges due the certificated tower
15 pursuant to its published tariff.

16 (7) That should the registered and/or legal owner consider that the original taking was
17 improper or not legally justified, he or she has a right to file an administrative complaint pursuant
18 to chapter 12 of this title to contest the original taking.

19 (8) That if no claim is filed and the vehicle is not claimed and possession retaken or
20 arranged for within thirty (30) days of the mailing of the notice, the lien will be foreclosed and the
21 vehicle will be sold at public auction.

22 (9) That the proceeds of the sale shall be first applied to recovery, towing, and storage
23 charges with ~~and~~ any excess proceeds being deposited as provided in accordance with § 39-12.1-
24 9(d)(3).

25 (10) That any recovery, towing, and storage charges in excess of the sale proceeds shall
26 remain as a civil obligation of the registered and/or legal owner.

27 (c) If the identity of the last registered owner cannot be determined from the records of the
28 appropriate registry in the state in which the vehicle is registered, or if the registration contains no
29 address for the ownership or if it is impossible to determine with reasonable certainty the identity
30 and addresses of all lienholders, notice by one publication in one newspaper of general circulation
31 in the area where the vehicle was abandoned or left unattended shall be sufficient to meet all
32 requirements of notice pursuant to this chapter. A notice by publication may contain multiple
33 listings of abandoned or unattended vehicles. Any notice by publication shall be within the time
34 requirements prescribed for notice by registered mail and shall have the same contents required for

1 a notice by registered mail.

2 **39-12.1-5. Special procedure regarding certain abandoned vehicles.**

3 (a) If an abandoned, abandoned and of no value, or unattended vehicle, as defined in § 39-
4 12.1-2, is at least ten (10) years old or less than ten (10) years old and has an altered vehicle
5 identification number, has not been registered within one year, has no established fair market value
6 and would not pass a safety inspection pursuant to chapter 38 of title 31, a certificated tower shall
7 not be required to comply with the provisions of § 39-12.1-4.

8 (b) If a police department takes possession or orders the removal of a vehicle which meets
9 the requirements of this section, the police department shall request that the state police conduct a
10 computer search to determine if the vehicle is a stolen vehicle. The police department shall remove
11 the vehicle identification number from the vehicle and shall maintain a record of all numbers
12 removed from vehicles for a period of two (2) years.

13 (c) A police department which complies with the provisions of this section may dispose of
14 the vehicle in accordance with the provisions of § 39-12.1-9 five (5) days after the removal of the
15 vehicle identification number.

16 **39-12.1-8. Notice prior to enforcement of possessory lien.**

17 (a) Prior to enforcement of its possessory lien as provided in § 39-12.1-9, the certificated
18 tower shall give notice by registered mail, return receipt requested, to the last known registered
19 owner and all known lienholders of record, at the address shown on the records ~~appropriate~~ of the
20 appropriate registry, in the state of which the vehicle is registered, substantially in the form
21 provided in § 39-12.1-14, stating:

22 (1) That no complaint having been filed and that the vehicle has not been claimed or
23 possession retaken or arranged for within thirty (30) days of the notice given pursuant to § 39-12.1-
24 4.

25 (2) That the certificated tower claims a possessory lien for all recovery, towing, and storage
26 charges.

27 (3) That the registered and/or legal owner may retake possession at any time during
28 business hours by appearing, proving ownership, and paying all charges due the certificated tower
29 pursuant to its published tariff; and

30 (4) That if the vehicle is not claimed and possession retaken, or arranged for, within ten
31 (10) days of the mailing of the notice, the lien will be foreclosed and the vehicle will be sold at
32 public auction;

33 (5) The date, time, and place at which the public auction shall occur.

34 (6) That any charges in excess of the sale proceeds shall remain as a civil obligation of the

1 owner.

2 (b) If the identity of the last known registered owner and/or the lienholders cannot be
3 determined by a request to the appropriate registry in the state in which the vehicle is registered,
4 notice by the certificated tower pursuant to § 39-12.1-4(b) shall be sufficient notice prior to
5 foreclosure of the possessory lien; provided, however, in such instance, no such foreclosure shall
6 occur prior to sixty (60) days after the date of notice by the certificated tower.

7 (c) During the sixty (60) day period described in subsection (b) of this section, provided
8 for in § 39-12.1-9(a), should the last registered and/or legal owner receive actual notice containing
9 the items referred to in subsection (a) of this section, the certificated tower may proceed with lien
10 foreclosure procedures set forth in this chapter.

11 (d) Notwithstanding the fact that the last registered owner of the vehicle proves that the
12 vehicle has been sold to another owner but that the registration has not been transferred, the last
13 registered owner shall remain primarily liable to the certificated tower for all charges incurred for
14 towing and storage charges less whatever proceeds are realized at the foreclosure sale.

15 (e) In the event it shall be determined that failure to locate the last registered and/or legal
16 owner and/or lienholders was caused by any misinformation furnished by any agency of
17 government, or because of lack of information which a government agency has the legal duty to
18 provide, and providing that the certificated tower shall have exercised its best efforts to locate the
19 last registered and/or legal owner and/or lienholders, the certificated tower shall be absolved of any
20 civil duty to the lawful owner of the vehicle, and shall have complete defense against any criminal
21 charges growing out of the disposal of the vehicle as provided in this section. In this regard, a
22 certificated tower shall rely on the performance of law enforcement to comply with statutes dealing
23 with the reporting of vehicles reported stolen. In addition, proof by the certificated tower of having
24 made inquiry of the appropriate registry in the state in which the vehicle is registered in the manner
25 required by the registry shall constitute best efforts.

26 **39-12.1-13. Form of notice.**

27 TO: (LAST REGISTERED OWNER AND KNOWN LIENHOLDER)

28 You are hereby given notice that a _____ (year, make, and model of vehicle) serial
29 number _____, is being stored at _____ (name, address and telephone number of
30 storage facility). The vehicle is in the possession of _____ (name, address and telephone
31 number of certificated tower), having been towed at the direction of _____ (name of police
32 department or person ordering tow) because _____ (reason for tow).

33 You are given notice that recovery, towing, and storage charges, for which the registered
34 and/or legal owner is liable, are accruing and that _____ (tower's name, address and telephone

1 number) has claimed a possessory lien, pursuant to § 39-12.1-6, for the charges. You may take
2 possession of the vehicle at any time during regular business hours by appearing with a police
3 release, if required, and payment of all charges accrued to date of retaking.

4 If you claim that the original towing was improper or not legally justified you may contest
5 the towing by filing a complaint within ten (10) days from the date of this notice with the public
6 utilities commission, provided that security in an amount and form **complaint** satisfactory to the
7 public utilities commission is posted with the filing of the complaint.

8 You are further given notice that if you fail to file a complaint or fail to retake possession
9 of the vehicle, the vehicle will be sold at public auction and the proceeds of the sale will be first
10 applied to recovery, towing, and storage charges with any excess to be deposited with the public
11 utilities commission to be held in an account for the registered or legal owner or entitled lienholders
12 as provided for in § 39-12.1-9(d)(3).

13 You are further given notice that any recovery, towing and storage charges in excess of the
14 sale proceeds shall remain as a civil obligation of the owner.

15 _____
16 _____

17 (Name and address of certificated tower or attorney)

18 SECTION 7. Section 39-14-22 of the General Laws in Chapter 39-14 entitled "Taxicabs
19 and Limited Public Motor Vehicles" is hereby amended to read as follows:

20 **39-14-22. Enforcement of provisions.**

21 The administrator of the division of motor vehicles shall enforce the provisions of §§ 39-
22 14-18, 39-14-19, 39-14-20(a), and 39-14-21, ~~and 39-14-22.~~

23 SECTION 8. Section 39-14.2-1, 39-14.2-4 and 39-14.2-7 of the General Laws in Chapter
24 39-14.2 entitled "Transportation Network Company Services" are hereby amended to read as
25 follows:

26 **39-14.2-1. Definitions.**

27 Terms in this chapter shall be construed as follows, unless another meaning is expressed
28 or is clearly apparent from the language or context:

29 (1) "Active TNC driver" means a TNC driver who has provided at least one prearranged
30 ride through the TNC in the preceding ninety (90) days.

31 (2) "Administrator" means the administrator of the division of public utilities and carriers.

32 (3) "Digital network" means any online-enabled technology application service, website,
33 or system offered or utilized by a transportation network company that enables the prearrangement
34 of rider transportation with transportation network company drivers.

1 (4) "Division" means the division of public utilities and carriers.

2 (5) "Partner" or "partnering" means the act of a TNC operator agreeing to the terms and
3 conditions set forth by a TNC for access to the TNC's digital network for the purpose of being
4 connected to potential TNC riders seeking TNC services.

5 (6) "Person" means and includes any individual, partnership, corporation, or other
6 association of individuals.

7 (7) "Personal vehicle" means a vehicle that is used by a transportation network company
8 driver and is:

9 (i) Designed to hold no more than seven (7) individuals, including the driver;

10 (ii) Owned, leased, or otherwise authorized for use by the individual; and

11 (iii) Not a jitney, as defined in § 39-13-1; a taxicab or limited public motor vehicle, as
12 defined in § 39-14-1; a public motor vehicle, as defined in § 39-14.1-1; or a common carrier as
13 defined in title 39.

14 (8) "Transportation network company" or "TNC" means an entity licensed by the division
15 pursuant to this chapter that uses a digital network to connect transportation network company
16 riders to transportation network operators who provide prearranged rides. A transportation network
17 company shall not be deemed to control, direct, or manage the personal vehicles or transportation
18 network company drivers that connect to its digital network, except where agreed to by written
19 contract.

20 (9) "Transportation network company affiliation placard" or "TNC affiliation placard"
21 means a recognizable logo or decal issued by the TNC used to identify personal vehicles whenever
22 such a vehicle is available to provide, or is providing, TNC services.

23 (10) "Transportation network company operator" or "TNC operator" or "TNC driver"
24 means an individual who:

25 (i) Receives connections to potential riders and related services from a transportation
26 network company in exchange for payment of a fee to the transportation network company; and

27 (ii) Uses a personal vehicle to offer or provide a prearranged ride to TNC riders upon
28 connection through a digital network controlled by a transportation network company in exchange
29 for compensation or payment of a fee.

30 (11) "Transportation network company ~~(TNC)~~ rider" or "TNC rider" means ~~an individual~~
31 ~~or persons~~ a person who uses a transportation network company's digital network to connect with
32 a transportation network driver who provides prearranged rides to the rider in the driver's personal
33 vehicle between points chosen by the rider.

34 (12) "Transportation network company services" or "prearranged ride" means the provision

1 of transportation by a TNC driver to a TNC rider beginning when a TNC driver accepts a TNC
2 rider's request for a ride made only through a digital network controlled by a transportation network
3 company (TNC), continuing while the TNC driver transports the requesting TNC rider(s), and
4 ending when the last requesting TNC rider(s) departs from the personal vehicle. TNC services and
5 prearranged rides do not include transportation provided using a jitney, as defined in § 39-13-1; a
6 taxicab or limited public motor vehicle, as defined in § 39-14-1; a public motor vehicle, as defined
7 in § 39-14.1-1; a common carrier as defined in title 39, or a regional transportation provider. TNC
8 services and prearranged rides do not include a shared-expense carpool or vanpool arrangement or
9 service.

10 **39-14.2-4. Audit procedures.**

11 (a) For the sole purpose of verifying that a TNC is in compliance with the requirements of
12 this chapter and no more often than annually, the division shall have the right to visually inspect a
13 sample of records that the TNC is required to maintain. The sample shall be chosen randomly by
14 the division in a manner agreeable to both parties. The audit shall take place at a mutually agreed
15 upon location in Rhode Island. Any record furnished to the division may exclude information that
16 would tend to identify specific drivers or riders.

17 (b) In addition to the provisions of subsection (a), in response to a specific complaint
18 against any TNC driver, or upon reasonable suspicion that a violation of this chapter has occurred,
19 the division is authorized to inspect records held by the TNC that are necessary to investigate and
20 resolve the complaint. Any record furnished to the division ~~and~~ may exclude information that
21 would tend to identify specific drivers or riders, unless the identity of a driver or rider is relevant
22 to the complaint.

23 (c) Any records inspected by the division under this chapter shall be held confidential by
24 the division and are not subject to disclosure to a third party by the division without prior written
25 consent of the TNC, and are exempt from disclosure under the Rhode Island Access to Public
26 Records Act, chapter 2 of title 38. Nothing in this section shall be construed as limiting the
27 applicability of any other exemptions under the Rhode Island Access to Public Records Act, chapter
28 2 of title 38.

29 **39-14.2-7. Transportation network company operators or TNC operators, TNC**
30 **drivers.**

31 (a) No individual shall provide TNC services or transport TNC riders in a personal vehicle
32 until the individual shall have first submitted to required, periodic background checks conducted
33 through the TNC in accordance with subsection (b).

34 (b) Prior to permitting an individual to accept trip requests through its digital network, a

1 TNC shall:

2 (1) Require the individual to submit an application to the TNC. The application shall
3 include the individual's name; address; age; driver's license number; photocopy or electronic copy
4 of the driver's license; motor-vehicle registration for the personal vehicle that the individual intends
5 to use to provide prearranged rides; automobile liability insurance; and other information as may
6 be required by the TNC.

7 (2) Conduct, or have a third party accredited by the National Association of Professional
8 Background Screeners conduct, a local and national criminal background check for each applicant
9 that shall include:

10 (i) Multi-state/multi-jurisdictional criminal records locator or other similar commercial
11 nationwide database with validation (primary source search); and

12 (ii) Dru Sjodin National Sex Offender Public Website; and

13 (3) Obtain and review, or have a third party obtain and review, a driving history research
14 report for such driving applicant.

15 (c) The TNC shall certify that the required background checks verify that the applicant
16 meets the following criteria:

17 (1) Has not had more than three (3) moving violations in the prior three-year (3) period, or
18 one of the following major violations in the prior three-year (3) period:

19 (i) Attempting to evade the police;

20 (ii) Reckless driving ~~or driving on a suspended; or ;~~

21 (iii) Driving on a suspended license; or

22 ~~(iii)~~(iv) Revoked license;.

23 (2) Has not, in the past seven (7) years, been convicted of or pleaded nolo contendere to
24 any of the following:

25 (i) Driving under the influence of drugs or alcohol;

26 (ii) Felony fraud;

27 (iii) Sexual offenses;

28 (iv) Use of a motor vehicle to commit a felony;

29 (v) Felony crimes involving property damage and/or theft; or

30 (vi) Acts of violence or felony acts of terror;

31 (3) Is not a match in the Dru Sjodin National Sex Offender Public Website;

32 (4) Possesses a valid driver's license;

33 (5) Possesses proof of registration for the motor vehicle to be used to provide prearranged
34 rides or TNC services;

1 (6) Possesses proof of automobile liability insurance, that satisfies the financial-
2 responsibility requirement for a motor vehicle under § 31-47-2(13)(i)(A), for the motor vehicle(s)
3 to be used to provide prearranged rides or TNC services; and

4 (7) Is at least nineteen (19) years of age.

5 (d) TNC operators may be affiliated with or may "partner" with more than one properly
6 permitted transportation network company to provide TNC services.

7 SECTION 9. Section 39-16-1 of the General Laws in Chapter 39-16 entitled "Kent County
8 Water District" is hereby amended to read as follows:

9 **39-16-1. Definitions.**

10 **As used in this chapter the following definitions shall apply:**

11 ~~(a)~~**(1)** "Authority" means the corporation created by § 39-16-3.

12 ~~(b)~~**(2)** "Board" means the members of the authority.

13 ~~(c)~~**(3)** "Bonds" means the bonds, notes, or other obligations issued by the authority pursuant
14 to this chapter.

15 ~~(d)~~**(4)** "District" means the Kent County water district.

16 ~~(e)~~**(5)** "Property" means any or all of the properties of any water supply and distribution
17 system or part thereof, including plants, works, and instrumentalities, and all properties used or
18 useful in connection therewith, and all parts thereof and all appurtenances thereto, including lands,
19 easements, rights in land and water rights, rights-of-way, contract rights, franchises, approaches,
20 connections, dams, reservoirs, water mains and pipelines, pumping stations and equipment, or any
21 other property incidental to and included in the system or part thereof situated within or without
22 the district.

23 ~~(f)~~**(6)** "Treasurer" means the treasurer of the authority.

24 SECTION 10. Sections 39-18-4.1 and 39-18-9 of the General Laws in Chapter 39-18
25 entitled "Rhode Island Public Transit Authority" are hereby amended to read as follows:

26 **39-18-4.1. Health and safety of passengers.**

27 (a) The authority shall have the power to establish reasonable rules of conduct for
28 passengers for the protection of the health and safety of passengers and employees of the authority.
29 The rules shall incorporate the provisions of the Americans with Disabilities Act of 1990, 42 U.S.C.
30 § 12101 et seq., and § 28-5.1-7, chapter 28 of title 11 and chapter 87 of title 42 and be promulgated
31 in accordance with the provisions of chapter 35 of title 42.

32 (b) All controversies arising out of application of any provision of this section shall be
33 determined by the general manager or his or her designated hearing officer, who shall afford a
34 hearing to the passenger and/or his or her parent or guardian, and, after hearing, shall render a

1 written decision. The decision of the general manager or hearing officer shall be final except that
2 the passenger aggrieved by the decision shall have a right of appeal to the superior court, which
3 shall affirm the decision unless it is clearly erroneous or contrary to law. The hearing shall be
4 conducted in accordance with the provisions of chapter 35 of title 42.

5 (c) Notice shall be provided to the RIdE funding agency or agencies for any hearing
6 regarding their client/passengers on RIdE vehicles. A representative of the RIdE funding agency or
7 agencies may attend the hearing. The general manager or hearing officer will consider the
8 recommendation of the RIdE funding agency's representative in rendering his/her decision.

9 (d) The decision of the general manager or hearing officer may include:

10 (1) Refusing to transport a person whose violation of the rules of the authority threatens
11 the health and safety of passengers or employees of the authority, for a period not to exceed six (6)
12 months; and/or

13 (2) Revoking a passenger's ticket, pass, or other fare medium, regardless of the number of
14 trips or time period for which the ticket, pass, or other fare medium is valid, if the passenger's
15 continued presence on an authority vehicle or at an authority facility threatens the health or safety
16 of the authority's other passengers or employees. The authority shall within a reasonable time after
17 such a revocation, refund to the passenger the unused value of the ticket, pass, or other fare medium.

18 (e) Nothing under this section precludes any other action permitted by law.

19 (f) All RIdE buses shall be installed with passenger security cameras when federal funds
20 become available for this purpose.

21 (g) Any person seeking employment as a RIdE bus driver shall undergo a criminal
22 background check to be initiated prior to or within one week of employment. All employees hired
23 prior to the enactment of this subsection shall be exempted from its requirements.

24 (1) The applicant shall apply to the bureau of criminal identification (BCI), department of
25 attorney general, state police or local police department where he or she resides, for a statewide
26 criminal records check. Fingerprinting shall not be required. Upon the discovery of any
27 disqualifying information as defined in § 23-17-37, the bureau of criminal identification, ~~of~~ the
28 state police, or the local police department will inform the applicant, in writing, of the nature of the
29 disqualifying information; and, without disclosing the nature of the disqualifying information, will
30 notify the employer, in writing, that disqualifying information has been discovered.

31 (2) An individual against whom disqualifying information has been found may request that
32 a copy of the criminal background report be sent to the employer who shall make a judgment
33 regarding the ability of the individual to drive a RIdE bus. In those situations in which no
34 disqualifying information has been found, the bureau of criminal identification, state police, or local

1 police department shall inform the applicant and the employer in writing of this fact.

2 (3) The criminal record check requirements of this section shall apply only to persons
3 seeking to drive Ride buses.

4 **39-18-9. Revenues.**

5 The authority is hereby authorized and empowered to fix and revise from time to time, such
6 schedules of service and such rates of fare and charges for service furnished or operated as it
7 determines to be reasonable. The schedules of service, rates of fare, and charges for service shall
8 not be subject to supervision or regulation by any commission, board, bureau, or agency of the state
9 or of any municipality or other political subdivision of the state; except as provided in § 39-18-4.
10 Provided, however, ~~if there are~~ any changes in frequency of services of more than fifteen percent
11 (15%), providers of service, rates of service, other than system wide changes, and charges for
12 service shall be presented for comment [in](#) at least one public hearing scheduled in an accessible
13 location in each county affected, and the hearing shall be scheduled in two (2) sessions, one during
14 daytime business hours and one during evening hours. The revenues derived from the authority's
15 operations and any other funds or property received or to be received by the authority (including,
16 without limitation, any funds or other property received or to be received by the authority pursuant
17 to § 39-18-4(a)(10)), in whole or in part, at any time and from time to time, may be pledged to, and
18 charged with, the payment of the principal of and the interest on some or all of the authority's bonds
19 as provided for in the resolution authorizing the issuance of the bonds or in the trust agreement
20 securing the bonds. The pledge shall be valid and binding from the time when the pledge is made;
21 the revenues, funds, or other property so pledged, and thereafter received by the authority, shall
22 immediately be subject to the lien of the pledge without any physical delivery thereof or further
23 act, and the lien of any pledge shall be valid and binding as against all parties having claims of any
24 kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have
25 notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be
26 filed or recorded except in the records of the authority.

27 SECTION 11. Section 39-18.1-5 of the General Laws in Chapter 39-18.1 entitled
28 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as
29 follows"

30 **39-18.1-5. Allocation of funds.**

31 (a) The monies in the highway maintenance fund to be directed to the department of
32 transportation pursuant to ~~subsection (a)(1) § 39-18.1-4(b)(1) – (b)(3) of this section~~ shall be
33 allocated through the transportation improvement program process to provide the state match for
34 federal transportation funds, in place of borrowing, as approved by the state planning council. The

1 expenditure of moneys in the highway maintenance fund shall only be authorized for projects that
2 appear in the state's transportation improvement program.

3 (b) Provided, however, that beginning with fiscal year 2015 and annually thereafter, the
4 department of transportation will allocate necessary funding to programs that are designed to
5 eliminate structural deficiencies of the state's bridge, road, and maintenance systems and
6 infrastructure.

7 (c) Provided, further, that beginning July 1, 2015, five percent (5%) of available proceeds
8 in the Rhode Island highway maintenance account shall be allocated annually to the Rhode Island
9 public transit authority for operating expenditures.

10 (d) Provided, further, that from July 1, 2017, and annually thereafter, in addition to the
11 amount above, the Rhode Island public transit authority shall receive an amount of not less than
12 five million dollars (\$5,000,000) each fiscal year.

13 (e) Provided, further, that the Rhode Island public transit authority shall convene a
14 coordinating council consisting of those state agencies responsible for meeting the needs of low-
15 income seniors and persons with disabilities, along with those stakeholders that the authority deems
16 appropriate and are necessary to inform, develop, and implement the federally required
17 Coordinated Public Transit Human Services Transportation Plan.

18 The council shall develop, as part of the state's federally required plan, recommendations
19 for the appropriate and sustainable funding of the free-fare program for low-income seniors and
20 persons with disabilities, while maximizing the use of federal funds available to support the
21 transportation needs of this population.

22 The council shall report these recommendations to the governor, the speaker of the house
23 of representatives, and the president of the senate no later than November 1, 2018.

24 SECTION 12. Section 39-21-10 of the General Laws in Chapter 39-21 entitled "E-911
25 Uniform Emergency Telephone System Division" is hereby amended to read as follows:

26 **39-21-10. Appropriation of revenues.**

27 With the exception of money received by the division from the sale or licensing of
28 communications and educational materials regarding the use of 911 as a uniform emergency
29 telephone number and system, all money received by the division for the use of the facilities of the
30 project shall be paid over to the general treasurer and by him or her deposited in the fund. All
31 money in the fund is hereby appropriated by the provisions of the chapter to be expended by the
32 division for administration and all expenses relating to the planning, construction, equipping,
33 ~~operational~~ operation, and maintenance of the project; and the state controller is hereby
34 authorized and directed to draw his or her orders upon the general treasurer for the payment of such

1 sum or sums as may be necessary from time to time. All money received by the division for the
2 sale or licensing of communications and educational materials as described in this chapter shall be
3 deposited into a separate account or fund by the general treasurer for the sole restricted purpose of
4 financially supporting the creation, distribution, and use of public educational materials regarding
5 the use of 911 as a uniform emergency telephone number and system. For these purposes, the state
6 controller is hereby authorized and directed to draw his or her orders upon the general treasurer for
7 the payment of such sum or sums as may be necessary from time to time as determined by the
8 associate director or his or her designee.

9 SECTION 13. Section 39-21.1-4 and 39-21.1-16 of the General Laws in Chapter 39-21.1
10 entitled "911 Emergency Telephone Number Act" are hereby amended to read as follows:

11 **39-21.1-4. Confidentiality.**

12 Automatic number identification (ANI) and automatic location identification (ALI)
13 information that consists of the name, address, and telephone numbers of telephone subscribers
14 shall be confidential. Dissemination of the information contained in the 911 automatic number and
15 automatic location data base is prohibited except for the following purposes:

16 (1) The information will be provided to the public safety answering point (PSAP) on a call-
17 by-call basis only for the purpose of handling emergency calls, or for training and any permanent
18 record of the information shall be secured by the public safety answering points and disposed of in
19 a manner which will retain that security except as otherwise required by applicable law.

20 (2) All telephone calls and telephone call transmissions received pursuant to this chapter
21 and all tapes containing records of telephone calls shall remain confidential and used only for the
22 purpose of handling emergency calls and for public safety purposes as may be needed for law
23 enforcement, fire, medical, rescue or other emergency services. The calls shall not be released to
24 any other parties without the written consent of the person whose voice is recorded, or upon order
25 of the court.

26 (3) The ALI -- ANI Database may be provided to all city, state and town emergency
27 management agencies, fire departments and police departments of the state of Rhode Island for the
28 purposes of, and restricted to, establishing systems of emergency public warning. ALI -- ANI
29 Database shall be defined as automatic location identification and automatic number identification
30 information identifying the land-line telephone numbers and addresses (but shall not include the
31 names, whether listed, unlisted or unpublished) of subscribers to telephone common carrier services
32 in the state.

33 (4) Telephone numbers, including listed, unlisted and unpublished numbers, and street
34 numbers and addresses (excluding individual names), if contained within the Rhode Island E-911

1 ALI -- ANI Database, may be provided by Rhode Island E-911, on a reasonable basis as determined
2 by Rhode Island E-911 to city, state and town emergency management agencies, fire departments
3 and police departments for the sole purpose of allowing individual city, state or town emergency
4 management agency, fire department, and/or police department to warn local residents of imminent
5 and significant threats to public safety.

6 (5) The city or town local emergency warning system ALI -- ANI Database shall be located
7 in a restricted access and secured facility located within the local emergency management office,
8 fire department and/or police department. Additionally the local emergency warning system ALI -
9 - ANI Database shall be secure from unauthorized access and shall be accessible only by the city
10 or town emergency management director, fire chief or police chief and no more than three (3)
11 department members (who shall be known as emergency warning officers) appointed in writing by
12 the respective department director or chief with a copy of the appointment which includes the name,
13 title, and duration of appointment sent to Rhode Island E-911. The activation of the local emergency
14 warning system can only be approved and authorized by the department director or chief or his/her
15 authorized emergency warning officer. ~~Any any~~ access to the local ALI -- ANI data base shall be
16 documented by use of a secure electronic log that records such access and which shall be maintained
17 for a period of no less than twelve (12) months. Any unauthorized and/or inappropriate access of
18 the local emergency warning system ALI -- ANI Database is to be reported immediately in writing
19 to Rhode Island E-911.

20 (6) A violation of the provisions of this section shall be a criminal offense punishable by
21 up to one year imprisonment and/or a fine not to exceed one thousand dollars (\$1,000).

22 **39-21.1-16. Providing false information.**

23 No person shall call or otherwise cause the number nine-one-one (911) to be called for the
24 purpose of knowingly making a false alarm or complaint or reporting false information which could
25 result in the dispatch of emergency services from any public agency as defined in § ~~39-21.1-3(6)~~
26 ~~39-21.1-3(7) of this chapter~~. Any person violating the provisions of this section, upon conviction,
27 shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars
28 (\$1,000) or imprisonment for a term not exceeding one year or both.

29 SECTION 14. Sections 39-21.2-3, 39-21.2-4 and 39-21.2-5 of the General Laws in Chapter
30 39-21.2 entitled "Prepaid Wireless E911 Charge Act" are hereby amended to read as follows:

31 **39-21.2-3. Definitions.**

32 For purposes of this chapter, the following terms shall have the following meanings:

33 (1) "Consumer" means a person who ~~purchase~~ purchases prepaid wireless
34 telecommunications service in a retail transaction.

1 (2) "Division" means the division of taxation.

2 (3) "Prepaid wireless charge" means the charge that is required to be collected by a seller
3 from a consumer in the amount established under § 39-21.2-4.

4 (4) "Prepaid wireless telecommunications service" means a wireless telecommunications
5 service that allows a caller to dial 911 to access the 911 system, which service must be paid for in
6 advance and is sold in predetermined units or dollars of which the number declines with use in a
7 known amount.

8 (5) "Provider" means a person that provides prepaid wireless telecommunications service
9 pursuant to a license issued by the Federal Communications Commission.

10 (6) "Retail transaction" means the purchase of prepaid wireless telecommunications service
11 from a seller for any purpose other than resale.

12 (7) "Seller" means a person who sells prepaid wireless telecommunications service to
13 another person.

14 (8) "Wireless telecommunications service" means commercial mobile radio service as
15 defined by section 20.3 of title 47 of the code of Federal Regulations, as amended.

16 **39-21.2-4. E-911 surcharge.**

17 (a) Amount of charge. The prepaid wireless E-911 charge is hereby levied at the rate of
18 two and one-half percent (2.5%) per retail transaction ~~or, on and after the effective date of an~~
19 ~~adjusted amount per retail transaction that is established under subsection (f) of this section,~~
20 ~~such adjusted amount.~~

21 (b) Collection of charge. The prepaid wireless charge shall be collected by the seller from
22 the consumer with respect to each retail transaction occurring in this state. The amount of the
23 prepaid wireless charge shall be either separately stated on an invoice, receipt, or other similar
24 document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

25 (c) Application of charge. For purposes of subsection (b) of this section, a retail transaction
26 that is effected in person by a consumer at a business location of the seller shall be treated as
27 occurring in this state if that business location is in this state, and any other retail transaction shall
28 be treated as occurring in this state if the retail transaction is treated as occurring in this state for
29 purposes of chapter 18 of title 44.

30 (d) Liability for charge. The prepaid wireless charge is the liability of the consumer and
31 not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless
32 charges that the seller collects from consumers as provided in § 39-21.2-5, including all such
33 charges that the seller is deemed to collect where the amount of the charge has not been separately
34 stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

1 (e) Exclusion of charge from base of other taxes and fees. The amount of the prepaid
2 wireless charge that is collected by a seller from a consumer, if such amount is separately stated on
3 an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be
4 included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this
5 state, any political subdivision of this state, or any intergovernmental agency, including, but not
6 limited to, the tax imposed under chapter 18 of title 44 nor be included within the telephone
7 common carrier's gross earnings for the purpose of computing the tax under chapter 13 of title 44.

8 (f) [Deleted by P.L. 2019, ch. 88, art. 2, § 9].

9 (g) Bundled transactions. When prepaid wireless telecommunications service is sold with
10 one or more other products or services for a single, non-itemized price, then the percentage
11 specified in subsection (a) of this section shall apply to the entire non-itemized prices unless the
12 seller elects to apply such percentage (1) If the amount of prepaid wireless telecommunications
13 service is disclosed to the consumer as a dollar amount, such dollar amount, or (2) If the retailer
14 can identify the portion of the price that is attributable to the prepaid wireless telecommunications
15 service, by reasonable and verifiable standards from its books and records that are kept in the
16 regular course of business for other purposes, including, but not limited to, non-tax purposes, such
17 portion.

18 However, if a minimal amount of prepaid wireless telecommunications service is sold with
19 a prepaid wireless device for a single, non-itemized price, then the seller may elect not to apply the
20 percentage specified in subsection (a) of this section to such transaction. For purposes of this
21 paragraph, an amount of service denominated as ten (10) minutes or less, or five dollars (\$5.00) or
22 less, is minimal.

23 **39-21.2-5. Administration of E-911 charge.**

24 (a) Time and manner of payment. Prepaid wireless E-911 charges collected by sellers shall
25 be remitted to the division at the times and in the manner provided by the streamlined sales and use
26 tax as described in § 44-18.1-34. The division shall establish registration and payment procedures
27 that substantially coincide with the registration and payment procedures that apply to the
28 streamlined sales and use tax.

29 (b) Seller administrative deduction. A seller shall be permitted to deduct and retain one
30 percent (1%) of prepaid wireless E-911 charges that are collected by the seller from consumers.

31 (c) Audit and appeal procedures. The audit and appeal procedures applicable to sales and
32 use tax under ~~§ 44-19-18 of the general laws~~ [chapter 19 of title 44](#) shall apply to prepaid wireless
33 E-911 charges.

34 (d) Exemption documentation. The division shall establish procedures by which a seller of

1 prepaid wireless telecommunications service may document that a sale is not a retail transaction,
2 which procedures shall substantially coincide with the procedures ~~form~~ for documenting sale for
3 resale transactions for sales tax purposes under § ~~44-19-18~~ 44-18-25.

4 (e) All E-911 fees collected pursuant to this section shall be deposited in a restricted-receipt
5 account and used solely for the operation of the E-911 uniform emergency telephone system.

6 SECTION 15. Section 39-23-2 of the General Laws in Chapter 39-23 entitled "Adaptive
7 telephone Equipment Loan Program Committee" is hereby amended to read as follows:

8 **39-23-2. Duties.**

9 The duties of the committee shall include but not be limited to advising on the
10 implementation of the telecommunications device for the impaired distribution program authorized
11 by § ~~39-1-42(a)(ii)~~ 39-1-42(a)(2), and providing periodic review of activities, policies, regulations,
12 procedures, programs, and operation of the program.

13 SECTION 16. Section 39-26-2 in Chapter 39-26 entitled "Renewable Energy Standard" is
14 hereby amended to read as follows:

15 **39-26-2. Definitions.**

16 When used in this chapter:

17 (1) "Alternative compliance payment" means a payment to the Renewable Energy
18 Development Fund of fifty dollars (\$50.00) per megawatt-hour of renewable energy obligation, in
19 2003 dollars, adjusted annually up or down by the consumer price index, which may be made in
20 lieu of standard means of compliance with this statute;

21 (2) "Commission" means the Rhode Island public utilities commission;

22 (3) "Compliance year" means a calendar year beginning January 1 and ending December
23 31, for which an obligated entity must demonstrate that it has met the requirements of this statute;

24 (4) "Customer-sited generation facility" means a generation unit that is interconnected on
25 the end-use customer's side of the retail electricity meter in such a manner that it displaces all or
26 part of the metered consumption of the end-use customer;

27 (5) "Electrical energy product" means an electrical energy offering, including, but not
28 limited to, last resort and standard offer service, that can be distinguished by its generation attributes
29 or other characteristics, and that is offered for sale by an obligated entity to end-use customers;

30 (6) "Eligible biomass fuel" means fuel sources including brush, stumps, lumber ends and
31 trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood that is not mixed
32 with other solid wastes; agricultural waste, food and vegetative material; energy crops; landfill
33 methane; biogas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel
34 sources;

- 1 (7) "Eligible renewable energy resource" means resources as defined in § 39-26-5;
- 2 (8) "End-use customer" means a person or entity in Rhode Island that purchases electrical
3 energy at retail from an obligated entity;
- 4 (9) "Existing renewable energy resources" means generation units using eligible renewable
5 energy resources and first going into commercial operation before December 31, 1997;
- 6 (10) "Generation attributes" means the nonprice characteristics of the electrical energy
7 output of a generation unit including, but not limited to, the unit's fuel type, emissions, vintage and
8 policy eligibility;
- 9 (11) "Generation unit" means a facility that converts a fuel or an energy resource into
10 electrical energy;
- 11 (12) "NE-GIS" means the generation information system operated by NEPOOL, its
12 designee or successor entity, which includes a generation information database and certificate
13 system, and that accounts for the generation attributes of electrical energy consumed within
14 NEPOOL;
- 15 (13) "NE-GIS certificate" means an electronic record produced by the NE-GIS that
16 identifies the relevant generation attributes of each megawatt-hour accounted for in the NE-GIS;
- 17 (14) "NEPOOL" means the New England Power Pool or its successor;
- 18 (15) "New renewable energy resources" means generation units using eligible renewable
19 energy resources and first going into commercial operation after December 31, 1997; or the
20 incremental output of generation units using eligible renewable energy resources that have
21 demonstrably increased generation in excess of ten percent (10%) using eligible renewable energy
22 resources through capital investments made after December 31, 1997; but in no case involve any
23 new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand
24 or less;
- 25 (16) "Obligated entity" means a person or entity that sells electrical energy to end-use
26 customers in Rhode Island, including, but not limited to: nonregulated power producers and electric
27 utility distribution companies, as defined in § 39-1-2, supplying standard offer service, last resort
28 service, or any successor service to end-use customers; including Narragansett Electric, but not to
29 include Block Island Power Company as described in § 39-26-7 or Pascoag Utility District;
- 30 (17) "Off-grid generation facility" means a generation unit that is not connected to a utility
31 transmission or distribution system;
- 32 (18) "Reserved certificate" means a NE-GIS certificate sold independent of a transaction
33 involving electrical energy, pursuant to Rule 3.4 or a successor rule of the operating rules of the
34 NE-GIS;

1 (19) "Reserved certificate account" means a specially designated account established by an
2 obligated entity, pursuant to Rule 3.4 or a successor rule of the operating rules of the NE-GIS, for
3 transfer and retirement of reserved certificated from the NE-GIS;

4 (20) "Self-generator" means an end-use customer in Rhode Island that displaces all or part
5 of its retail electricity consumption, as metered by the distribution utility to which it interconnects,
6 through the use of a customer-sited generation facility, **and** the ownership of any such facility shall
7 not be considered an obligated entity as a result of any such ownership arrangement;

8 (21) "Small hydro facility" means a facility employing one or more hydroelectric turbine
9 generators and with an aggregate capacity not exceeding thirty (30) megawatts. For purposes of
10 this definition, "facility" shall be defined in a manner consistent with Title 18 of the Code of Federal
11 Regulations, section 92.201 et seq.; provided, however, that the size of the facility is limited to
12 thirty (30) megawatts, rather than eighty (80) megawatts.

13 (22) "Renewable energy resource" means any one or more of the renewable energy
14 resources described in subsection 39-26-5(a) of this chapter.

15 SECTION 17. Sections 39-26.1-7 and 39-26.1-9 of the General Laws in Chapter 39-26.1
16 entitled "Long – Term Contracting Standard for Renewable Energy" are hereby amended to read
17 as follows:

18 **39-26.1-7. Town of New Shoreham Project.**

19 (a) The general assembly finds it is in the public interest for the state to facilitate the
20 construction of a small-scale offshore wind demonstration project off the coast of Block Island,
21 including an undersea transmission cable that interconnects Block Island to the mainland in order
22 to: position the state to take advantage of the economic development benefits of the emerging
23 offshore wind industry; promote the development of renewable energy sources that increase the
24 nation's energy independence from foreign sources of fossil fuels; reduce the adverse
25 environmental and health impacts of traditional fossil fuel energy sources; and provide the Town
26 of New Shoreham with an electrical connection to the mainland. To effectuate these goals, and
27 notwithstanding any other provisions of the general or public laws to the contrary, the Town of
28 New Shoreham project, its associated power purchase agreement, transmission arrangements, and
29 related costs are authorized pursuant to the process and standards contained in this section. The
30 Narragansett Electric Company is hereby authorized to enter into an amended power purchase
31 agreement with the developer of offshore wind for the purchase of energy, capacity, and any other
32 environmental and market attributes, on terms that are consistent with the power purchase
33 agreement that was filed with the commission on December 9, 2009 in docket 4111, and
34 amendments changing dates and deadlines, provided that the pricing terms of such agreement are

1 amended as more fully described in subsection ~~39-26.1-7~~(e) [of this section](#), in addition to other
2 amendments that are made to take into account the provisions of this section as amended since the
3 filing of the agreement in docket 4111. Any amendments shall ensure that the pricing can only be
4 lower, and never exceed, the original pricing included in the power purchase agreement that was
5 reviewed in docket 4111. The demonstration project subject to the amended power purchase
6 agreement shall include up to (but not exceeding) eight (8) wind turbines with aggregate nameplate
7 capacity of no more than thirty (30) megawatts, even if the actual capacity factor of the project
8 results in the project technically exceeding ten (10) megawatts.

9 (b) The amended power purchase agreement shall be filed with the Public Utilities
10 Commission. Upon the filing of the amended power purchase agreement, the commission shall
11 open a new docket. The commission shall allow the parties to docket 4111 to become parties in the
12 new docket who may file testimony within fifteen (15) days of the filing of the amended agreement.
13 The commission shall allow other interventions on an expedited basis, provided they comply with
14 the commission standards for intervention. The developer shall provide funding for the economic
15 development corporation to hire an expert experienced in power markets, renewable energy project
16 financing, and power contracts who shall provide testimony regarding the terms and conditions of
17 the power purchase agreement to assist the commission in its review, provided that the developer
18 shall be precluded from influencing the choice of expert, which shall be in the sole discretion of
19 the economic development corporation. This testimony shall be filed within twenty (20) days after
20 the filing of the amended power purchase agreement. The parties shall have the right to respond to
21 the testimony of this expert through oral examination at the evidentiary hearings. The commission
22 shall hold one public comment hearing within five (5) days after the filing of the expert testimony.
23 Evidentiary hearings shall commence no later than thirty (30) days from the filing of the amended
24 power purchase agreement.

25 (c) The commission shall review the amended power purchase agreement taking into
26 account the state's policy intention to facilitate the development of a small offshore wind project in
27 Rhode Island waters, while at the same time interconnecting Block Island to the mainland. The
28 commission shall review the amended power purchase agreement and shall approve it if:

29 (i) The amended agreement contains terms and conditions that are commercially
30 reasonable;

31 (ii) The amended agreement contains provisions that provide for a decrease in pricing if
32 savings can be achieved in the actual cost of the project pursuant to subsection ~~39-26.1-7~~(e) [of this](#)
33 [section](#);

34 (iii) The amended agreement is likely to provide economic development benefits,

1 including: facilitating new and existing business expansion and the creation of new renewable
2 energy jobs; the further development of Quonset Business Park; and, increasing the training and
3 preparedness of the Rhode Island workforce to support renewable energy projects; and

4 (iv) The amended power purchase agreement is likely to provide environmental benefits,
5 including the reduction of carbon emissions. An advisory opinion on the findings of economic
6 benefit set forth in (iii) above shall be provided by the Rhode Island economic development
7 corporation and an advisory opinion on the environmental benefits set forth in (iv) above shall be
8 filed by the Rhode Island department of environmental management. The advisory opinions shall
9 be filed with the commission within twenty (20) days of filing of the amended power purchase
10 agreement. The commission shall give substantial deference to the factual and policy conclusions
11 set forth in the advisory opinions in making the required findings. Notwithstanding any other
12 provisions of the general laws to the contrary, for the purposes of this section, "commercially
13 reasonable" shall mean terms and pricing that are reasonably consistent with what an experienced
14 power market analyst would expect to see for a project of a similar size, technology and location,
15 and meeting the policy goals in subsection (a) of this section.

16 (d) The commission shall issue a written decision to accept or reject the amended power
17 purchase agreement, without conditions, no later than forty-five (45) days from the filing of the
18 amended power purchase agreement, without delay or extension of the timeframes contained in
19 this section. Any review of the commission's decision shall be according to chapter 5 of title 39,
20 and the supreme court shall advance any proceeding under this section so that the matter is afforded
21 precedence on the calendar and shall be heard and determined with as little delay as possible. The
22 provisions of § 39-26.1-4 and the provisions of subsections (b), (c), (d), and (f) of § 39-26.1-5 shall
23 apply, and all costs incurred in the negotiation, administration, enforcement, transmission
24 engineering associated with the design of the cable, and implementation of the project and
25 agreement shall be recovered annually by the electric distribution company in electric distribution
26 rates. The pricing under the agreement shall not have any precedential effect for purposes of
27 determining whether other long-term contracts entered into pursuant to this chapter are
28 commercially reasonable.

29 (e) Cap and lower price. (i) The amended power purchase agreement subject to subsection
30 ~~39-26.1-7~~(a) of this section shall provide for terms that shall decrease the pricing if savings can be
31 achieved in the actual cost of the project, with all realized savings allocated to the benefit of
32 ratepayers. (ii) The amended power purchase agreement shall also provide that the initial fixed
33 price contained in the signed power purchase agreement submitted in docket 4111 shall be the
34 maximum initial price, and any realized savings shall reduce such price. After making any such

1 reduction to the initial price based on realized savings, the price for each year of the amended power
2 purchase agreement shall be fixed by the terms of said agreement. (iii) The amended power
3 purchase agreement shall require that the costs of the project shall be certified by the developer.
4 An independent third-party acceptable to the division of public utilities and carriers shall within
5 thirty (30) days of this certification by the developer, verify the accuracy of such costs at the
6 completion of the construction of the project. The reasonable costs of this verification, shall be paid
7 for by the developer. Upon receipt of such third-party verification, the division shall notify the
8 Narragansett Electric Company of the final costs. The public utilities commission shall reduce the
9 expense to ratepayers consistent with a verified reduction in the project costs.

10 (f) The project shall include a transmission cable between the Town of New Shoreham and
11 the mainland of the state. The electric distribution company, at its option, may elect to own, operate,
12 or otherwise participate in such transmission cable project. The electric distribution company,
13 however, has the option to decline to own, operate, or otherwise participate in the transmission
14 cable project. The electric distribution company may elect to purchase the transmission cable and
15 related facilities from the developer or an affiliate of the developer, pursuant to the terms of a
16 transmission ~~facilities~~ facility's purchase agreement negotiated between the electric distribution
17 company and the developer or its affiliate, an unexecuted copy of which shall be provided to the
18 division of public utilities and carriers for the division's consent to execution. The division shall
19 have twenty (20) days to review the agreement. If the division independently determines that the
20 terms and pricing of the agreement are reasonable, taking into account the intention of the
21 legislature to advance the project as a policy-making matter, the division shall provide its written
22 consent to the execution of the transmission facilities purchase agreement. Once written consent is
23 provided, the electric distribution company and its transmission affiliate are authorized to make a
24 filing with the federal energy regulatory commission to put into effect transmission rates to recover
25 all of the costs associated with the purchase of the transmission cable and related facilities and the
26 annual operation and maintenance. The revenue requirement for the annual cable costs shall be
27 calculated in the same manner that the revenue requirement is calculated for other transmission
28 facilities in Rhode Island for local network service under the jurisdiction of the federal energy
29 regulatory commission. The division shall be authorized to represent the State of Rhode Island in
30 those proceedings before the federal energy regulatory commission, including the authority to enter
31 into any settlement agreements on behalf of the state to implement the intention of this section. The
32 division shall support transmission rates and conditions that allow for the costs related to the
33 transmission cable and related facilities to be charged in transmission rates in a manner that
34 socializes the costs throughout Rhode Island. Should the electric distribution company own,

1 operate, and maintain the cable, the annual costs incurred by the electric distribution company
2 directly or through transmission charges shall be recovered annually through a fully reconciling
3 rate adjustment from customers of the electric distribution company and/or from the Block Island
4 Power Company or its successor, subject to any federal approvals that may be required by law. The
5 allocation of the costs related to the transmission cable through transmission rates or otherwise
6 shall be structured so that the estimated impact on the typical residential customer bill for such
7 transmission costs for customers in the Town of New Shoreham shall be higher than the estimated
8 impact on the typical residential customer bill for customers on the mainland of the electric
9 distribution company. This higher charge for the customers in the Town of New Shoreham shall be
10 developed by allocating the actual cable costs based on the annual peak demands of the Block
11 Island Power Company and the electric distribution company, and these resultant costs recovered
12 in the per kWh charges of each company. In any event, the difference in the individual charge per
13 kWh or per customer/month shall not exceed the ratio of average demand to peak demand for Block
14 Island Power Company relative to the electric distribution company, currently at 1.8 to 1.0
15 respectively. To the extent that any state tariffs or rates must be put into effect in order to implement
16 the intention of this section, the public utilities commission shall accept filings of the same and
17 shall approve them.

18 (g) Any charges incurred by the Block Island Power Company or its successor pursuant to
19 this section or other costs incurred by the Block Island Power Company in implementing this
20 section, including the cost of participation in regulatory proceedings in the state or at the federal
21 energy regulatory commission shall be recovered annually in rates through a fully reconciling rate
22 adjustment, subject to approval by the commission. If the electric distribution company owns,
23 operates, or otherwise participates in the transmission cable project, pursuant to subsection ~~39-26.1-~~
24 ~~7(b)~~ [\(f\) of this section](#), the provisions of § 39-26.1-4 shall not apply to the cable cost portion of the
25 Town of New Shoreham Project.

26 (h) Any contract entered into pursuant to this section shall count as part of the minimum
27 long-term contract capacity.

28 (i) If the electric distribution company elects not to own the transmission cable, the
29 developer may elect to do so directly, through an affiliate, or a third-party and the power purchase
30 agreement pricing shall be adjusted to allow the developer, an affiliate or a third-party, to recover
31 the costs (including financing costs) of the transmission facilities, subject to complying with the
32 terms as set forth in the power purchase agreement between the developer and the electric
33 distribution company.

34 **39-26.1-9. Town of Johnston Project.**

1 Notwithstanding any other provisions of this chapter to the contrary:

2 (1) The Narragansett Electric Company is hereby authorized, at its sole discretion, to
3 procure a commercially reasonable long-term contract for a newly developed renewable energy
4 resource fueled by landfill gas from the central landfill in the town of Johnston on a timetable earlier
5 than is otherwise set forth in this chapter.

6 (2) Any such contract executed on or before May 21, 2010 shall be legal, binding and
7 enforceable and shall not be subject to commission approval if:

8 (i) Such resource has a gross nameplate capacity rating of less than thirty-seven (37)
9 megawatts; and

10 (ii) Such contract is:

11 (A) For a term not in excess of twenty (20) years; and

12 (B) Contains such other terms and conditions as may be approved by the director of the
13 department of administration, such approval to be indicated by written confirmation of the director
14 delivered to an electric distribution company prior to such contract becoming effective.

15 (3) The power purchase agreement shall be reviewed by the administrator of the division
16 of public utilities and carriers, the executive director of the Rhode Island economic development
17 corporation, the administrator of the office of energy resources, and the director of the department
18 of administration. Certified copies of the executed agreement shall be provided to each agency by
19 the Narragansett Electric Company and published on the website of the division of public utilities
20 and carriers for public inspection. Members of the public shall have fifteen (15) days to submit
21 written comments to the four (4) agencies for the respective agency consideration; however, no
22 evidentiary hearings shall be required.

23 (4) Within thirty (30) days of receipt of the agreement each of the four (4) agencies in
24 subsection ~~(e)~~ [\(3\) of this section](#) shall issue a certification or decline certification in writing. Such
25 certifications or declinations shall be final and conclusive as a matter of law and not subject to
26 appeal. The respective certification determinations shall be made to the division of public utilities
27 and carriers as follows:

28 (i) The administrator of the division of public utilities and carriers shall certify the
29 agreement if the administrator determines that the agreement is consistent with the provisions of
30 this chapter and this section;

31 (ii) The executive director of the Rhode Island economic development corporation shall
32 certify the agreement if the executive director determines that the project encourages and facilitates
33 the creation of jobs in Rhode Island in the renewable energy sector;

34 (iii) The administrator of the office of energy resources shall certify the agreement if the

1 administrator determines that the agreement fulfills the declared policy of this chapter and this
2 section.

3 (iv) The director of the department of administration shall certify the agreement if the
4 director determines that the contractual terms of the agreement are reasonable and in the best
5 interest of the state in accordance with this chapter and section.

6 (5) Upon receipt of the certifications pursuant to subsection ~~(4)~~ (4) of this section, the
7 division shall review such certifications and confirm that each is in conformance with this section.

8 (6) Within five (5) days of receipt of the certifications by the division, the division shall
9 file the agreement with the commission. Upon such filing, the agreement shall be deemed accepted
10 and fully enforceable.

11 (7) If one or more of the certifications is not received by the division within the thirty ~~(30)~~
12 ~~day period thirty - day (30) period~~ established by this section, the division shall, within fifteen
13 (15) days, consider the reasons, if any, provided by the agency not providing such certification and
14 the division shall, within such fifteen ~~(15) day - day(15)~~ period, make a final determination on the
15 question originally assigned to the non-certifying agency. If the division determines that,
16 notwithstanding the lack of certification from the non-certifying agency, such certification should
17 be issued, the division shall make such certification, which certification shall have the same effect
18 as if it had been made by the agency which first considered such question. If, in the case of a lack
19 of certification from an agency, the division determines that such certifications shall not be issued,
20 then the division shall not file the agreement with the commission and the agreement shall have no
21 effect.

22 (8) The Narragansett Electric Company's act of having entered into this agreement and its
23 terms and pricing shall be deemed prudent for purposes of any future regulatory proceedings before
24 the commission and recovery of the costs incurred in making payments under the terms of the
25 agreement shall not be subject to challenge in any future commission proceedings. The provisions
26 of § 39-26.1-4 and the provisions of subsections (b), (c), (d), and (f) of § 39-26.1-5 shall apply, and
27 all costs incurred in, or savings resulting from, the administration and implementation of the
28 agreement shall be recovered annually by the electric distribution company and its customers in
29 electric distribution rates. Any contract entered into pursuant to this section shall count as part of
30 the minimum long-term contract capacity.

31 (9) The electric distribution company shall be authorized upon appropriate notice and filing
32 with the commission, to allocate all products purchased under any power purchase agreements
33 entered into pursuant to chapter ~~39~~-26.1 of title 39 to its standard offer service customers at the
34 market price and to allocate any difference, whether positive or negative, between the costs of the

1 power purchase agreement and the market price of the products purchased under the power
2 purchase agreement to all of its electric distribution customers.

3 (10) The provisions of this section shall be severable from the other provisions of this
4 chapter, and shall remain in effect regardless of any judicial challenge to other sections of this
5 chapter.

6 SECTION 18. Sections 39-26.2-3 and 39-26.2-11 of the General Laws in Chapter 39-26.2
7 entitled "Distributed Generation Standard Contracts" are hereby amended to read as follows:

8 **39-26.2-3. Definitions.**

9 When used in this chapter, the following terms shall have the following meanings:

10 (1) "Annual target" means the target for total renewable energy nameplate capacity of new
11 distributed generation standard contracts set out in § ~~39-26.2-3~~ 39-26.2-4.

12 (2) "Commission" means the Rhode Island public utilities commission.

13 (3) "Board" shall mean the distributed generation standard contract board established
14 pursuant to the provisions of ~~chapter 39-26.2-9~~ § 39-26.2-10, or the office of energy resources.
15 Until such time as the board is duly constituted, the office of energy resources shall serve as the
16 board with the same powers and duties pursuant to this chapter.

17 (4) "Distributed generation contract capacity" means ten percent (10%) of an electric
18 distribution company's minimum long-term contract capacity under the long-term contracting
19 standard for renewable energy in § ~~39-26.1-2~~ 39-26.1-3, inclusive of solar capacity. The distributed
20 generation contract capacity shall be reserved for acquisition by the electric distribution company
21 through standard contracts pursuant to the provisions of this chapter.

22 (5) "Distributed generation facility" means an electrical generation facility that is a newly
23 developed renewable energy resource as defined in § 39-26.1-2, located in the electric distribution
24 company's load zone with a nameplate capacity no greater than five megawatts (5 MW), using
25 eligible renewable energy resources as defined by § 39-26-5, including biogas created as a result
26 of anaerobic digestion, but, specifically excluding all other listed eligible biomass fuels, and
27 connected to an electrical power system owned, controlled, or operated by the electric distribution
28 company.

29 (6) "Distributed generation project" means a distinct installation of a distributed generation
30 facility. An installation will be considered distinct if it is installed in a different geographical
31 location and at a different time, or if it involves a different type of renewable energy class.

32 (7) "Electric distribution company" means a company defined in subdivision 39-1-2(12),
33 supplying standard offer service, last resort service, or any successor service to end-use customers,
34 but not including the Block Island Power Company or the Pascoag Utility District.

1 (8) "Large distributed generation project" means a distributed generation project that has a
2 nameplate capacity that exceeds the size of a small distributed generation project in a given year,
3 but is no greater than three megawatts (3 MW) nameplate capacity.

4 (9) "Office" means the Rhode Island office of energy resources.

5 (10) "Program year" means a calendar year beginning January 1 and ending December 31.

6 (11) "Renewable energy classes" means categories for different renewable energy
7 technologies using eligible renewable energy resources as defined by § 39-26-5. For each program
8 year, the board shall determine the renewable energy classes as are reasonably feasible for use in
9 meeting distributed generation objectives from renewable energy resources and are consistent with
10 the goal of meeting the annual target for the program year. For the program year ending December
11 31, 2012, there shall be at least four (4) technology classes and at least two (2) shall be for solar
12 generation technology, and at least one shall be for wind. The board may add, eliminate, or adjust
13 renewable energy classes for each program year with public notice given at least sixty (60) days
14 previous to any renewable energy class change becoming effective. For each program year, the
15 board shall set renewable energy class targets for each class established. Class targets are the total
16 program-year target amounts of nameplate capacity reserved for standard contracts for each
17 renewable energy class. The sum of all the class targets shall equal the annual target.

18 (12) "Renewable energy credit" means a New England Generation Information System
19 renewable energy certificate as defined in subdivision 39-26-2(13);

20 (13) "Small distributed generation project" means a distributed generation renewable
21 energy project that has a nameplate capacity within the following: Solar: fifty kilowatts (50 KW)
22 to five hundred kilowatts (500 KW); Wind: fifty kilowatts (50 KW) to one and one-half megawatts
23 (1.5 MW). For technologies other than solar and wind, the board shall set the nameplate capacity
24 size limits, but such limits may not exceed one megawatt. The board may lower the nameplate
25 capacity from year to year for any of these categories, but may not increase the capacity beyond
26 what is specified in this definition. In no case may a project developer be allowed to segment a
27 distributed generation project into smaller sized projects in order to fall under this definition.

28 (14) "Standard contract" means a contract with a term of fifteen (15) years at a fixed rate
29 for the purchase of all capacity, energy, and attributes generated by a distributed generation facility.
30 A contract may have a different term if it is mutually agreed to by the seller and the electric
31 distribution company and it is approved by the commission. The terms of the standard contract for
32 each program year and for each renewable energy class shall be set pursuant to the provisions of
33 this chapter.

34 (15) "Standard contract ceiling price" means the standard contract price for the output of a

1 distributed generation facility which price is approved annually for each renewable energy class
2 pursuant to the procedure established in this chapter, for the purchase of energy, capacity,
3 renewable energy certificates, and all other environmental attributes and market products that are
4 available or may become available from the distributed generation facility.

5 **39-26.2-11. Composition and appointment.**

6 (a) The board shall consist of ten (10) members appointed by the governor with the advice
7 and consent of the senate; seven (7) members shall be voting members, and the governor shall give
8 due consideration to appointing persons with knowledge of: (1) Energy regulation and law; (2)
9 Large commercial/industrial users; (3) Small commercial/industrial users; (4) Residential users; (5)
10 Low income users; (6) Environmental issues pertaining to energy; and (7) Construction of
11 renewable generation. Three (3) members shall be ex officio, non-voting members, one
12 representing an electric distribution company, one representing the commissioner of the office of
13 energy resources and one representing the commerce corporation. From the seven (7) voting
14 members, the governor shall appoint one person to be chairperson of the board and one person to
15 be vice chairperson of the board; the commissioner of the office of energy resources shall be the
16 executive secretary and executive director of the board.

17 (b) With the exception of the representative of the commissioner of the office of energy
18 resources, and the representative of the commerce corporation, the initial **appointments**
19 **appointment** of the other ex officio, non-voting member shall be **appointed** for a term of two (2)
20 years, to be thereafter reappointed or replaced by a nonvoting member with terms of two (2) years.
21 Of the initial appointments of voting members, three (3) voting members shall be appointed for a
22 term of two (2) years, to be thereafter reappointed or replaced by three (3) voting members with a
23 term of two (2) years, and four (4) voting members shall be appointed for a term of one year, to be
24 thereafter reappointed or replaced for each of the following three (3) years by four (4) voting
25 members with a term of one year.

26 (c) A simple majority of the total number of voting members shall constitute a quorum.

27 (d) A vacancy other than by expiration shall be filled in the manner of the original
28 appointment but only for the unexpired portion of the term. The appointing authority shall have the
29 power to remove its appointee only for just cause.

30 (e) The members of the **council board** shall not be compensated for their service but shall
31 be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The
32 provisions of this subdivision shall not apply to the executive secretary/executive director.

33 SECTION 19. Sections 39-26.4-2 and 39-26.4-5 of the General Laws in Chapter 39-26.4
34 entitled "Net Metering" are hereby amended to read as follows:

1 **39-26.4-2. Definitions.**

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

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

19 (2) "Electric-distribution company" shall have the same meaning as § 39-1-2, but shall not
20 include block island power company or Pascoag utility district, each of whom shall be required to
21 offer net metering to customers through a tariff approved by the public utilities commission after a
22 public hearing. Any tariff or policy on file with the public utilities commission on the date of
23 passage of this chapter shall remain in effect until the commission approves a new tariff.

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

- 28 (i) Residential accounts in good standing.
- 29 (ii) "Low- or moderate-income housing eligible credit recipient" means an electric service
30 account or accounts in good standing associated with any housing development or developments
31 owned or operated by a public agency, nonprofit organization, limited-equity housing cooperative,
32 or private developer, that receives assistance under any federal, state, or municipal government
33 program to assist the construction or rehabilitation of housing affordable to low- or moderate-
34 income households, as defined in the applicable federal or state statute, or local ordinance,

1 encumbered by a deed restriction or other covenant recorded in the land records of the municipality
2 in which the housing is located, that:

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

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

9 (C) ~~That has~~ Has an original term of not less than thirty (30) years from initial occupancy.

10 Electric service account or accounts in good standing associated with housing
11 developments that are under common ownership or control may be considered a single low- or
12 moderate-income housing-eligible credit recipient for purposes of this section. The value of the
13 credits shall be used to provide benefits to tenants.

14 (iii) "Educational institutions" means public and private schools at the primary, secondary,
15 and postsecondary levels.

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

19 (5) "Eligible net-metering system" means a facility generating electricity using an eligible
20 net-metering resource that is reasonably designed and sized to annually produce electricity in an
21 amount that is equal to, or less than, the renewable self-generator's usage at the eligible net-
22 metering-system site measured by the three-year (3) average annual consumption of energy over
23 the previous three (3) years at the electric-distribution account(s) located at the eligible net-
24 metering-system site. A projected annual consumption of energy may be used until the actual three-
25 year (3) average annual consumption of energy over the previous three (3) years at the electric-
26 distribution account(s) located at the eligible net-metering-system site becomes available for use in
27 determining eligibility of the generating system. The eligible net-metering system may be owned
28 by the same entity that is the customer of record on the net-metered accounts or may be owned by
29 a third party that is not the customer of record at the eligible net-metering system site and which
30 may offer a third-party, net-metering financing arrangement or net-metering financing
31 arrangement, as applicable. Notwithstanding any other provisions of this chapter, any eligible net-
32 metering resource: (i) Owned by a public entity, educational institution, hospital, nonprofit, or
33 multi-municipal collaborative or (ii) Owned and operated by a renewable-generation developer on
34 behalf of a public entity, educational institution, hospital, nonprofit, or multi-municipal

1 collaborative through net-metering financing arrangement shall be treated as an eligible net-
2 metering system and all accounts designated by the public entity, educational institution, hospital,
3 nonprofit, or multi-municipal collaborative for net metering shall be treated as accounts eligible for
4 net metering within an eligible net-metering-system site.

5 (6) "Eligible net-metering-system site" means the site where the eligible net-metering
6 system or community remote net-metering system is located or is part of the same campus or
7 complex of sites contiguous to one another and the site where the eligible net-metering system or
8 community remote-net-metering system is located or a farm in which the eligible net-metering
9 system or community remote-net-metering system is located. Except for an eligible net-metering
10 system owned by or operated on behalf of a public entity, educational institution, hospital,
11 nonprofit, or multi-municipal collaborative through a net-metering financing arrangement, the
12 purpose of this definition is to reasonably assure that energy generated by the eligible net-metering
13 system is consumed by net-metered electric service account(s) that are actually located in the same
14 geographical location as the eligible net-metering system. All energy generated from any eligible
15 net-metering system is, and will be considered, consumed at the meter where the renewable-energy
16 resource is interconnected for valuation purposes. Except for an eligible net-metering system
17 owned by, or operated on behalf of, a public entity, educational institution, hospital, nonprofit, or
18 multi-municipal collaborative through a net-metering financing arrangement, or except for a
19 community remote-net-metering system, all of the net-metered accounts at the eligible net-
20 metering-system site must be the accounts of the same customer of record and customers are not
21 permitted to enter into agreements or arrangements to change the name on accounts for the purpose
22 of artificially expanding the eligible net-metering-system site to contiguous sites in an attempt to
23 avoid this restriction. However, a property owner may change the nature of the metered service at
24 the accounts at the site to be master metered in the owner's name, or become the customer of record
25 for each of the accounts, provided that the owner becoming the customer of record actually owns
26 the property at which the account is located. As long as the net-metered accounts meet the
27 requirements set forth in this definition, there is no limit on the number of accounts that may be net
28 metered within the eligible net-metering-system site.

29 (7) "Excess renewable net-metering credit" means a credit that applies to an eligible net-
30 metering system or community remote-net-metering system for that portion of the production of
31 electrical energy beyond one hundred percent (100%) and no greater than one hundred twenty-five
32 percent (125%) of the renewable self-generator's own consumption at the eligible net-metering-
33 system site or the sum of the usage of the eligible credit recipient accounts associated with the
34 community remote-net-metering system during the applicable billing period. Such excess

1 renewable net-metering credit shall be equal to the electric-distribution company's avoided cost
2 rate, which is hereby declared to be the electric-distribution company's standard offer service
3 kilowatt hour (kWh) charge for the rate class and time-of-use billing period (if applicable)
4 applicable to the customer of record for the eligible net-metering system or applicable to the
5 customer of record for the community remote-net-metering system. The commission shall have the
6 authority to make determinations as to the applicability of this credit to specific generation facilities
7 to the extent there is any uncertainty or disagreement.

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

13 (9) "Hospital" means and shall be defined and established as set forth in chapter 17 of title
14 23.

15 (10) "Multi-municipal collaborative" means a group of towns and/or cities that enter into
16 an agreement for the purpose of co-owning a renewable-generation facility or entering into a
17 financing arrangement pursuant to subdivision (14).

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

20 (12) "Net metering" means using electrical energy generated by an eligible, net-metering
21 system for the purpose of self-supplying electrical energy and power at the eligible net-metering-
22 system site, or with respect to a community remote-net-metering system, for the purpose of
23 generating net-metering credits to be applied to the electric bills of the eligible credit recipients
24 associated with the community net-metering system. The amount so generated will thereby offset
25 consumption at the eligible net-metering system site through the netting process established in this
26 chapter, or with respect to a community remote-net-metering system, the amounts generated in
27 excess of that amount will result in credits being applied to the eligible credit-recipient accounts
28 associated with the community remote-net-metering system.

29 (13) "Net-metering customer" means a customer of the electric-distribution company
30 receiving and being billed for distribution service whose distribution account(s) are being net
31 metered.

32 (14) "Net-metering financing arrangement" means arrangements entered into by a public
33 entity, educational institution, hospital, nonprofit, or multi-municipal collaborative with a private
34 entity to facilitate the financing and operation of a net-metering resource, in which the private entity

1 owns and operates an eligible net-metering resource on behalf of a public entity, educational
2 institution, hospital, nonprofit, or multi-municipal collaborative, where: (i) The eligible net-
3 metering resource is located on property owned or controlled by the public entity, educational
4 institution, hospital, or one of the municipalities, as applicable, and (ii) The production from the
5 eligible net-metering resource and primary compensation paid by the public entity, educational
6 institution, hospital, nonprofit, or multi-municipal collaborative to the private entity for such
7 production is directly tied to the consumption of electricity occurring at the designated net-metered
8 accounts.

9 (15) "Nonprofit" means a nonprofit corporation as defined and established through chapter
10 6 of title 7, and shall include religious organizations that are tax exempt pursuant to 26 U.S.C. §
11 501(d).

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

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

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

23 (19) "Renewable net-metering credit" means a credit that applies to an eligible net-metering
24 system or a community remote-net-metering system up to one hundred percent (100%) of either
25 the renewable self-generator's usage at the eligible net-metering-system site or the sum of the usage
26 of the eligible credit-recipient accounts associated with the community remote net-metering system
27 over the applicable billing period. This credit shall be equal to the total kilowatt hours of electrical
28 energy generated up to the amount consumed on-site, and/or generated up to the sum of the eligible
29 credit-recipient account usage during the billing period multiplied by the sum of the distribution
30 company's:

31 (i) Standard offer service kilowatt hour charge for the rate class applicable to the net-
32 metering customer, except that for remote public entity and multi-municipality collaborative net-
33 metering systems that submit an application for an interconnection study on or after July 1, 2017,
34 and community remote-net-metering systems, the standard offer service kilowatt-hour charge shall

1 be net of the renewable energy standard charge or credit;

2 (ii) Distribution kilowatt-hour charge;

3 (iii) Transmission kilowatt-hour charge; and

4 (iv) Transition kilowatt-hour charge.

5 Notwithstanding the foregoing, except for systems that have requested an interconnection
6 study for which payment has been received by the distribution company, or if an interconnection
7 study is not required, a completed and paid interconnection application, by December 31, 2018, the
8 renewable net-metering credit for all remote public entity and multi-municipal collaborative net-
9 metering systems shall not include the distribution kilowatt hour charge commencing on January
10 1, 2050.

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

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

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

27 **39-26.4-5. Severability.**

28 If any provision of this chapter or the application thereof to any person or circumstances is
29 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which
30 can be given effect without the invalid provision or application, and to this ~~and~~ end the provisions
31 of this chapter are declared to be severable.

32 SECTION 20. Section 39-26.5-7 of the General Laws in Chapter 39-26.5 entitled "Property
33 Assessed Clean Energy Program" is hereby amended to read as follows:

34 **39-26.5-7. Administration of PACE -- Loan loss reserve fund.**

1 (a) The Rhode Island infrastructure bank is hereby authorized to create, set up on its books,
2 and administer one or more PACE funds for the purpose of providing financial assistance to
3 residential and commercial property owners for PACE projects. Additionally, the Rhode Island
4 infrastructure bank may enter into an agreement with one or more approved institutions, to create
5 one or more loan loss reserve funds (LRF) or other financing mechanisms to provide financial
6 incentives or additional security for PACE projects.

7 (b) In the event that there is a foreclosure of a PACE property and the proceeds resulting
8 from such a foreclosure are insufficient to pay the past due balances on the associated PACE
9 assessment, after all superior liens have been satisfied, payment from the LRF shall be made ~~from~~
10 ~~the LRF~~ in the amount of the past due balances on the PACE assessment. The LRF shall be
11 administered by the Rhode Island infrastructure bank or by the institution selected by the Rhode
12 Island infrastructure bank; in the latter case the Rhode Island infrastructure bank shall provide
13 oversight of the LRF.

14 SECTION 21. Section 39-26.6-3 of the General Laws in Chapter 39-26.6 entitled "The
15 Renewable Energy Growth Program" is hereby amended to read as follows:

16 **39-26.6-3. Definitions.**

17 When used in this chapter, the following terms shall have the following meanings:

18 (1) "Board" shall -mean the distributed-generation board as established pursuant to the
19 provisions of § 39-26.2-10 under the title distributed generation standard contract board, but shall
20 also fulfill the responsibilities set forth in this chapter.

21 (2) "Ceiling price" means the bidding price cap applicable to an enrollment for a given
22 distributed-generation class, that shall be approved annually for each renewable-energy class
23 pursuant to the procedure established in this chapter. The ceiling price for each technology should
24 be a price that would allow a private owner to invest in a given project at a reasonable rate of return,
25 based on recently reported and forecast information on the cost of capital and the cost of generation
26 equipment. The calculation of the reasonable rate of return for a project shall include, where
27 applicable, any state or federal incentives, including, but not limited to, tax incentives.

28 (3) "Commercial-scale solar project" means a solar-distributed generation project with the
29 nameplate capacity specified in § 39-26.6-7.

30 (4) "Commission" means the Rhode Island public utilities commission.

31 (5) "Community remote-distributed-generation system" means a distributed-generation
32 facility greater than two hundred fifty kilowatt (250 kW) nameplate direct current which allocates
33 bill credits for each kilowatt hour (kWh) generated to a minimum of three (3) eligible recipient-
34 customer accounts, provided that no more than fifty percent (50%) of the credits produced by the

1 system are allocated to one eligible recipient-customer account, and provided further that at least
2 fifty percent (50%) of the credits produced by the system are allocated to eligible recipients in an
3 amount not to exceed that which is produced annually by twenty-five kilowatt (25 kW) AC
4 capacity. The community remote-distributed-generation system may transfer credits to eligible
5 recipient-customer accounts in an amount that is equal to, or less than, the sum of the usage of the
6 eligible recipient-customer accounts measured by the three-year (3) average annual consumption
7 of energy over the previous three (3) years. A projected, annual consumption of energy may be
8 used until the actual three-year (3) average annual consumption of energy over the previous three
9 (3) years at the eligible recipient-customer accounts becomes available for use in determining
10 eligibility of the generating system. The community remote-distributed-generation system may be
11 owned by the same entity that is the customer of record on the net-metered account or may be
12 owned by a third party.

13 (6) "Distributed-generation facility" means an electrical-generation facility located in the
14 electric-distribution company's load zone with a nameplate capacity no greater than five megawatts
15 (5 MW), using eligible renewable-energy resources as defined by § 39-26-5, including biogas
16 created as a result of anaerobic digestion, but, specifically excluding all other listed eligible biomass
17 fuels, and connected to an electrical power system owned, controlled, or operated by the electric-
18 distribution company. For purposes of this chapter, a distributed-generation facility must be a new
19 resource that:

20 (i) Has not begun operation;

21 (ii) Is not under construction, but excluding preparatory site work that is less than twenty-
22 five percent (25%) of the estimated total project cost; and

23 (iii) Except for small-scale solar projects, does not have in place investment or lending
24 agreements necessary to finance the construction of the facility prior to the submittal of an
25 application or bid for which the payment of performance-based incentives ~~are~~ is sought under this
26 chapter except to the extent that such financing agreements are conditioned upon the project owner
27 being awarded performance-based incentives under the provisions of this chapter. For purposes of
28 this definition, pre-existing hydro generation shall be exempt from the provisions of subsection (i)
29 of this section, regarding operation, if the hydro-generation facility will need a material investment
30 to restore or maintain reliable and efficient operation and meet all regulatory, environmental, or
31 operational requirements. For purposes of this provision, "material investment" shall mean
32 investment necessary to allow the project to qualify as a new, renewable-energy resource under §
33 39-26-2. To be eligible for this exemption, the hydro-project developer at the time of submitting a
34 bid in the applicable procurement must provide reasonable evidence with its bid application

1 showing the level of investment needed, along with any other facts that support a finding that the
2 investment is material, the determination of which shall be a part of the bid review process set forth
3 in § 39-26.6-16 for the award of bids.

4 (7) "Distributed-generation project" means a distinct installation of a distributed-generation
5 facility. An installation will be considered distinct if it does not violate the segmentation prohibition
6 set forth in § 39-26.6-9.

7 (8) "Electric-distribution company" means a company defined in § 39-1-2(12), supplying
8 standard-offer service, last-resort service, or any successor service to end-use customers, but not
9 including the Block Island Power Company or the Pascoag Utility District.

10 (9) "ISO-NE" means Independent System Operator-New England, the Regional
11 Transmission Organization for New England designated by the Federal Energy Regulatory
12 Commission.

13 (10) "Large distributed-generation project" means a distributed-generation project that has
14 a nameplate capacity that exceeds the size of a small, distributed-generation project in a given year,
15 but is no greater than five megawatts (5 MW) nameplate capacity.

16 (11) "Large-scale solar project" means a solar distributed-generation project with the
17 nameplate capacity specified in § 39-26.6-7.

18 (12) "Medium-scale solar project" means a solar distributed-generation project with the
19 nameplate capacity specified in § 39-26.6-7.

20 (13) "Office" means the Rhode Island office of energy resources.

21 (14) "Program year" means a year beginning April 1 and ending March 31, except for the
22 first program year, that may commence after April 1, 2015, subject to commission approval.

23 (15) "Renewable energy classes" means categories for different renewable-energy
24 technologies using eligible renewable-energy resources as defined by § 39-26-5, including biogas
25 created as a result of anaerobic digestion, but, specifically excluding all other listed eligible biomass
26 fuels specified in § 39-26-2(6). For each program year, in addition to the classes of solar distributed
27 generation specified in § 39-26.6-7, the board shall determine the renewable-energy classes as are
28 reasonably feasible for use in meeting distributed-generation objectives from renewable-energy
29 resources and are consistent with the goal of meeting the annual target for the program year. The
30 board may make recommendations to the commission to add, eliminate, or adjust renewable-energy
31 classes for each program year, provided that the solar classifications set forth in § 39-26.6-7 shall
32 remain in effect for at least the first two (2) program years and no distributed-generation project
33 may exceed five megawatts (5MW) of nameplate capacity.

34 (16) "Renewable-energy certificate" means a New England Generation Information

1 System renewable energy certificate as defined in § 39-26-2(13).

2 (17) "Shared solar facility" means a single small-scale or medium-scale solar facility that
3 must allocate bill credits to at least two (2), and no more than fifty (50), accounts in the same
4 customer class and on the same or adjacent parcels of land. Public entities may allocate such bill
5 credits to at least two (2), and up to fifty (50), accounts without regard to physical location so long
6 as the facility and accounts are within the same municipality. In no case will the annual allocated
7 credits in kWh exceed the prior three-year (3) annual average usage, less any reductions for verified
8 energy-efficiency measures installed at the customer premises, of the customer account to which
9 the bill credits are transferred.

10 (18) "Small-scale solar project" means a solar distributed-generation project with the
11 nameplate capacity specified in § 39-26.6-7.

12 (19) "Small distributed-generation project" means a distributed-generation renewable
13 energy project that has a nameplate capacity within the following: Wind: fifty kilowatts (50 KW)
14 to one and one-half megawatts (1.5 MW); small-scale solar projects and medium-scale solar
15 projects with the capacity limits as specified in § 39-26.6-7. For technologies other than solar and
16 wind, the board shall set the nameplate capacity-size limits, but such limits may not exceed one
17 (1MW) megawatt.

18 SECTION 22. Section 39-27-3 and 39-27-5 of the General Laws in Chapter 39-27 entitled
19 "The Energy and Consumer Savings Act of 2005" are hereby amended to read as follows:

20 **39-27-3. Definitions.**

21 As used in this chapter:

22 (a) "Automatic commercial ice-maker" means a factory-made assembly that is shipped in
23 one or more packages that consists of a condensing unit and ice-making section operating as an
24 integrated unit, that makes and harvests ice cubes, and that may store and dispense ice. This term
25 includes machines with capacities between and including fifty (50) and two thousand five hundred
26 (2,500) pounds per twenty-four (24) hours.

27 (b) "Ballast" means a device used with an electric discharge lamp to obtain necessary
28 circuit conditions (voltage, current and waveform) for starting and operating the lamp.

29 (c) "Boiler" means a self-contained low-pressure appliance for supplying steam or hot
30 water primarily designed for space heating.

31 (d) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as
32 the source of potable water.

33 (e) "Chief of Energy and Community Services" means the head official of the Rhode Island
34 state energy office.

1 (f) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes
2 washer that:

3 (1) Has a clothes container compartment no greater than three and a half (3.5) cubic feet in
4 the case of a horizontal-axis product or no greater than four (4.0) cubic feet in the case of a vertical-
5 axis product; and

6 (2) Is designed for use by more than one household, such as in multi-family housing,
7 apartments or coin laundries.

8 (g) "Commercial hot food holding cabinet" means an appliance that is a heated, fully-
9 enclosed compartment with one or more solid doors, and that is designed to maintain the
10 temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding
11 cabinet" does not include heated glass merchandizing cabinets, drawer warmers, or cook-and-hold
12 appliances.

13 (h) "Commercial pre-rinse spray valve" means a hand-held device designed and marketed
14 for use with commercial dishwashing and ware washing equipment and which sprays water on
15 dishes, flatware, and other food service items for the purpose of removing food residue prior to
16 their cleaning.

17 (i) "Commercial refrigerator, freezer and refrigerator-freezer" means self-contained
18 refrigeration equipment that:

19 (1) Is not a consumer product as regulated pursuant to 42 U.S.C. § 6291 and subsequent
20 sections;

21 (2) Operates at a chilled, frozen, combination chilled/frozen, or variable temperature for
22 the purpose of storing and/or merchandising food, beverages and/or ice;

23 (3) May have transparent and/or solid hinged doors, sliding doors, or a combination of
24 hinged and sliding doors; and

25 (4) Incorporates most components involved in the vapor compression cycle and the
26 refrigerated compartment in a single cabinet.

27 This term does not include:

28 (1) Units with eighty-five (85) cubic feet or more of internal volume;

29 (2) Walk-in refrigerators or freezers;

30 (3) Units with no doors; or

31 (4) Freezers specifically designed for ice cream.

32 (j) "Commission" means the Rhode Island public utilities commission.

33 (k) "Compensation" means money or any other valuable thing, regardless of form, received
34 or to be received by a person for services rendered.

1 (l) "Electricity ratio" is the ratio of furnace electricity use to total furnace energy use.
2 Electricity ratio = $(3.412 \cdot EAE / (1000 \cdot E_f + 3.412 \cdot EAE))$ where EAE (average annual auxiliary
3 electrical consumption) and EF (average annual fuel energy consumption) are defined in Appendix
4 N to subpart B of part 430 of title 10 of the Code of Federal Regulations.

5 (m) "High intensity discharge lamp" means a lamp in which light is produced by the
6 passage of an electric current through a vapor or gas, and in which the light-producing arc is
7 stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three (3)
8 watts per square centimeter.

9 (n) "Illuminated exit sign" means an internally-illuminated sign that is designed to be
10 permanently fixed in place to identify a building exit and consists of an electrically powered integral
11 light source that illuminates the legend "EXIT" and any directional indicators and provides contrast
12 between the legend, any directional indicators and the background.

13 (o) "Large packaged air-conditioning equipment" means electronically-operated, air-
14 cooled air-conditioning and air-conditioning heat pump equipment having cooling capacity greater
15 than or equal to two hundred forty thousand (240,000) Btu/hour but less than seven hundred sixty
16 thousand (760,000) Btu/hour that is built as a package and shipped as a whole to end-user sites.

17 (p) "Low voltage dry-type distribution transformer" means a transformer that:

- 18 (1) Has an input voltage of six hundred (600) volts or less;
19 (2) Is air-cooled;
20 (3) Does not use oil as a coolant; and
21 (4) Is rated for operation at a frequency of sixty (60) Hertz.

22 (q) "Mercury vapor lamp" means a high-intensity discharge lamp in which the major
23 portion of the light is produced by radiation from mercury operating at a partial pressure in excess
24 of one hundred thousand (100,000) PA (approximately 1 atm). This includes clear, phosphor-coated
25 and self-ballasted lamps.

26 (r) "Metal halide lamp" means a high intensity discharge lamp in which the major portion
27 of the light is produced by radiation of metal halides and their products of dissociation, possibly in
28 combination with metallic vapors.

29 (s) "Metal halide lamp fixture" means a lamp fixture designed to be operated with a metal
30 halide lamp and a ballast for a metal halide lamp.

31 (t) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps
32 which does not contain an igniter and which instead starts lamps by using a third ~~starting~~ starting
33 electrode "probe" in the arc tube.

34 (u) "Pulldown refrigerator" means a commercial refrigerator with doors that, when fully

1 loaded with twelve (12) ounce canned beverages at ninety (90) degrees F, can cool these beverages
2 to an average stable temperature of thirty-eight (38) degrees F in twelve (12) hours or less.

3 (v) "Residential boiler" means a self-contained appliance for supplying steam or hot water,
4 which uses natural gas, propane, or home heating oil, and which has a heat input rate of less than
5 three hundred thousand (300,000) Btu per hour.

6 (w) "Residential furnace" means a self-contained space heater designed to supply heated
7 air through ducts of more than ten (10) inches length and which utilizes only single-phase electric
8 current, or single-phase electric current or DC current in conjunction with natural gas, propane, or
9 home heating oil, and which:

10 (1) Is designed to be the principle heating source for the living space of one or more
11 residences;

12 (2) Is not contained within the same cabinet with a central air conditioner whose rated
13 cooling capacity is above sixty-five thousand (65,000) Btu per hour; and

14 (3) Has a heat input rate of less than two hundred twenty-five thousand (225,000) Btu per
15 hour.

16 (x) "Single-voltage external AC to DC power supply" means a device that:

17 (1) Is designed to convert line voltage AC input into lower voltage DC output;

18 (2) Is able to convert to one DC output voltage at a time;

19 (3) Is sold with, or intended to be used with, a separate end-use product that constitutes the
20 primary power load;

21 (4) Is contained within a separate physical enclosure from the end-use product;

22 (5) Is connected to the end-use product via a removable or hard-wired male/female
23 electrical connection, cable, cord or other wiring;

24 (6) Does not have batteries or battery packs, including those that are removable, that
25 physically attach directly to the power supply unit;

26 (7) Does not have a battery chemistry or type selector switch and indicator light; or

27 (8) Has a nameplate output power less than or equal to two hundred fifty (250) watts.

28 (y) "State-regulated incandescent reflector lamp" means a lamp, not colored or designed
29 for rough or vibration service applications, with an inner reflective coating on the outer bulb to
30 direct the light, an E26 medium screw base, a rated voltage or voltage range that lies at least
31 partially within one hundred fifteen (115) to one hundred thirty (130) volts, and that falls into either
32 of the following categories: a blown PAR (BPAR), bulged reflector (BR), or elliptical reflector
33 (ER) bulb shape or similar bulb shape with a diameter equal to or greater than two and one quarter
34 (2.25) inches; or a reflector (R), parabolic aluminized reflector (PARA) bulged reflector (BR) or

1 similar bulb shape with a diameter of two and one quarter (2.25) to two and three quarter (2.75)
2 inches, inclusive.

3 (z) "Torchiere" means a portable electric lighting fixture with a reflective bowl that directs
4 light upward onto a ceiling so as to produce indirect illumination on the surfaces below. A torchiere
5 may include downward directed lamps in addition to the upward, indirect illumination.

6 (aa) "Traffic signal module" means a standard eight (8) inch (two hundred millimeter (200
7 mm)) or twelve (12) inch (three hundred millimeter (300 mm)) traffic signal indication, consisting
8 of a light source, a lens, and all other parts necessary for operation.

9 (bb) "Transformer" means a device consisting of two (2) or more coils of insulated wire
10 and that is designed to transfer alternating current by electromagnetic induction from one coil to
11 another to change the original voltage or current value. The term "transformer" does not include:

12 (1) Transformers with multiple voltage taps, with the highest voltage tap equaling at least
13 twenty percent (20%) more than the lowest voltage tap; or

14 (2) Transformers, such as those commonly known as drive transformers, rectifier
15 transformers, auto-transformers, uninterruptible power system transformers, impedance
16 transformers, regulating transformers, sealed and nonventilating transformers, machine tool
17 transformers, welding transformers, grounding transformers, or testing transformers, that are
18 designed to be used in a special purpose application and are unlikely to be used in general purpose
19 applications.

20 (cc) "Unit heater" means a self-contained, vented fan-type commercial space heater that
21 uses natural gas or propane, and that is designed to be installed without ducts within a heated space,
22 except that such term does not include any products covered by federal standards established
23 pursuant to 42 U.S.C. § 6291 and subsequent sections or any product that is a direct vent, forced
24 flue heater with a sealed combustion burner.

25 (dd) "Walk-in refrigerator" and "walk-in freezer" mean a space, designed for the purpose
26 of storing and/or merchandising food, beverages and/or ice, that is refrigerated to temperatures,
27 respectively, at or above and below thirty-two (32) degrees F that can be walked into.

28 (ee) "Water dispenser" means a factory-made assembly that mechanically cools and heats
29 potable water and that dispenses the cooled or heated water by integral or remote means.

30 **39-27-5. Efficiency standards.**

31 (a) Not later than June 1, 2006, the commission, in consultation with the state building
32 commissioner and the chief of energy and community services, shall adopt regulations, in
33 accordance with the provisions of chapter 35 of title 42, establishing minimum efficiency standards
34 for the types of new products set forth in subparagraph (a) of § 39-27-4. The regulations shall

1 provide for the following minimum efficiency standards:

2 (1) Automatic commercial ice makers shall meet the energy efficiency requirements shown
3 in table A-7 of § 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4,
4 Article 4: Appliance Efficiency Regulations as adopted on December 15, 2004.

5 (2) Commercial clothes washers shall meet the requirements shown in Table P-4 of §
6 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance
7 Efficiency Regulations in effect on December 15, 2004.

8 (3) Commercial pre-rinse spray valves shall have a flow rate equal to or less than one and
9 six tenths (1.6) gallons per minute.

10 (4) Commercial refrigerators, freezers and refrigerator-freezers shall meet the minimum
11 efficiency requirements shown in Table A-6 of § 1605.3 of the California Code of Regulations,
12 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations as adopted on
13 December 15, 2004, except that pulldown refrigerators with transparent doors shall meet a
14 requirement five percent (5%) less stringent than shown in the California regulations.

15 (5) High-intensity discharge lamp ballasts shall not be designed and marketed to operate a
16 mercury vapor lamp.

17 (6) Illuminated exit signs shall have an input power demand of five (5) watts or less per
18 illuminated face.

19 (7) Large packaged air-conditioning equipment shall meet a minimum energy efficiency
20 ratio of:

21 (i) Ten (10.0) for air conditioning without an integrated heating component or with electric
22 resistance heating integrated into the unit;

23 (ii) Nine and eight tenths (9.8) for air conditioning with heating other than electric
24 resistance integrated into the unit;

25 (iii) Nine and five tenths (9.5) for air conditioning with heating other than electric
26 resistance integrated heating component or with electric resistance heating integrated into the unit;

27 (iv) Nine and three tenths (9.3) for air conditioning heat pump equipment with heating
28 other than electric resistance integrated into the unit. Large packaged air conditioning heat pumps
29 shall meet a minimum coefficient of performance in the heating mode of three and two tenths (3.2)
30 (measured at a high temperature rating of forty-seven (47) degrees F db).

31 (8) Low voltage dry-type distribution transformers shall meet the Class 1 efficiency levels
32 for low voltage distribution transformers specified in Table 4-2 of the "Guide for Determining
33 Energy Efficiency for Distribution Transformers" published by the National Electrical
34 Manufacturers Association (NEMA Standard TP-1-2002).

1 (9) Metal halide lamp fixtures that operate in a vertical position and are designed to be
2 operated with lamps rated greater than or equal to one hundred fifty (150) watts but less than or
3 equal to five hundred (500) watts shall not contain a probe-start metal halide lamp ballast.

4 (10) Single-voltage external AC to DC power supplies shall meet the tier one energy
5 efficiency requirements shown in Table U-1 of § 1605.3 of the California Code of Regulations,
6 Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations as adopted on
7 December 15, 2004. This standard applies to single voltage AC to DC power supplies that are sold
8 individually and to those that are sold as a component of or in conjunction with another product.
9 Single-voltage external AC to DC power supplies that are made available by a product
10 manufacturer as service parts or spare parts for its products manufactured prior to January 1, 2008
11 shall be exempt from this provision.

12 (11) Torchieres shall not use more than one hundred ninety (190) watts. A torchiere shall
13 be deemed to use more than one hundred ninety (190) watts if any commercially available lamp or
14 combination of lamps can be inserted in its socket(s) and cause the torchiere to draw more than one
15 hundred ninety (190) watts when operated at full brightness.

16 (12) Traffic signal modules shall meet the product specification of the "Energy Star
17 Program Requirements for Traffic Signals" developed by the U.S. Environmental Protection
18 Agency that took effect in February 2001 and shall be installed with compatible, electronically-
19 connected signal control interface devices and conflict monitoring systems.

20 (13) Unit ~~heater~~ heaters shall be equipped with an intermittent ignition device and shall
21 have either power venting or an automatic flue damper.

22 (b) Not later than June 1, 2007, the commission, in consultation with the state building
23 commissioner and the chief of energy and community services, shall adopt regulations, in
24 accordance with the provisions of chapter 42-35, establishing minimum efficiency standards for
25 the types of new products set forth in paragraph (b) of § 39-27-4. The regulations shall provide for
26 the following minimum efficiency standards.

27 (1) Bottle-type water dispensers designed for dispensing both hot and cold water shall not
28 have standby energy consumption greater than one and two tenths (1.2) kilowatt-hours per day.

29 (2) Commercial hot food holding cabinets shall have a maximum idle energy rate of forty
30 (40) watts per cubic foot of interior volume.

31 (3)(i) Residential furnaces and residential boilers shall comply with the following Annual
32 Fuel Utilization Efficiency (AFUE) and electricity ratio values.

33 Utilization Efficiency (AFUE) and electricity ratio values.
34 Product Type Minimum AFUE Maximum electricity ratio

1	Natural gas and propane fired furnaces	90%	2.0%
2	Oil-fired furnaces>94,000		
3	Btu/hour in capacity	83%	2.0%
4	Oil-fired furnaces>94,000		
5	Btu/hour in capacity	83%	2.3%
6	Natural gas and oil, and propane-fired hot		
7	water residential boilers	84%	Not applicable
8	Natural gas, oil, and propane-fired steam		
9	residential boilers	82%	Not applicable

10 (ii) The chief of energy and community services shall adopt rules to provide for exemptions
11 from compliance with the foregoing residential furnace or residential boiler AFUE standards at any
12 building, site or location where complying with said standards would be in conflict with any local
13 zoning ordinance, fire code, building or plumbing code or other rule regarding installation and
14 venting of residential furnaces or residential boilers.

15 (iii) The provisions of this subsection 39-27-5(b) shall be effective upon determination by
16 the chief of energy and community services that the same or substantial corresponding standards
17 have been enacted in two (2) New England states.

18 (4)(i) State-regulated incandescent reflector lamps shall meet the minimum average lamp
19 efficacy requirements for federally-regulated incandescent reflector lamps contained in 42 U.S.C.
20 § ~~6295(i)(1)(A)~~ 6295(i)(1)(B).

21 (ii) The following types of incandescent reflector lamps are exempt from these
22 requirements:

23 ~~(H)(A)~~ (A) lamps rated at fifty (50) watts or less of the following types: BR30, BR40, ER30
24 and ER40;

25 ~~(H)(B)~~ (B) lamps rated at sixty-five (65) watts of the following types: BR30, BR40, and ER40;
26 and

27 ~~(H)(C)~~ (C) R20 lamps of forty-five (45) watts or less.

28 (5)(i) Walk-in refrigerators and walk-in freezers with the applicable motor types shown in
29 the table below shall include the required components shown.

30	MOTOR Type	Required Components
31	All	Interior lights: light sources with an
32		efficacy of forty- five (45) lumens per
33		watt or more, including ballast losses
34		(if any). This efficacy standard does not

1 apply to LED light sources until January
2 2010.

3 All Automatic door closers that firmly close
4 all reach-in doors.

5 All Automatic door closers that firmly close
6 all walk-in doors no wider than 3.9 feet
7 and no higher than 6.9 feet that have
8 been closed to within one inch of full
9 closure.

10 All Wall, ceiling, and door insulation at
11 least
12 R-28 for refrigerators and at least R-34
13 for
14 freezers

15 All Floor insulation at least R-28 for
16 freezers
17 (no requirements for refrigerators)

18 Condenser fan motors of under one horsepower Electronically commutated motors,
19 Permanently split capacitor-type motors
20 Polyphase motors of one half (1/2)
21 horsepower or more

22 Single-phase evaporator fan motors of Electronically commutated motors
23 under one horse power and less than four
24 hundred sixty (460) volts

25 (ii) In addition to the requirements in paragraph (i), walk-in refrigerators and walk-in
26 freezers with transparent reach-in doors shall meet the following requirements: transparent reach-
27 in doors shall be of triple pane glass with either heat-reflective treated glass or gas fill; if the
28 appliance has an anti-sweat heater without anti-sweat controls, then: the appliance shall have a total
29 door rail, glass, and frame heater power draw of no more than forty (40) watts if it is a freezer or
30 seventeen (17) watts if it is a refrigerator per foot of door frame width; and if the appliance has an
31 anti-sweat heater with anti-sweat heat controls, and the total door rail, glass, and frame heater power
32 draw is more than forty (40) watts if it is a freezer or seventeen (17) watts if it is a refrigerator per
33 foot of door frame width, then: the anti-sweat heat controls shall reduce the energy use of the anti-
34 sweat heater in an amount corresponding to the relative humidity in the air outside the door or to

1 the condensation on the inner glass pane.

2 SECTION 23. Section 39-30-3 of the General Laws in Chapter 39-3 entitled “Municipal
3 Streetlight Investment Act” is hereby amended to read as follows:

4 **39-30-3. Streetlight investment.**

5 (a) Any city or town receiving street lighting service from an electric distribution company
6 pursuant to an electric rate tariff providing for the use by such municipality of lighting equipment
7 owned by the electric distribution company, at its option, upon sixty (60) days notice to the electric
8 company and to the ~~department~~ office, and subject to the provisions of subsections (b) through
9 (e), may:

10 (1) Convert its street lighting service from the subject tariff rate to an alternative tariff rate
11 providing for delivery service by the electric distribution company of electric energy, whether or
12 not supplied by the electric distribution company, over distribution facilities and wires owned by
13 the electric distribution company to lighting equipment owned or leased by the municipality, and
14 further providing for the use by such municipality of the space on any pole, lamp post, or other
15 mounting surface previously used by the electric distribution company for the mounting of the
16 lighting equipment. The alternative tariff rate shall provide for monthly bills for street and area
17 lighting that shall include a schedule of energy charges based on a determination of annual kilowatt-
18 hour usage per lumen rating or nominal wattage of all types of lighting equipment, but shall not
19 include facility, support, maintenance, or accessory charges. The new tariff shall use existing usage
20 calculation methods and existing rates for any currently existing lighting equipment, only setting
21 reasonable new rates for newly adopted lighting equipment. The new tariff shall be structured so
22 as to allow options for various street lighting controls, including both conventional dusk/dawn
23 operation using photocell or scheduling controls, as well as schedule-based dimming or on/off
24 controls that dim or turn off street lights during periods of low activity. The electric distribution
25 company, in consultation with the office, shall file the new tariff with the public utilities
26 commission within sixty (60) days of the effective date of this chapter and the commission shall
27 then issue a decision within sixty (60) days after the filing to effectuate the purposes and provisions
28 of this chapter.

29 (2) Purchase electric energy for use in such municipal lighting equipment from the electric
30 distribution company or any other person allowed by law to provide electric energy; and

31 (3) After due diligence, including an analysis of the cost impact to the municipality, acquire
32 all of the public street and area lighting equipment of the electric distribution company in the
33 municipality, compensating the electric distribution company as necessary, in accordance with
34 subsection (b).

1 (b) Any municipality exercising the option to convert its lighting equipment pursuant to
2 subsection (a) must compensate the electric distribution company for the original cost, less
3 depreciation and less amortization, of any active or inactive existing public lighting equipment
4 owned by the electric distribution company and installed in the municipality as of the date the
5 municipality exercises its right of acquisition pursuant to subsection (a), net of any salvage value.
6 Upon such payment, the municipality shall have the right to use, alter, remove, or replace such
7 acquired lighting equipment in any way the municipality deems appropriate. Any contract a
8 municipality enters for such services must require appropriate levels of training and certification of
9 personnel providing pole service for public and worker safety, evidence of twenty-four (24) hour
10 call capacity and a committed timely response schedule for both emergency and routine outages.
11 The municipality may also request that the electric company remove any part of such lighting
12 equipment that it does not acquire from the electric distribution company in which case the
13 municipality shall reimburse the electric distribution company the cost of removal by the electric
14 distribution company, along with the original cost, less depreciation, of the removed part, net of
15 any salvage value.

16 (c) When a municipality exercises its option pursuant to this subsection, the municipality
17 will notify the electric distribution company of any alterations to street and area lighting inventory
18 within sixty (60) days of the alteration. The electric distribution company will then adjust its
19 monthly billing determinations to reflect the alteration within sixty (60) days.

20 (d) When a municipality exercises its option pursuant to subsection (a), anyone other than
21 the electric distribution company controlling the right to use space on any pole, lamp post, or other
22 mounting surface previously used by the electric distribution company in such municipality shall
23 allow the municipality to assume the rights and obligations of the electric distribution company
24 with respect to such space for the unexpired term of any lease, easement, or other agreement under
25 which the electric distribution company used such space; provided, however, that:

26 (i) The municipality is subject to the same terms and conditions that pole owners make to
27 others that attach to the poles; and

28 (ii) In the assumption of the rights and obligations of the electric distribution company by
29 such a municipality, such municipality shall in no way or form restrict, impede, or prohibit
30 universal access for the provision of electric and other services.

31 (e) Any dispute regarding the terms of the alternative tariff, the compensation to be paid
32 the electric distribution company, or any other matter arising in connection with the exercise of the
33 option provided in subsection (a), including, but not limited to, the terms on which space is to be
34 provided to the municipality in accordance with subsection (c), shall be resolved by the division of

1 public utilities and carriers within ninety (90) days of any request for such resolution by the
2 municipality or any person involved in such dispute.

3 (f) Notwithstanding any general or special law, rule, or regulation to the contrary, any
4 affiliate of any electric distribution company whose street lighting service is converted by any
5 municipality in accordance with the provisions of this section may solicit and compete for the
6 business of any such municipality for the provision of lighting equipment or any other service such
7 as equipment maintenance in connection therewith.

8 SECTION 24. Sections 39-31-4 and 39-31-5 of the General Laws in Chapter 39-31 entitled
9 “Affordable Clean Energy Security Act” are hereby amended to read as follows:

10 **39-31-4. Regional energy planning.**

11 (a) Consistent with the purposes of this chapter, and utilizing regional stakeholder
12 processes where appropriate, the office of energy resources, in consultation and coordination with
13 the division of public utilities and carriers, the public utility company that provides electric
14 distribution as defined in § 39-1-2(12) as well as natural gas as defined in § ~~39-1-2(20)~~ 39-1-2(17),
15 the New England States' Committee on Electricity (NESCOE), ISO-New England Inc. and the
16 other New England states is authorized to:

17 (1) Participate in the development and issuance of regional or multi-state competitive
18 solicitation(s) for the development and construction of regional electric-transmission projects that
19 would allow for the reliable transmission of large- or small-scale domestic or international
20 hydroelectric power to New England load centers that will benefit the state of Rhode Island and its
21 ratepayers, and that such solicitations may be issued by The New England States' Committee on
22 Electricity or the electric or natural gas distribution company to further the purposes of this chapter;

23 (2) Participate in the development and issuance of regional or multi-state competitive
24 solicitation(s) for the development and construction of regional electric-transmission projects that
25 would allow for the reliable transmission of eligible renewable-energy resources, as defined by §
26 39-26-5(a), to New England load centers that will benefit the state of Rhode Island and its
27 ratepayers, and that such solicitations may be issued by The New England States' Committee on
28 Electricity or the electric or natural gas distribution company to further the purposes of this chapter;
29 and

30 (3) Participate in the development and issuance of regional or multi-state competitive
31 solicitation(s) for the development and construction of regional natural gas pipeline infrastructure
32 and capacity that will benefit the State of Rhode Island and its ratepayers by strengthening energy
33 system reliability and security and, in doing so, potentially mitigate energy price volatility that
34 threatens the economic vitality and competitiveness of Rhode Island residents and businesses. Such

1 solicitations may be issued by The New England States' Committee on Electricity or the electric or
2 natural gas distribution company to further the purposes of this chapter; and such solicitations may
3 request proposals that are priced in increments to allow for the evaluation of project costs and
4 benefits associated with adding various levels of additional, natural-gas pipeline capacity into New
5 England and assist with the optimization of energy system reliability, economic, and other benefits
6 consistent with the purposes of this chapter.

7 (4) As part of any such regional or multi-state competitive solicitation processes conducted
8 pursuant to this chapter, the office of energy resources shall work jointly with the division of public
9 utilities and carriers, and with the electric distribution company as appropriate, to identify
10 incremental, natural-gas pipeline infrastructure and capacity and/or electric transmission projects
11 that optimize energy reliability, economic, environmental, and ratepayer impacts for Rhode Island,
12 consistent with the legislative findings and purpose of this chapter. The office of energy resources
13 and division of public utilities and carriers shall be authorized to utilize expert consultants, as
14 needed, to assist in any regional, multi-state, or state-level determination related to the procurement
15 activities identified in § 39-31-5.

16 (b) Prior to any binding commitments being made by any agencies of the state, the electric
17 distribution company, or any other entity that would result in costs being incurred directly, or
18 indirectly, by Rhode Island electric and/or gas consumers through distribution or commodity rates,
19 the office of energy resources and division of public utilities and carriers shall jointly file any
20 energy infrastructure project recommendation(s) with the public utilities commission and may
21 make such filing jointly with the electric- or natural-gas distribution company as appropriate. The
22 public utilities commission shall consider any such recommendation(s) as specified under § 39-31-
23 7.

24 (c) A copy of the filing made under subsection (b) of this section shall be provided to the
25 governor, the president of the senate, the speaker of the house, the department of environmental
26 management, and the commerce corporation.

27 (d) The electric-distribution company shall be provided with a copy of any filing made
28 under this section at least ten (10) business days in advance of its filing with the public utilities
29 commission and the electric- or gas-distribution utility may file separate comments when the filing
30 is made.

31 (e) As part of any office of energy resources and division of public utilities and carriers
32 filing made pursuant to this chapter, the agencies shall identify the expected energy reliability,
33 energy security, and ratepayer impacts that are expected to result from commitments being made
34 in connection with the proposed project(s).

1 (f) The office of energy resources and division of public utilities and carriers reserve the
2 right to determine that energy infrastructure projects submitted in any regional or multi-state
3 competitive solicitation process are not in Rhode Island's energy reliability, energy security, and/or
4 ratepayer interests, and shall make such findings available to the governor, the president of the
5 senate, and the speaker of the house. The electric or gas distribution utility may attach a separate
6 opinion to those findings, at its election.

7 **39-31-5. Regional energy procurement.**

8 (a) Consistent with the purposes of this chapter the public utility company that provides
9 electric distribution as defined in § 39-1-2(12), as well as natural gas as defined in § ~~39-1-2(20)~~ 39-
10 1-2(17), in consultation with the office of energy resources and the division of public utilities and
11 carriers is authorized to voluntarily participate in multi-state or regional efforts to:

12 (1) Procure domestic or international large-or small-scale hydroelectric power and eligible
13 renewable energy resources, including wind, as defined by § 39-26-5(a), on behalf of electric
14 ratepayers; provided, however, that large-scale hydroelectric power shall not be eligible under the
15 renewable energy standard established by chapter 26 of title 39;

16 (2) Procure incremental, natural-gas pipeline infrastructure and capacity into New England
17 to help strengthen energy system reliability and facilitate the economic interests of the state and its
18 ratepayers;

19 (3) Support the development and filing of necessary tariffs and other appropriate cost-
20 recovery mechanisms, as proposed by the office of energy resources or the division of public
21 utilities and carriers, that allocate the costs of new, electric-transmission and natural-gas pipeline
22 infrastructure and capacity projects selected pursuant to the provisions of this chapter to ratepayers,
23 such that costs are shared among participating states in an equitable manner; and

24 (4) To the extent that the public utility company that provides electric distribution as
25 defined in § 39-1-2(12), as well as natural gas as defined in § ~~39-1-2(20)~~ 39-1-2(17), pursues the
26 objectives identified above, the public utility company shall utilize all appropriate competitive
27 processes, and maintain compliance with applicable federal and state siting laws.

28 (b) Any procurement authorized under this section shall be commercially reasonable.

29 SECTION 25. Section 39-31-7 of the General Laws in Chapter 39-31 entitled “Affordable
30 Clean Energy Security Act” is hereby amended to read as follows:

31 **39-31-7. Duties of the commission.**

32 (a) The commission may approve any proposals made by the electric-and gas-distribution
33 company that are commercially reasonable and advance the purposes of this chapter. The
34 commission's authority shall include, without limitation, the authority to:

1 (1) Approve long-term contracts entered into pursuant to the goals and provisions of this
2 chapter for large-or small-scale hydroelectric power and renewable-energy resources that are
3 eligible under the renewable-energy standard established by chapter 26 of title 39; provided,
4 however, that large-scale hydroelectric power shall not be eligible under the renewable-energy
5 standard established by chapter 26 of title 39;

6 (2) Approve long-term contracts for natural-gas pipeline infrastructure and capacity
7 consistent with the purposes of this chapter;

8 (3) Approve rate-recovery mechanisms proposed by the electric-and gas-distribution
9 companies relating to costs incurred under this chapter by the electric-and gas-distribution company
10 that facilitate the multi-state or regional sharing of costs necessary to implement electric
11 transmission and natural-gas pipeline infrastructure projects pursued under this chapter, including
12 any costs incurred through the Federal Energy Regulatory Commission approved tariffs related to
13 such multi-state or regional energy infrastructure procurements;

14 (4) Address any proposed changes to standard-offer procurements, standard-offer pricing
15 and retail-choice rules;

16 (5) Provide for the recovery of reasonable costs from all distribution customers incurred
17 by the electric-and gas-distribution company in furtherance of the purposes of this chapter that may
18 include, but are not limited to, costs incurred under any contracts approved by the commission
19 under this section and costs associated with the management of incremental capacity resulting from
20 interstate gas-pipeline expansion projects pursued pursuant to this chapter and costs associated with
21 investments in local gas-distribution network assets necessary to implement such interstate gas-
22 pipeline expansion projects;

23 (6) Approve cost allocation proposals filed by the gas-distribution company and/or the
24 electric-distribution company that appropriately allocate natural-gas infrastructure and capacity
25 costs incurred under § 39-31-6 between electric and gas-distribution customers of the electric-and
26 gas-distribution company in a manner proportional to the energy benefits accrued by Rhode Island's
27 gas and electric customers from making such investments. In making its determination, the
28 commission shall consider projected reductions in regional, wholesale electric prices as a benefit
29 that accrues to electric ratepayers. The allocation of costs shall include all distribution customers,
30 regardless from whom they are purchasing their commodity service; and

31 (7) Approve any other proposed regulatory or ratemaking changes that reasonably advance
32 the goals set forth herein.

33 (b) The grant of authorizations under this chapter shall not be construed as creating a
34 mandate or obligation on the part of the electric-and gas-distribution company to enter into any

1 contracts or file any proposals pursuant to this chapter.

2 (c) The public utilities commission shall docket any proposals made by the office of energy
3 resources and division of public utilities and carriers pursuant to § 39-31-4. Docket materials shall
4 be posted and maintained on the commission's website. The commission shall conduct proceedings,
5 as provided below, solely for the purpose of determining whether the proposed infrastructure
6 projects, if implemented, are in the public interest and no commitments shall be valid or authorized
7 without such finding being made by the commission. The validity and approval of any
8 commitments made by the electric-or gas-distribution company in furtherance of the purposes of
9 this chapter shall be separate and subject to § 39-31-5. The docket opened pursuant to this paragraph
10 shall proceed as follows:

11 (1) The following state agencies shall provide advisory opinions to the commission on the
12 topics specified below within sixty (60) days from the docketing date:

13 (i) The department of environmental management (DEM) shall provide an advisory
14 opinion on the expected greenhouse gas emissions and statewide environmental impacts resulting
15 from the proposed project(s).

16 (ii) The commerce corporation shall provide an advisory opinion on the expected statewide
17 economic impacts resulting from the proposed project(s).

18 (2) The commission shall notify the aforementioned agencies upon the filing of any
19 proposal made under this section, and notify them of any related hearings and/or proceedings.

20 (3) Advisory opinions issued by agencies designated under (c)(1) of this section shall not
21 be considered as final decisions of the agencies making the opinions and shall not be subject to
22 judicial review under § 42-35-15 or any other provision of the general laws.

23 (4) Upon completion of the sixty-day (60) advisory opinion period, the commission shall
24 provide for a thirty-day (30) public comment period on any energy infrastructure project(s) selected
25 pursuant to this chapter and hold evidentiary hearings. In addition to evidentiary hearings, the
26 commission shall also hold at least one public hearing to accept public comment on the proposal(s)
27 prior to an open meeting held pursuant to this section.

28 (5) The commission shall hold an open meeting no later than one hundred twenty (120)
29 days from the date of filing by the office of energy resources and division of public utilities and
30 carriers **filing** and shall certify that the proposed project(s) are in the public interest if, in the
31 commission's determination, and in consideration of filed advisory opinions and the opinion of the
32 electric-or gas-distribution utility, the proposed infrastructure project(s):

33 (i) Are consistent with the findings and purposes of this chapter;

34 (ii) Will benefit Rhode Island by improving local and regional energy system reliability

1 and security;

2 (iii) Will benefit Rhode Island ratepayers by offering the potential for reduced-energy price
3 volatility and reduction of energy-supply costs in the context of an integrated regional energy
4 system;

5 (iv) Will not cause unacceptable harm to the environment and are consistent with the
6 region's greenhouse gas-reduction goals; and

7 (v) Will enhance the economic fabric of the state.

8 (6) The commission shall issue a written determination of its findings within ten (10)
9 business days of its open-meeting decision and provide copies of that determination, along with
10 copies of all advisory opinions, public comment, and any other materials deemed relevant to the
11 commission determination, to the governor, the president of the senate, the speaker of the house,
12 the commissioner of the office of energy resources, and the administrator of the division of public
13 utilities and carriers.

14 (d) A determination issued by the commission shall constitute the sole, final, binding, and
15 determinative regulatory decision within the state for the purpose of authorizing the state to support
16 a proposed, regional-energy infrastructure project(s) that is funded through the Federal Energy
17 Regulation Commission approved tariffs on a regional and/or multi-state basis pursuant to this
18 chapter. Appeals shall be governed by § 39-5-1.

19 (e) Upon issuance of a written determination by the commission finding that the proposed
20 project(s) is in the public interest, the office of energy resources and division of public utilities and
21 carriers shall, on behalf of the state, be authorized to support any regional and/or multi-state process
22 necessary to implement the project(s), including, without limitation, supporting any necessary and
23 related Federal Energy Regulatory Commission filings; provided, however, that any commitments
24 made by the electric-or gas-distribution company to implement the proposals remain voluntary and
25 subject to § 39-31-5.

26 (f) Nothing in this section shall be construed to preclude the electric-or gas-distribution
27 company from making a filing under § 39-31-6, simultaneous with a filing under this section by
28 the office of energy resources and the division of public utilities, in which case the filings made
29 under §§ 39-31-6 and 39-31-7 of this chapter shall be consolidated.

30 SECTION 26. Sections 40-5.2-10, 40-5.2-12, 40-5.2-20 and 40-5.2-21 of the General Laws
31 in Chapter 40-5.2 entitled "The Rhode Works Program" are hereby amended to read as follows:

32 **40-5.2-10. Necessary requirements and conditions.**

33 The following requirements and conditions shall be necessary to establish eligibility for
34 the program.

1 (a) Citizenship, alienage, and residency requirements.

2 (1) A person shall be a resident of the State of Rhode Island.

3 (2) Effective October 1, 2008, a person shall be a United States citizen, or shall meet the
4 alienage requirements established in § 402(b) of the Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996, PRWORA, Public Laws No. 104-193 and as that section may hereafter
6 be amended [8 U.S.C. § 1612]; a person who is not a United States citizen and does not meet the
7 alienage requirements established in PRWORA, as amended, is not eligible for cash assistance in
8 accordance with this chapter.

9 (b) The family/assistance unit must meet any other requirements established by the
10 department of human services by rules and regulations adopted pursuant to the Administrative
11 Procedures Act, as necessary to promote the purpose and goals of this chapter.

12 (c) Receipt of cash assistance is conditional upon compliance with all program
13 requirements.

14 (d) All individuals domiciled in this state shall be exempt from the application of
15 subdivision 115(d)(1)(A) of Public Law 104-193, the Personal Responsibility and Work
16 Opportunity Reconciliation Act of 1996, PRWORA [21 U.S.C. § 862a], which makes any
17 individual ineligible for certain state and federal assistance if that individual has been convicted
18 under federal or state law of any offense that is classified as a felony by the law of the jurisdiction
19 and that has as an element the possession, use, or distribution of a controlled substance as defined
20 in § 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)).

21 (e) Individual employment plan as a condition of eligibility.

22 (1) Following receipt of an application, the department of human services shall assess the
23 financial conditions of the family, including the non-parent caretaker relative who is applying for
24 cash assistance for himself or herself as well as for the minor child(ren), in the context of an
25 eligibility determination. If a parent or non-parent caretaker relative is unemployed or under-
26 employed, the department shall conduct an initial assessment, taking into account: (A) The physical
27 capacity, skills, education, work experience, health, safety, family responsibilities and place of
28 residence of the individual; and (B) The child care and supportive services required by the applicant
29 to avail himself or herself of employment opportunities and/or work readiness programs.

30 (2) On the basis of this assessment, the department of human services and the department
31 of labor and training, as appropriate, in consultation with the applicant, shall develop an individual
32 employment plan for the family which requires the individual to participate in the intensive
33 employment services. Intensive employment services shall be defined as the work requirement
34 activities in § 40-5.2-12(g) and (i).

1 (3) The director, or his or her designee, may assign a case manager to an
2 applicant/participant, as appropriate.

3 (4) The department of labor and training and the department of human services in
4 conjunction with the participant shall develop a revised individual employment plan that shall
5 identify employment objectives, taking into consideration factors above, and shall include a
6 strategy for immediate employment and for preparing for, finding, and retaining employment
7 consistent, to the extent practicable, with the individual's career objectives.

8 (5) The individual employment plan must include the provision for the participant to
9 engage in work requirements as outlined in § 40-5.2-12.

10 (6)(i) The participant shall attend and participate immediately in intensive assessment and
11 employment services as the first step in the individual employment plan, unless temporarily exempt
12 from this requirement in accordance with this chapter. Intensive assessment and employment
13 services shall be defined as the work requirement activities in § 40-5.2-12(g) and (i).

14 (ii) Parents under age twenty (20) without a high school diploma or general equivalency
15 diploma (GED) shall be referred to special teen parent programs which will provide intensive
16 services designed to assist teen parents to complete high school education or GED, and to continue
17 approved work plan activities in accord with Rhode Island works program requirements.

18 (7) The applicant shall become a participant in accordance with this chapter at the time the
19 individual employment plan is signed and entered into.

20 (8) Applicants and participants of the Rhode Island works program shall agree to comply
21 with the terms of the individual employment plan, and shall cooperate fully with the steps
22 established in the individual employment plan, including the work requirements.

23 (9) The department of human services has the authority under the chapter to require
24 attendance by the applicant/participant, either at the department of human services or at the
25 department of labor and training, at appointments deemed necessary for the purpose of having the
26 applicant enter into and become eligible for assistance through the Rhode Island works program.
27 The appointments include, but are not limited to, the initial interview, orientation and assessment;
28 job readiness and job search. Attendance is required as a condition of eligibility for cash assistance
29 in accordance with rules and regulations established by the department.

30 (10) As a condition of eligibility for assistance pursuant to this chapter, the
31 applicant/participant shall be obligated to keep appointments, attend orientation meetings at the
32 department of human services and/or the Rhode Island department of labor and training, participate
33 in any initial assessments or appraisals and comply with all the terms of the individual employment
34 plan in accordance with department of human services rules and regulations.

1 (11) A participant, including a parent or non-parent caretaker relative included in the cash
2 assistance payment, shall not voluntarily quit a job or refuse a job unless there is good cause as
3 defined in this chapter or the department's rules and regulations.

4 (12) A participant who voluntarily quits or refuses a job without good cause, as defined in
5 § 40-5.2-12(l), while receiving cash assistance in accordance with this chapter, shall be sanctioned
6 in accordance with rules and regulations promulgated by the department.

7 (f) Resources.

8 (1) The family or assistance unit's countable resources shall be less than the allowable
9 resource limit established by the department in accordance with this chapter.

10 (2) No family or assistance unit shall be eligible for assistance payments if the combined
11 value of its available resources (reduced by any obligations or debts with respect to such resources)
12 exceeds one thousand dollars (\$1,000).

13 (3) For purposes of this subsection, the following shall not be counted as resources of the
14 family/assistance unit in the determination of eligibility for the works program:

15 (i) The home owned and occupied by a child, parent, relative or other individual;

16 (ii) Real property owned by a husband and wife as tenants by the entirety, if the property
17 is not the home of the family and if the spouse of the applicant refuses to sell his or her interest in
18 the property;

19 (iii) Real property that the family is making a good faith effort to dispose of, however, any
20 cash assistance payable to the family for any such period shall be conditioned upon such disposal
21 of the real property within six (6) months of the date of application and any payments of assistance
22 for that period shall (at the time of disposal) be considered overpayments to the extent that they
23 would not have occurred at the beginning of the period for which the payments were made. All
24 overpayments are debts subject to recovery in accordance with the provisions of the chapter;

25 (iv) Income producing property other than real estate including, but not limited to,
26 equipment such as farm tools, carpenter's tools and vehicles used in the production of goods or
27 services that the department determines are necessary for the family to earn a living;

28 (v) One vehicle for each adult household member, but not to exceed two (2) vehicles per
29 household, and in addition, a vehicle used primarily for income producing purposes such as, but
30 not limited to, a taxi, truck or fishing boat; a vehicle used as a family's home; a vehicle that annually
31 produces income consistent with its fair market value, even if only used on a seasonal basis; a
32 vehicle necessary to transport a family member with a disability where the vehicle is specially
33 equipped to meet the specific needs of the person with a disability or if the vehicle is a special type
34 of vehicle that makes it possible to transport the person with a disability;

1 (vi) Household furnishings and appliances, clothing, personal effects, and keepsakes of
2 limited value;

3 (vii) Burial plots (one for each child, relative, and other individual in the assistance unit)
4 and funeral arrangements;

5 (viii) For the month of receipt and the following month, any refund of federal income taxes
6 made to the family by reason of § 32 of the Internal Revenue Code of 1986, 26 U.S.C. § 32 (relating
7 to earned income tax credit), and any payment made to the family by an employer under § 3507 of
8 the Internal Revenue Code of 1986, 26 U.S.C. § 3507 (relating to advance payment of such earned
9 income credit);

10 (ix) The resources of any family member receiving supplementary security income
11 assistance under the Social Security Act, 42 U.S.C. § 301 et seq.

12 (g) Income.

13 (1) Except as otherwise provided for herein, in determining eligibility for and the amount
14 of cash assistance to which a family is entitled under this chapter, the income of a family includes
15 all of the money, goods, and services received or actually available to any member of the family.

16 (2) In determining the eligibility for and the amount of cash assistance to which a
17 family/assistance unit is entitled under this chapter, income in any month shall not include the first
18 one hundred seventy dollars (\$170) of gross earnings plus fifty percent (50%) of the gross earnings
19 of the family in excess of one hundred seventy dollars (\$170) earned during the month.

20 (3) The income of a family shall not include:

21 (i) The first fifty dollars (\$50.00) in child support received in any month from each non-
22 custodial parent of a child plus any arrearages in child support (to the extent of the first fifty dollars
23 (\$50.00) per month multiplied by the number of months in which the support has been in arrears)
24 that are paid in any month by a non-custodial parent of a child;

25 (ii) Earned income of any child;

26 (iii) Income received by a family member who is receiving supplemental security income
27 (SSI) assistance under Title XVI of the Social Security Act, 42 U.S.C. § 1381 et seq.;

28 (iv) The value of assistance provided by state or federal government or private agencies to
29 meet nutritional needs, including: value of USDA donated foods; value of supplemental food
30 assistance received under the Child Nutrition Act of 1966, as amended and the special food service
31 program for children under Title VII, nutrition program for the elderly, of the Older Americans Act
32 of 1965 as amended, and the value of food stamps;

33 (v) Value of certain assistance provided to undergraduate students, including any grant or
34 loan for an undergraduate student for educational purposes made or insured under any loan program

1 administered by the U.S. Commissioner of Education (or the Rhode Island council on
2 postsecondary education or the Rhode Island division of higher education assistance);

3 (vi) Foster care payments;

4 (vii) Home energy assistance funded by state or federal government or by a nonprofit
5 organization;

6 (viii) Payments for supportive services or reimbursement of out-of-pocket expenses made
7 to foster grandparents, senior health aides or senior companions and to persons serving in SCORE
8 and ACE and any other program under Title II and Title III of the Domestic Volunteer Service Act
9 of 1973, 42 U.S.C. § 5000 et seq.;

10 (ix) Payments to volunteers under AmeriCorps VISTA as defined in the department's rules
11 and regulations;

12 (x) Certain payments to native Americans; payments distributed per capita to, or held in
13 trust for, members of any Indian Tribe under P.L. 92-254, 25 U.S.C. § 1261 et seq., P.L. 93-134,
14 25 U.S.C. § 1401 et seq., or P.L. 94-540; receipts distributed to members of certain Indian tribes
15 which are referred to in § 5 of P.L. 94-114, 25 U.S.C. § 459d, that became effective October 17,
16 1975;

17 (xi) Refund from the federal and state earned income tax credit;

18 (xii) The value of any state, local, or federal government rent or housing subsidy, provided
19 that this exclusion shall not limit the reduction in benefits provided for in the payment standard
20 section of this chapter.

21 (4) The receipt of a lump sum of income shall affect participants for cash assistance in
22 accordance with rules and regulations promulgated by the department.

23 (h) Time limit on the receipt of cash assistance.

24 (1) On or after January 1, 2020, no cash assistance shall be provided, pursuant to this
25 chapter, to a family or assistance unit that includes an adult member who has received cash
26 assistance for a total of forty-eight (48) months (whether or not consecutive), to include any time
27 receiving any type of cash assistance in any other state or territory of the United States of America
28 as defined herein. Provided further, in no circumstances other than provided for in subsection (h)(3)
29 with respect to certain minor children, shall cash assistance be provided pursuant to this chapter to
30 a family or assistance unit which includes an adult member who has received cash assistance for a
31 total of a lifetime limit of forty-eight (48) months.

32 (2) Cash benefits received by a minor dependent child shall not be counted toward their
33 lifetime time limit for receiving benefits under this chapter should that minor child apply for cash
34 benefits as an adult.

1 (3) Certain minor children not subject to time limit. This section regarding the lifetime time
2 limit for the receipt of cash assistance, shall not apply only in the instances of a minor child(ren)
3 living with a parent who receives SSI benefits and a minor child(ren) living with a responsible adult
4 non-parent caretaker relative who is not in the case assistance payment.

5 (4) Receipt of family cash assistance in any other state or territory of the United States of
6 America shall be determined by the department of human services and shall include family cash
7 assistance funded in whole or in part by Temporary Assistance for Needy Families (TANF) funds
8 [Title IV-A of the Federal Social Security Act 42 U.S.C. § 601 et seq.] and/or family cash assistance
9 provided under a program similar to the Rhode Island families work and opportunity program or
10 the federal TANF program.

11 (5)(i) The department of human services shall mail a notice to each assistance unit when
12 the assistance unit has six (6) months of cash assistance remaining and each month thereafter until
13 the time limit has expired. The notice must be developed by the department of human services and
14 must contain information about the lifetime time limit, the number of months the participant has
15 remaining, the hardship extension policy, the availability of a post-employment-and-closure bonus,
16 and any other information pertinent to a family or an assistance unit nearing the forty-eight-month
17 (48) lifetime time limit.

18 (ii) For applicants who have less than six (6) months remaining in the forty-eight-month
19 (48) lifetime time limit because the family or assistance unit previously received cash assistance in
20 Rhode Island or in another state, the department shall notify the applicant of the number of months
21 remaining when the application is approved and begin the process required in subsection (h)(5)(i).

22 (6) If a cash assistance recipient family closed pursuant to Rhode Island's Temporary
23 Assistance for Needy Families Program (federal TANF described in Title IV A of the Federal
24 Social Security Act, 42 U.S.C. § 601 et seq.), formerly entitled the Rhode Island family
25 independence program, more specifically under § 40-5.1-9(2)(c) [repealed], due to sanction
26 because of failure to comply with the cash assistance program requirements; and that recipient
27 family received forty-eight (48) months of cash benefits in accordance with the family
28 independence program, then that recipient family is not able to receive further cash assistance for
29 his/her family, under this chapter, except under hardship exceptions.

30 (7) The months of state or federally funded cash assistance received by a recipient family
31 since May 1, 1997, under Rhode Island's Temporary Assistance for Needy Families Program
32 (federal TANF described in Title IV A of the Federal Social Security Act, 42 U.S.C. § 601 et seq.),
33 formerly entitled the Rhode Island family independence program, shall be countable toward the
34 time limited cash assistance described in this chapter.

1 (i) Time limit on the receipt of cash assistance.

2 (1) No cash assistance shall be provided, pursuant to this chapter, to a family assistance
3 unit in which an adult member has received cash assistance for a total of sixty (60) months (whether
4 or not consecutive) to include any time receiving any type of cash assistance in any other state or
5 territory of the United States as defined herein effective August 1, 2008. Provided further, that no
6 cash assistance shall be provided to a family in which an adult member has received assistance for
7 twenty-four (24) consecutive months unless the adult member has a rehabilitation employment plan
8 as provided in § 40-5.2-12(g)(5).

9 (2) Effective August 1, 2008, no cash assistance shall be provided pursuant to this chapter
10 to a family in which a child has received cash assistance for a total of sixty (60) months (whether
11 or not consecutive) if the parent is ineligible for assistance under this chapter pursuant to
12 subdivision 40-5.2(a) (2) to include any time they received any type of cash assistance in any other
13 state or territory of the United States as defined herein.

14 (j) Hardship exceptions.

15 (1) The department may extend an assistance unit's or family's cash assistance beyond the
16 time limit, by reason of hardship; provided, however, that the number of families to be exempted
17 by the department with respect to their time limit under this subsection shall not exceed twenty
18 percent (20%) of the average monthly number of families to which assistance is provided for under
19 this chapter in a fiscal year; provided, however, that to the extent now or hereafter permitted by
20 federal law, any waiver granted under § ~~40-5.2-35~~ 40-5.2-34, for domestic violence, shall not be
21 counted in determining the twenty percent (20%) maximum under this section.

22 (2) Parents who receive extensions to the time limit due to hardship must have and comply
23 with employment plans designed to remove or ameliorate the conditions that warranted the
24 extension.

25 (k) Parents under eighteen (18) years of age.

26 (1) A family consisting of a parent who is under the age of eighteen (18), and who has
27 never been married, and who has a child; or a family consisting of a woman under the age of
28 eighteen (18) who is at least six (6) months pregnant, shall be eligible for cash assistance only if
29 the family resides in the home of an adult parent, legal guardian, or other adult relative. The
30 assistance shall be provided to the adult parent, legal guardian, or other adult relative on behalf of
31 the individual and child unless otherwise authorized by the department.

32 (2) This subsection shall not apply if the minor parent or pregnant minor has no parent,
33 legal guardian, or other adult relative who is living and/or whose whereabouts are unknown; or the
34 department determines that the physical or emotional health or safety of the minor parent, or his or

1 her child, or the pregnant minor, would be jeopardized if he or she was required to live in the same
2 residence as his or her parent, legal guardian, or other adult relative (refusal of a parent, legal
3 guardian or other adult relative to allow the minor parent or his or her child, or a pregnant minor,
4 to live in his or her home shall constitute a presumption that the health or safety would be so
5 jeopardized); or the minor parent or pregnant minor has lived apart from his or her own parent or
6 legal guardian for a period of at least one year before either the birth of any child to a minor parent
7 or the onset of the pregnant minor's pregnancy; or there is good cause, under departmental
8 regulations, for waiving the subsection; and the individual resides in a supervised supportive living
9 arrangement to the extent available.

10 (3) For purposes of this section, "supervised supportive living arrangement" means an
11 arrangement that requires minor parents to enroll and make satisfactory progress in a program
12 leading to a high school diploma or a general education development certificate, and requires minor
13 parents to participate in the adolescent parenting program designated by the department, to the
14 extent the program is available; and provides rules and regulations that ensure regular adult
15 supervision.

16 (1) Assignment and cooperation. As a condition of eligibility for cash and medical
17 assistance under this chapter, each adult member, parent, or caretaker relative of the
18 family/assistance unit must:

19 (1) Assign to the state any rights to support for children within the family from any person
20 that the family member has at the time the assignment is executed or may have while receiving
21 assistance under this chapter;

22 (2) Consent to and cooperate with the state in establishing the paternity and in establishing
23 and/or enforcing child support and medical support orders for all children in the family or assistance
24 unit in accordance with title 15 of the general laws, as amended, unless the parent or caretaker
25 relative is found to have good cause for refusing to comply with the requirements of this subsection.

26 (3) Absent good cause, as defined by the department of human services through the rule-
27 making process, for refusing to comply with the requirements of (1)(1) and (1)(2), cash assistance
28 to the family shall be reduced by twenty-five percent (25%) until the adult member of the family
29 who has refused to comply with the requirements of this subsection consents to and cooperates with
30 the state in accordance with the requirements of this subsection.

31 (4) As a condition of eligibility for cash and medical assistance under this chapter, each
32 adult member, parent, or caretaker relative of the family/assistance unit must consent to and
33 cooperate with the state in identifying and providing information to assist the state in pursuing any
34 third-party who may be liable to pay for care and services under Title XIX of the Social Security

1 Act, 42 U.S.C. § 1396 et seq.

2 **40-5.2-12. Work requirements for receipt of cash assistance.**

3 (a) The department of human services and the department of labor and training shall assess
4 the applicant/parent or non-parent caretaker relative's work experience, educational, and vocational
5 abilities, and the department, together with the parent, shall develop and enter into a mandatory,
6 individual employment plan in accordance with § 40-5.2-10(e) of this chapter.

7 (b) In the case of a family including two (2) parents, at least one of the parents shall be
8 required to participate in an employment plan leading to full-time employment. The department
9 may also require the second parent in a two-parent (2) household to develop an employment plan
10 if, and when, the youngest child reaches six (6) years of age or older.

11 (c) The written, individual employment plan shall specify, at minimum, the immediate
12 steps necessary to support a goal of long-term, economic independence.

13 (d) All applicants and participants in the Rhode Island works employment program must
14 attend and participate in required appointments, employment plan development, and employment-
15 related activities, unless temporarily exempt for reasons specified in this chapter.

16 (e) A recipient/participant temporarily exempted from the work requirements may
17 participate in an individual employment plan on a voluntary basis, however, the individual remains
18 subject to the same program compliance requirements as a participant without a temporary
19 exemption.

20 (f) The individual employment plan shall specify the participant's work activity(ies) and
21 the supportive services that will be provided by the department to enable the participant to engage
22 in the work activity(ies).

23 (g) Work Requirements for single-parent families. In single-parent households, the
24 participant parent or non-parent caretaker relative in the cash assistance payment, shall participate
25 as a condition of eligibility, for a minimum of twenty (20) hours per week if the youngest child in
26 the home is under the age of six (6), and for a minimum of thirty (30) hours per week if the youngest
27 child in the home is six (6) years of age or older, in one or more of their required work activities,
28 as appropriate, in order to help the parent obtain stable, full-time, paid employment, as determined
29 by the department of human services and the department of labor and training; provided, however,
30 that he or she shall begin with intensive employment services as the first step in the individual
31 employment plan. Required work activities are as follows:

32 (1) At least twenty (20) hours per week must come from participation in one or more of
33 the following ten (10) work activities:

34 (A) Unsubsidized employment;

- 1 (B) Subsidized, private-sector employment;
- 2 (C) Subsidized, public-sector employment;
- 3 (D) Work experience;
- 4 (E) On-the-Job Training;
- 5 (F) Job search and job readiness;
- 6 (G) Community service programs;
- 7 (H) Vocational educational training not to exceed twelve (12) months;
- 8 (I) Providing child care services to another participant parent who is participating in an
- 9 approved community service program; and
- 10 (J) Adult education in an intensive work readiness program.

11 (2) Above twenty (20) hours per week, the parent may participate in one or more of the
12 following three (3) activities in order to satisfy a thirty-hour (30) requirement:

- 13 (A) Job skills training directly related to employment;
- 14 (B) Education directly related to employment; and
- 15 (C) Satisfactory attendance at a secondary school or in a course of study leading to a
16 certificate of general equivalence if it is a teen parent under the age **of** twenty (20) who is without
17 a high school diploma or General Equivalence Diploma (GED).

18 (3) In the case of a parent under the age of twenty (20), attendance at a secondary school
19 or the equivalent during the month, or twenty (20) hours per week on average for the month in
20 education directly related to employment, will be counted as engaged in work.

21 (4) A parent who participates in a work experience or community service program for the
22 maximum number of hours per week allowable by the Fair Labor Standards Act (FLSA) is deemed
23 to have participated in his or her required minimum hours per week in core activities if actual
24 participation falls short of his or her required minimum hours per week.

25 (5) A parent who has been determined to have a physical or mental impairment affecting
26 employment, but who has not been found eligible for Social Security Disability benefits or
27 Supplemental Security Income must participate in his or her rehabilitation employment plan as
28 developed with the office of rehabilitative services that leads to employment and/or to receipt of
29 disability benefits through the Social Security Administration.

30 (6) A required work activity may be any other work activity permissible under federal
31 TANF provisions or state-defined Rhode Island Works program activity, including up to ten (10)
32 hours of activities required by a parent's department of children, youth and families service plan.

33 (h) Exemptions from work requirements for the single-parent family. Work requirements
34 outlined in § 40-5.2-12(g) above shall not apply to a single parent if (and for so long as) the

1 department finds that he or she is:

2 (1) Caring for a child below the age of one; provided, however, that a parent may opt for
3 the deferral from an individual employment plan for a maximum of twelve (12) months during the
4 twenty-four (24) months of eligibility for cash assistance and provided, further, that a minor parent
5 without a high school diploma or the equivalent, and who is not married, shall not be exempt for
6 more than twelve (12) weeks from the birth of the child;

7 (2) Caring for a disabled family member who resides in the home and requires full-time
8 care;

9 (3) A recipient of Social Security Disability benefits or Supplemental Security Income or
10 other disability benefits that have the same standard of disability as defined by the Social Security
11 Administration;

12 (4) An individual receiving assistance who is a victim of domestic violence as determined
13 by the department in accordance with rules and regulations;

14 (5) An applicant for assistance in her third trimester or a pregnant woman in her third
15 trimester who is a recipient of assistance and has medical documentation that she cannot work;

16 (6) An individual otherwise exempt by the department as defined in rules and regulations
17 promulgated by the department.

18 (i) Work requirement for two-parent families.

19 (1) In families consisting of two (2) parents, one or both parents are required, and shall be
20 engaged in, work activities as defined below, for an individual or combined total of at least thirty-
21 five (35) hours per week during the month, not fewer than thirty (30) hours per week of that are
22 attributable to one or more of the following listed work activities; provided, however, that he or she
23 shall begin with intensive employment services as the first step in the Individual Employment Plan.

24 Two-parent work requirements shall be defined as the following:

25 (A) Unsubsidized employment;

26 (B) Subsidized private-sector employment;

27 (C) Subsidized public-sector employment;

28 (D) Work experience;

29 (E) On-the-job training;

30 (F) Job search and job readiness;

31 (G) Community service program;

32 (H) Vocational educational training not to exceed twelve (12) months;

33 (I) The provision of child care services to a participant individual who is participating in a
34 community service program; and

1 (J) Adult education in an intensive work readiness program.

2 (2) Above thirty (30) hours per week, the following three (3) activities may also count for
3 participation:

4 (A) Job skills training directly related to employment;

5 (B) Education directly related to employment; and

6 (C) Satisfactory attendance at secondary school or in a course of study leading to a
7 certificate of general equivalence.

8 (3) A family with two (2) parents, in which one or both parents participate in a work
9 experience or community service program, shall be deemed to have participated in core work
10 activities for the maximum number of hours per week allowable by the Fair Labor Standards Act
11 (FLSA) if actual participation falls short of his or her required minimum hours per week.

12 (4) If the family receives child care assistance and an adult in the family is not disabled or
13 caring for a severely disabled child, then the work-eligible individuals must be participating in work
14 activities for an average of at least fifty-five (55) hours per week to count as a two-parent family
15 engaged in work for the month.

16 (5) At least fifty (50) of the fifty-five (55) hours per week must come from participation in
17 the activities listed in § 40-5.2-12(i)(1).

18 Above fifty (50) hours per week, the three (3) activities listed in § 40-5.2-12(i)(2) may also
19 count as participation.

20 (6) A family with two (2) parents receiving child care in which one or both parents
21 participate in a work experience or community service program for the maximum number of hours
22 per week allowable by the Fair Labor Standards Act (FLSA) will be considered to have met their
23 required core hours if actual participation falls short of the required minimum hours per week. For
24 families that need additional hours beyond the core activity requirement, these hours must be
25 satisfied in some other TANF work activity.

26 (j) Exemptions from work requirements for two-parent families. Work requirements
27 outlined in § 40-5.2-12(i) above shall not apply to two parent families if (and for so long as) the
28 department finds that:

29 (1) Both parents receive Supplemental Security Income (SSI);

30 (2) One parent receives SSI, and the other parent is caring for a disabled family member
31 who resides in the home and who requires full-time care; or

32 (3) The parents are otherwise exempt by the department as defined in rules and regulations.

33 (k) Failure to comply with work requirements. Sanctions and Terminations.

34 (1) The cash assistance to which an otherwise eligible family/assistance unit is entitled

1 under this chapter, shall be reduced for three (3) months, whether or not consecutive, in accordance
2 with rules and regulations promulgated by the department, whenever any participant, without good
3 cause as defined by the department in its rules and regulations, has failed to enter into an individual
4 employment plan; has failed to attend a required appointment; has refused or quit employment; or
5 has failed to comply with any other requirements for the receipt of cash assistance under this
6 chapter. If the family's benefit has been reduced, benefits shall be restored to the full amount
7 beginning with the initial payment made on the first of the month following the month in which the
8 parent: (i) Enters into an individual employment plan or rehabilitation plan and demonstrates
9 compliance with the terms thereof; or (ii) Demonstrates compliance with the terms of his or her
10 existing individual employment plan or rehabilitation plan, as such plan may be amended by
11 agreement of the parent and the department.

12 (2) In the case where appropriate child care has been made available in accordance with
13 this chapter, a participant's failure, without good cause, to accept a bona fide offer of work,
14 including full-time, part-time, and/or temporary employment, or unpaid work experience or
15 community service, shall be deemed a failure to comply with the work requirements of this section
16 and shall result in reduction or termination of cash assistance, as defined by the department in rules
17 and regulations duly promulgated.

18 (3) If the family/assistance unit's benefit has been reduced for a total of three (3) months,
19 whether or not consecutive in accordance with this section due to the failure by one or more parents
20 to enter into an individual employment plan, or failure to comply with the terms of his or her
21 individual employment plan, or the failure to comply with the requirements of this chapter, cash
22 assistance to the entire family shall end. The family/assistance unit may reapply for benefits, and
23 the benefits shall be restored to the family/assistance unit in the full amount the family/assistance
24 unit is otherwise eligible for under this chapter beginning on the first of the month following the
25 month in which all parents in the family/assistance unit who are subject to the employment or
26 rehabilitation plan requirements under this chapter: (1) Enter into an individual employment or
27 rehabilitation plan as applicable, and demonstrate compliance with the terms thereof, or (2)
28 Demonstrate compliance with the terms of the parent's individual employment or rehabilitation
29 employment plan in effect at the time of termination of benefits, as such plan may be amended by
30 agreement of the parent and the department.

31 (4) Up to ten (10) days following a notice of adverse action to reduce or terminate benefits
32 under this subsection, the client may request the opportunity to meet with a social worker to identify
33 the reasons for non-compliance, establish good cause, and seek to resolve any issues that have
34 prevented the parent from complying with the employment plan requirements.

1 (5) Participants whose cases had closed in sanction status pursuant to Rhode Island's prior
2 Temporary Assistance for Needy Families Program, (federal TANF described in Title IVA of the
3 federal Social Security Act, 42 U.S.C. § 601 et seq.), the Family Independence Program, more
4 specifically, § 40-5.1-9(2)(c), due to failure to comply with the cash assistance program
5 requirements, but who had received less than forty-eight (48) months of cash assistance at the time
6 of closure, and who reapply for cash assistance under the Rhode Island works program, must
7 demonstrate full compliance, as defined by the department in its rules and regulations, before they
8 shall be eligible for cash assistance pursuant to this chapter.

9 (l) Good Cause. Good Cause for failing to meet any program requirements including
10 leaving employment, and failure to fulfill documentation requirements, shall be outlined in rules
11 and regulations promulgated by the department of human services.

12 **40-5.2-20. Child-care assistance.**

13 Families or assistance units eligible for child-care assistance.

14 (a) The department shall provide appropriate child care to every participant who is eligible
15 for cash assistance and who requires child care in order to meet the work requirements in
16 accordance with this chapter.

17 (b) Low-income child care. The department shall provide child care to all other working
18 families with incomes at or below one hundred eighty percent (180%) of the federal poverty level
19 if, and to the extent, these other families require child care in order to work at paid employment as
20 defined in the department's rules and regulations. Beginning October 1, 2013, the department shall
21 also provide child care to families with incomes below one hundred eighty percent (180%) of the
22 federal poverty level if, and to the extent, these families require child care to participate on a short-
23 term basis, as defined in the department's rules and regulations, in training, apprenticeship,
24 internship, on-the-job training, work experience, work immersion, or other job-readiness/job-
25 attachment program sponsored or funded by the human resource investment council (governor's
26 workforce board) or state agencies that are part of the coordinated program system pursuant to §
27 42-102-11.

28 (c) No family/assistance unit shall be eligible for child-care assistance under this chapter if
29 the combined value of its liquid resources exceeds one million dollars (\$1,000,000), which
30 corresponds to the amount permitted by the federal government under the state plan and set forth
31 in the administrative rule-making process by the department. Liquid resources are defined as any
32 interest(s) in property in the form of cash or other financial instruments or accounts that are readily
33 convertible to cash or cash equivalents. These include, but are not limited to: cash, bank, credit
34 union, or other financial institution savings, checking, and money market accounts; certificates of

1 deposit or other time deposits; stocks; bonds; mutual funds; and other similar financial instruments
2 or accounts. These do not include educational savings accounts, plans, or programs; retirement
3 accounts, plans, or programs; or accounts held jointly with another adult, not including a spouse.
4 The department is authorized to promulgate rules and regulations to determine the ownership and
5 source of the funds in the joint account.

6 (d) As a condition of eligibility for child-care assistance under this chapter, the parent or
7 caretaker relative of the family must consent to, and must cooperate with, the department in
8 establishing paternity, and in establishing and/or enforcing child support and medical support
9 orders for any children in the family receiving appropriate child care under this section in
10 accordance with the applicable sections of title 15 of the state's general laws, as amended, unless
11 the parent or caretaker relative is found to have good cause for refusing to comply with the
12 requirements of this subsection.

13 (e) For purposes of this section, "appropriate child care" means child care, including infant,
14 toddler, pre-school, nursery school, and school-age, that is provided by a person or organization
15 qualified, approved, and authorized to provide the care by the state agency or agencies designated
16 to make the determinations in accordance with the provisions set forth herein.

17 (f)(1) Families with incomes below one hundred percent (100%) of the applicable federal
18 poverty level guidelines shall be provided with free child care. Families with incomes greater than
19 one hundred percent (100%) and less than one hundred eighty percent (180%) of the applicable
20 federal poverty guideline shall be required to pay for some portion of the child care they receive,
21 according to a sliding-fee scale adopted by the department in the department's rules.

22 (2) Families who are receiving child-care assistance and who become ineligible for child-
23 care assistance as a result of their incomes exceeding one hundred eighty percent (180%) of the
24 applicable federal poverty guidelines shall continue to be eligible for child-care assistance until
25 their incomes exceed two hundred twenty-five percent (225%) of the applicable federal poverty
26 guidelines. To be eligible, the families must continue to pay for some portion of the child care they
27 receive, as indicated in a sliding-fee scale adopted in the department's rules and in accordance with
28 all other eligibility standards.

29 (g) In determining the type of child care to be provided to a family, the department shall
30 take into account the cost of available child-care options; the suitability of the type of care available
31 for the child; and the parent's preference as to the type of child care.

32 (h) For purposes of this section, "income" for families receiving cash assistance under §
33 40-5.2-11 means gross, earned income and unearned income, subject to the income exclusions in
34 §§ 40-5.2-10(g)(2) and 40-5.2-10(g)(3), and income for other families shall mean gross, earned and

1 unearned income as determined by departmental regulations.

2 (i) The caseload estimating conference established by chapter 17 of title 35 shall forecast
3 the expenditures for child care in accordance with the provisions of § 35-17-1.

4 (j) In determining eligibility for child-care assistance for children of members of reserve
5 components called to active duty during a time of conflict, the department shall freeze the family
6 composition and the family income of the reserve component member as it was in the month prior
7 to the month of leaving for active duty. This shall continue until the individual is officially
8 discharged from active duty.

9 **40-5.2-21. Eligibility for medical benefits.**

10 (a) Every member of any family/assistance unit eligible for cash assistance under this
11 chapter shall be eligible for medical assistance through the RItE Care or RItE Share programs, as
12 determined by the department, subject to the provisions of subsection 40-8-1(d) and provided,
13 further, that eligibility for such medical assistance, must qualify for federal financial participation
14 pursuant to the provisions of Title XIX of the federal social security act, 42 U.S.C. § 1396 et seq.

15 (b) If a family becomes ineligible for cash assistance payments under this chapter as a result
16 of excess earnings from employment, the family/assistance unit shall continue to be eligible for
17 medical assistance through the RItE Care or RItE Share program for a period of twelve (12) months
18 or until employer paid family health care coverage begins, subject to the provisions of subsection
19 40-8-1(d), whichever occurs first; and provided, further, that ~~eligibility~~ those eligible for such
20 medical assistance, must qualify for federal financial participation pursuant to the provisions of
21 title XIX of the federal social security Act, 42 U.S.C. § 1396 et seq.

22 SECTION 27. Sections 40-6-10 and 40-6-29 of the General Laws in Chapter 40-6 entitled
23 “Public Assistance Act” are hereby amended to read as follows:

24 **40-6-10. Effects of assistance on receipt of workers' compensation benefits.**

25 (a) No individual shall be entitled to receive assistance provided under this chapter or
26 chapter 5.1 of this title and/or medical assistance under chapter 8 of this title for any period
27 beginning on or after July 1, 1982, with respect to which benefits are paid or payable to individuals
28 under any workers' compensation law of this state, any other state, or the federal government, on
29 account of any disability caused by accident or illness. In the event that workers' compensation
30 benefits are subsequently awarded to an individual with respect to which the individual has received
31 assistance payments under this chapter or chapter 5.1 of this title and/or medical assistance under
32 chapter 8 of this title, then the executive office of health and human services shall be subrogated to
33 the individual's rights in the award to the extent of the amount of the payments and/or medical
34 assistance paid to or on behalf of the individuals.

1 (b) Whenever an employer or insurance carrier has been notified by the executive office of
2 health and human services that an individual is an applicant for or a recipient of assistance payments
3 under this chapter or chapter 5.1 of this title, and/or medical assistance under chapter 8 of this title,
4 for a period during which the individual is or may be eligible for benefits under the Workers'
5 Compensation Act, chapters 29--38 of title 28, the notice shall constitute a lien in favor of the
6 executive office of health and human services, upon any pending award, order, or settlement to the
7 individual under the Workers' Compensation Act. The employer or his or her insurance carrier shall
8 be required to reimburse the executive office of health and human services the amount of the
9 assistance payments and/or medical assistance paid to or on behalf of the individual for any period
10 for which an award, order, or settlement is made.

11 (c) Whenever an individual becomes entitled to or is awarded workers' compensation for
12 the same period with respect to which the individual has received assistance payments under this
13 chapter or chapter 5.1 of this title and/or medical assistance under chapter 8 of this title, and
14 whenever notice of the receipt of assistance payments has been given to the division of workers'
15 compensation of the department of labor and training of this state and/or the workers' compensation
16 commission, the division or commission is hereby required to and shall incorporate in any award,
17 order, or approval of settlement, an order requiring the employer or his or her insurance carrier to
18 reimburse the executive office of health and human services the amount of the assistance payments
19 and/or medical assistance paid to or on behalf of the individual for the period for which an award,
20 order, or settlement is made.

21 (d) Any claims or payments to a recipient of medical assistance provided by the executive
22 office of health and human services in accordance with chapter ~~40-8~~ [of title 40](#) shall also be subject
23 to the provisions of ~~chapter~~ [§ 28-33-27](#). Funds available to be paid for the payment of child support
24 shall supersede any payment made pursuant to this chapter and chapter ~~27-57.1~~ [of title 27](#).

25 **40-6-29. Health care benefits -- Employers -- Discrimination against public assistance**
26 **recipients.**

27 (a) No employer in the state who shall hire, contract with, or employ an individual
28 (hereinafter "recipient") who has been determined eligible to receive public assistance or medical
29 assistance under chapters 6 and 5.1 and 8.4 of this title, or chapter 12.3 of title 42 and/or title XIX
30 of the Social Security Act, 42 U.S.C. § 1396 et seq., shall discriminate against the recipient(s) on
31 the basis that the recipient(s) receive health care coverage as an element of their eligibility under
32 those chapters and act.

33 (b) The department of human services is hereby authorized and directed to amend its
34 regulations and any appropriate state plan(s) pursuant to the federal Social Security Act, 42 U.S.C.

1 § 301 et seq., to provide for imposition of a fine on the failure of any employer to comply with the
2 requirements of this section.

3 (c) The amount of the fine imposed by subsection (b) of this section shall be equal to one
4 hundred dollars (\$100) for each day for each individual for which the failure occurs.

5 (d) No fine shall be imposed by subsection (b) if:

6 (1) the failure was due to reasonable cause and not willful neglect; and

7 (2) the failure is corrected during the thirty (30) day period (or such period as the director
8 of the department of human services may determine appropriate) beginning on the first day any of
9 the individuals upon whom the fine is imposed know, or exercising reasonable diligence would
10 have known, that the failure existed. In the case of a failure which is due to reasonable cause and
11 not to willful neglect, the director may waive part or all of the fine imposed by subsection (a) to the
12 extent that the payment of the fine would be excessive relative to the failure involved.

13 (e) No employer may refuse to provide employee data information lawfully requested by
14 the department of human services about specific employees whom the department had determined
15 eligible or is in the process of determining eligibility to receive public health care benefits.

16 (f) As used in this section, the term "group health plan" has the meaning given the term in
17 § 5000(b)(1) of the Internal Revenue Code of 1986, 26 U.S.C. § 5000(b)(1).

18 (g) A group health plan offered by an employer:

19 (1) May not take into account, for any item or services to be furnished to a recipient at the
20 time the recipient is covered under the plan by reason of the current employment of that recipient
21 (or the recipient's spouse), that the recipient is entitled to health care coverage as an element of
22 their eligibility; and

23 (2) Shall provide that any recipient, and any recipient's spouse and minor dependents, shall
24 be entitled to the same benefits under the plan under the same conditions as any employee, and the
25 spouse and dependents of the employee.

26 (h) It is unlawful for an employer to offer any financial or other incentive for a recipient
27 not to enroll (or to terminate enrollment) under a group health plan, unless the incentive is also
28 offered to all individuals who are eligible for coverage under the plan. Any entity that violates the
29 previous sentence is subject to a civil money penalty not to exceed five thousand dollars (\$5,000)
30 for each violation, which may be imposed by the department of human services.

31 SECTION 28. Section 40-6.1-2 of the General Laws in Chapter 40-6.1 entitled "Work
32 Training Program" is hereby amended to read as follows:

33 **40-6.1-2. Participation requirement -- Assignment of work.**

34 As provided in this chapter, employable persons receiving financial support from the state

1 shall be required to participate in the work training program and to perform such work as may be
2 assigned to them by the director of the department of human services (hereinafter called the
3 "director") or his or her designee. The director shall assign such work as is available in connection
4 with the affairs of the state, and all of the several cities and towns participating in the general public
5 assistance program (GPA) shall be required to provide work training opportunities for residents of
6 their respective cities and towns who receive GPA support. The director shall determine if the work
7 is suitable and whether the GPA recipient is able to perform the work. Notwithstanding the
8 foregoing, the recipients shall not be utilized in any work position to replace or perform work
9 ordinarily performed by regular employees of any department or agency of state or municipal
10 government, nor to replace or perform work ordinarily performed by a craft or trade person in
11 private employment.

12 SECTION 29. Section 40-6.6-9 of the General Laws in Chapter 40-6.6 entitled "Quality
13 Family Child Care Act" is hereby amended to read as follows:

14 **40-6.6-9. Certification and decertification of provider organization.**

15 (a) Petitions to certify a provider organization to serve as the provider representative of
16 CCAP family child care providers, petitions to intervene in such an election, and any other petitions
17 for investigation of controversies as to representation may be filed with and acted upon by the labor
18 relations board in accordance with the provisions of Chapter 7 of Title 28 and the board's rules and
19 regulations; provided that any valid petition as to whether CCAP family child care providers wish
20 to certify or decertify a provider representative shall be resolved by a secret ballot election among
21 CCAP family child care providers, for which ~~the~~ purpose the board may designate a neutral third
22 party to conduct said secret ballot election.

23 (b) The only appropriate unit shall consist of all CCAP family child care providers in the
24 state.

25 (c) The cost of any certification election held under this section will be split equally among
26 all the provider organizations that appear on the ballot.

27 SECTION 30. Section 40-8-32 of the General Laws in Chapter 40-8 entitled "Medical
28 Assistance" is hereby amended to read as follows:

29 **40-8-32. Support for certain patients of nursing facilities.**

30 (a) Definitions. For purposes of this section:

31 (1) "Applied income" shall mean the amount of income a Medicaid beneficiary is required
32 to contribute to the cost of his or her care.

33 (2) "Authorized individual" shall mean a person who has authority over the income of a
34 patient of a nursing facility such as a person who has been given or has otherwise obtained authority

1 over a patient's bank account, has been named as or has rights as a joint account holder, or is a
2 fiduciary as defined below.

3 (3) "Costs of care" shall mean the costs of providing care to a patient of a nursing facility,
4 including nursing care, personal care, meals, transportation and any other costs, charges, and
5 expenses incurred by a nursing facility in providing care to a patient. Costs of care shall not exceed
6 the customary rate the nursing facility charges to a patient who pays for his or her care directly
7 rather than through a governmental or other third party payor.

8 (4) "Fiduciary" shall mean a person to whom power or property has been formally entrusted
9 for the benefit of another such as an attorney-in-fact, legal guardian, trustee, or representative
10 payee.

11 (5) "Nursing facility" shall mean a nursing facility licensed under Chapter 17 of Title 23,
12 which is a participating provider in the Rhode Island Medicaid program.

13 (6) "Penalty period" means the period of Medicaid ineligibility imposed pursuant to 42
14 U.S.C. § 1396p(c), as amended from time to time, on a person whose assets have been transferred
15 for less than fair market value.

16 (7) "Uncompensated care" -- Care and services provided by a nursing facility to a Medicaid
17 applicant without receiving compensation therefore from Medicaid, Medicare, the Medicaid
18 applicant, or other source. The acceptance of any payment representing actual or estimated applied
19 income shall not disqualify the care and services provided from qualifying as uncompensated care.

20 (b) Penalty period resulting from transfer. Any transfer or assignment of assets resulting in
21 the establishment or imposition of a penalty period shall create a debt that shall be due and owing
22 to a nursing facility for the unpaid costs of care provided during the penalty period to a patient of
23 that facility who has been subject to the penalty period. The amount of the debt established shall
24 not exceed the fair market value of the transferred assets at the time of transfer that are the subject
25 of the penalty period. A nursing facility may bring an action to collect a debt for the unpaid costs
26 of care given to a patient who has been subject to a penalty period, against either the transferor or
27 the transferee, or both. The provisions of this section shall not affect other rights or remedies of the
28 parties.

29 (c) Applied income. A nursing facility may provide written notice to a patient who is a
30 Medicaid recipient and any authorized individual of that patient of:

31 (1) Of the amount of applied income due;

32 (2) Of the recipient's legal obligation to pay the applied income to the nursing facility; and

33 (3) That the recipient's failure to pay applied income due to a nursing facility not later than
34 thirty days after receiving such notice from the nursing facility may result in a court action to

1 recover the amount of applied income due.

2 A nursing facility that is owed applied income may, in addition to any other remedies
3 authorized under law, bring a claim to recover the applied income against a patient and any
4 authorized individual. If a court of competent jurisdiction determines, based upon clear and
5 convincing evidence, that a defendant willfully failed to pay or withheld applied income due and
6 owing to a nursing facility for more than thirty days after receiving notice pursuant to this
7 subsection (c), the court may award the amount of the debt owed, court costs and reasonable
8 attorneys' fees to the nursing facility.

9 (d) Effects. Nothing contained in this section shall prohibit or otherwise diminish any other
10 causes of action possessed by any such nursing facility. The death of the person receiving nursing
11 facility care shall not nullify or otherwise affect the liability of the person or persons charged with
12 the costs of care rendered or the applied income amount as referenced in this section.

13 SECTION 31. Section 40-8.4-2 of the General Laws in Chapter 40-8.4 entitled “Health
14 Care for Families” is hereby amended to read as follows:

15 **40-8.4-2. Purpose.**

16 It is the intent of the general assembly to continue to meet the goal established in 1993
17 pursuant to § ~~42-12.3-1~~ [42-12.3-2](#) to assure access to comprehensive health care by providing or
18 creating access to health insurance to all Rhode Islanders who are uninsured. Over the course of
19 several years, health insurance through the RItE Care program has been extended to pregnant
20 women and children living in families whose income is less than two hundred fifty percent (250%)
21 of the federal poverty level. Many of the parents of these children are uninsured and without the
22 means to purchase health insurance. Federal funds are available to help pay for health insurance for
23 low-income families through the medical assistance program under § 1931 of Title XIX of the
24 Social Security Act, 42 U.S.C. § 1396u-1, which de-links medical assistance from cash assistance
25 and allows for expanded income and resource methodologies. It is the intent of the general
26 assembly, therefore, to implement § 1931 of Title XIX of the Social Security Act and in addition
27 to provide expanded access to health insurance for eligible families. Federal funds for some
28 children and pregnant women may also be available under Title XXI of the Social Security Act, 42
29 U.S.C. § 1397aa et seq., and it is further the intent of the general assembly to access these funds as
30 appropriate and as authorized in accordance with the legal authority provided by the Children's
31 Health Insurance Program Reauthorization Act of 2009 (CHIPRA), and Title XXI of the Social
32 Security Act, 42 U.S.C. § 1397 et seq.

33 SECTION 32. Section 40-8.12-2 of the General Laws in Chapter 40-8.12 “Entitled Health
34 care for Adults” is hereby amended to read as follows:

1 **40-8.12-2. Eligibility.**

2 (a) Medicaid coverage for non-pregnant adults without children. There is hereby
3 established, effective January 1, 2014, a category of Medicaid eligibility pursuant to Title XIX of
4 the Social Security Act, as amended by the U.S. Patient Protection and Affordable Care Act (ACA)
5 of 2010, 42 U.S.C. § 1396u-1, for adults ages nineteen (19) to sixty-four (64) who do not have
6 dependent children and do not qualify for Medicaid under Rhode Island general laws applying to
7 families with children and adults who are blind, aged or living with a disability. The executive
8 office of health and human services is directed to make any amendments to the Medicaid state plan
9 and waiver authorities established under title XIX necessary to implement this expansion in
10 eligibility and assure the maximum federal contribution for health insurance coverage provided
11 pursuant to this chapter.

12 (b) Income. The secretary of the executive office of health and human services is authorized
13 and directed to amend the Medicaid Title XIX state plan and, as deemed necessary, any waiver
14 authority to effectuate this expansion of coverage to any Rhode Islander who qualifies for Medicaid
15 eligibility under this chapter with income at or below one hundred and thirty-three percent (133%)
16 of the federal poverty level, based on modified adjusted gross income.

17 (c) Delivery system. The executive office of health and human services is authorized and
18 directed to apply for and obtain any waiver authorities necessary to provide persons eligible under
19 this chapter with managed, coordinated health care coverage consistent with the principles set forth
20 in ~~§ 42-12.4~~ chapter 12.4 of title 42, pertaining to a health care home.

21 SECTION 33. Sections 40-9.1-3 and 40-9.1-5 of the General Laws in Chapter 40-9.1
22 entitled "Equal Rights to Public Facilities" are hereby amended to read as follows:

23 **40-9.1-3. Penalty for injuring or interfering with a service animal -- Civil actions --**
24 **Damages -- Costs and attorney's fees.**

25 (a) It is unlawful for any person, corporation, or the agent of any corporation to:

26 (1) Withhold, deny, deprive, or attempt to withhold, deny, or deprive, any other person of
27 any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

28 (2) Intimidate, threaten, coerce, or attempt to threaten, intimidate, or coerce, any other
29 person to interfere with any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

30 (3) Punish, or attempt to punish, any person for exercising, or attempting to exercise, any
31 right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

32 (b) It is unlawful for any person to injure a service animal and the person shall be liable
33 for the injuries to the service animal and if necessary the replacement and compensation for the
34 loss of the service animal.

1 (c) It is unlawful for the owner of an animal to allow their animal to injure a service animal
2 because the owner failed to control or leash the **serviee** animal. The owner shall also be liable for
3 the injuries to the service animal and if necessary the replacement and compensation for the loss of
4 the service animal.

5 (d) Any person who violates subsection (a)(1) is guilty of a misdemeanor. Any person who
6 purposely or negligently violates subsection (a)(2) or (a)(3) is guilty of a misdemeanor. Violations
7 shall be punished by imprisonment for not more than six (6) months or by a fine of not less than
8 one hundred dollars (\$100), or by both fine and imprisonment. Any person or corporation who or
9 that violates subsection (a), (b), or (c) is also liable to the person whose rights under §§ 40-9.1-2
10 and 40-9.1-2.1 were violated for actual damages for any economic loss and/or punitive damages,
11 to be recovered by a civil action in a court in and for the county in which the infringement of civil
12 rights occurred or in which the defendant lives.

13 (e) In an action brought under this section, the court shall award costs and reasonable
14 attorney's fees to the prevailing party.

15 **40-9.1-5. Therapy pets in public places.**

16 (a) The privileges of access and transportation provided to service animals in § 40-9.1-2
17 shall be extended to family therapy pets, which are further defined as primary companions which
18 include, but are not limited to, dogs, cats, rabbits, and guinea pigs, that are working in the provision
19 of pet-assisted therapy treatment and education.

20 (b) The provisions are such that the pet-assisted therapy facilitator is working in
21 conjunction with the therapy pet in a predetermined medical or educational setting, with a selected
22 clientele. The medical interactions are to be individually planned, goal-oriented, and treatment
23 based, and the educational settings are to be classroom based.

24 (c) Throughout the interactions, the pet-assisted therapy facilitator and the therapy pet will
25 abide by a set code of ethics, and will follow professional guidelines to ensure that the actions and
26 deeds of the pet-assisted therapy facilitator reflect advocacy of profession, pets, and clients, and
27 other professions; while simultaneously ensuring that the interaction of the therapy pet and client
28 remains beneficial and strives to enhance the quality of life through this animal-human bond.

29 (d) Prior to any interactions, the therapy pet must first meet the immunization criteria, a
30 current certificate of good health, which shall be issued by a licensed, practicing veterinarian; as
31 well as the temperament criteria, a certificate of good temperament, which shall be issued from a
32 certified or practicing dog trainer or animal behaviorist; and training criteria, in which the pet-
33 assisted therapy facilitator and the therapy pet learn to work as a team learning together to execute
34 **safely safe** and effective interaction, which are accepted in the field, specifically other pet-assisted

1 animal facilitators, veterinarians, dog trainers, animal behaviorists, and the state of Rhode Island.

2 (e) Access and transportation privileges are only extended while the therapy pet is on the
3 way to or actively participating in a program.

4 (f) The animal-assisted therapy facilitator, an individual who has successfully completed,
5 or is in the process of completing, an accepted pet-assisted therapy program, shall be responsible
6 for the control and safety of the pet, which is to include: cleaning up and elimination of wastes;
7 keeping the pet on a proper leash and collar; carrying a smaller animal in a travel crate; adhering
8 to all standard rules, regulations, and laws within both the facility and the state of Rhode Island;
9 and upholding an active insurance policy that will cover an unforeseen mishap and/or accidental
10 occurrence that may result in causing property damage and/or personal injury while actively
11 participating in a program.

12 SECTION 34. Section 40-18-4 of the General Laws in Chapter 40-18 entitled “Long Term
13 Home Health Care – Alternative to Placement in a Skilled Nursing or Intermediate Care Facility”
14 is hereby amended to read as follows:

15 **40-18-4. Payment for long term home health care programs.**

16 (a) When a long-term home health care program as defined under this chapter is available,
17 the department of human services, before authorizing care in a nursing home or intermediate care
18 facility for a person eligible to receive services under this title, shall notify the person, in writing,
19 of the provisions of this chapter.

20 (b)(1) If a hospitalized person eligible to receive services under the provisions of this title
21 who requires care, treatment, maintenance, nursing, or other services in a nursing home desires to
22 return to his or her own home or the home of a responsible relative or other responsible adult if the
23 necessary services are provided, that person or his or her representative shall so inform the
24 department of human services.

25 (2) If a home health care program as defined under this chapter is provided, the department
26 of human services shall authorize an assessment and if the results of the assessment indicate that
27 the person can receive the appropriate level of care at home, the official shall prepare for that person
28 a plan for the provision of services comparable to those that would be rendered in a nursing home.
29 In developing the plan, the department shall consult with those persons performing the assessment.
30 The services shall be provided by certified home health agencies, home health aide/homemaker
31 agencies, and adult day care centers.

32 (3)(i) At the time of the initial assessment, and at the time of each subsequent assessment,
33 the official shall establish a monthly budget in accordance with which he or she shall authorize
34 payment for the services provided under the plan. Total monthly expenditures made under this title

1 for that person shall not exceed a maximum of one hundred percent (100%), of the average of the
2 monthly rates payable for skilled nursing/intermediate care facility service as provided for in the
3 department of human services.

4 (ii) Principles of reimbursement for skilled nursing/intermediate care facility services
5 provided eligible receipts of the medical assistance program. If an assessment of the person's needs
6 demonstrates that he or she requires services the payment for which would exceed the monthly
7 maximum, but it can be reasonably anticipated that total expenditures for required services for that
8 person will not exceed the maximum calculated over a one year period, the department of human
9 services may authorize payment for those services.

10 (c) Notwithstanding any inconsistent provision of law but subject to expenditure
11 limitations of this chapter, the director, subject to the approval of the state director of the budget,
12 may authorize the utilization of medical assistance funds to pay for services provided by specified
13 home health care persons in addition to those services included in the medical assistance program
14 under chapter ~~18~~ **8** of this title, so long as federal financial participation is available for those
15 services. Expenditures made under this subsection shall be deemed payments for medical assistance
16 for needy persons.

17 (d) The department shall not make payments pursuant to Title XIX of the federal Social
18 Security Act, 42 U.S.C. § 1396 et seq., for benefits available under Title XVIII, 42 U.S.C. § 1395
19 et seq., of such act without documentation that Title XVIII claims have been filed and denied.

20 (e) The department shall not make payment for a person receiving a long term home health
21 care program while payments are being made for that person for inpatient care in a skilled nursing
22 and intermediate care facility or hospital.

23 SECTION 35. Section 40-20-2 of the General Laws in Chapter 40-20 entitled "Long-Term
24 care System Planning" is hereby amended to read as follows:

25 **40-20-2. Long-term care entry system.**

26 The directors of the department of human services, the department of elderly affairs, the
27 department of health, and the department of behavioral healthcare, developmental disabilities and
28 hospitals, shall work collaboratively to design and implement subject to appropriation by October
29 1, 2006 a standardized, community-based, comprehensive system for entry into state long-term
30 care programs and services. The system shall include community-based staff to administer pre-
31 screening long-term care assessments, and care management services as defined and required under
32 chapter ~~66.1~~ **66.6** of title 42 and to make recommendations for services, including home and
33 community-based alternatives to residential care and to assist with access to services. The long-
34 term care entry system shall include the essential elements contained in § 40-20-1(b).

1 SECTION 36. 40-21-1 of the General laws in Chapter 40-21 entitled “Medical Assistance
2 – Prescription Drugs” is hereby amended to read as follows:

3 **40-21-1. Prescription drug program.**

4 The department of human services is hereby authorized and directed to amend its practices,
5 procedures, regulations and the Rhode Island state plan for medical assistance (Medicaid) pursuant
6 to title XIX of the Federal Social Security Act [42 U.S.C. § 1396 et seq.] to modify the prescription
7 drug program:

- 8 (1) To establish a preferred drug list (PDL);
9 (2) To enter into supplemental rebate, discount or other agreements with pharmaceutical
10 companies; ~~and~~
11 (3) To negotiate either state-specific supplemental rebates or to participate in a multi-state
12 pooling supplemental rebate program.

13 Determinations of drugs included on the PDL will be made by the State Department of
14 Human Services, and a listing of such drugs shall be maintained on a public website. In making
15 these determinations, the department shall consider the recommendations of the Medicaid
16 Pharmaceutical and Therapeutics Committee, whose membership shall include practicing
17 pharmacists and physicians, faculty members of the University of Rhode Island's College of
18 Pharmacy, and consumers or consumer representatives. Drugs exempt from the PDL shall include:

- 19 (1) ~~anti-retrovirals~~ Anti-retrovirals; and (2) ~~organ~~ Organ transplant medications.
20 Physicians will be informed about prior authorization procedures for medications not on the PDL,
21 and seventy-two (72) hour emergency supplies may be dispensed if authorizations cannot be
22 obtained; ~~and~~ and

- 23 (4) To mandate the dispensing of generic-only drugs with the exception of limited brand
24 drug coverage for certain therapeutic classes as approved by the Department of Human Services to
25 individuals eligible for medical assistance (Medicaid) under §§ 40-8.4-4, 42-12.3-4 and 42-12.3-
26 15.

27 SECTION 37. Section 40.1-1-10 of the General Laws in Chapter 40.1-1 entitled
28 “Department of Behavioral Healthcare, Developmental Disabilities and Hospitals” is hereby
29 amended to read as follows:

30 **40.1-1-10. Parent deinstitutionalization subsidy aid program.**

- 31 (a) There is hereby established ~~with~~ within the department of behavioral healthcare,
32 developmental disabilities and hospitals a deinstitutionalization subsidy aid program. The program
33 is founded for the express purpose of providing financial assistance or subsidy aid to the qualified
34 parent applicant, or if the parent is not able to care for the person then an appropriate relative as

1 defined in this chapter, who is found and certified to be qualified by the director of behavioral
2 healthcare, developmental disabilities and hospitals to receive and take into his or her care, custody,
3 and control a person under the legal authority and control of the director of behavioral healthcare,
4 developmental disabilities and hospitals who is and has been a resident or patient of the Dr. Joseph
5 H. Ladd Center, the Dr. U.E. Zambarano Memorial Hospital, at the institute of mental health or the
6 general hospital, or a resident in an out-of-state institution, who would have been eligible for
7 placement in the Dr. Joseph H. Ladd Center, Dr. U.E. Zambarano Memorial Hospital or the institute
8 of mental health or the general hospital for a period of time not less than ninety (90) days, or would
9 be a resident or patient of one of the facilities listed in this section for a period of ninety (90) days
10 or more if a specialized community program were not developed to meet the person's particular
11 and/or unique needs and meets the eligibility criteria contained in § 40.1-21-4.3.

12 (b) The general assembly hereby finds that such a parent deinstitutionalization program
13 would promote the general welfare of the citizens of the state and further the purpose of providing
14 deinstitutionalization care, treatment, and training for the institutionalized person and subsidy aid
15 to the qualified parent applicant or an appropriate relative of the institutionalized person. It is further
16 found that the program is established for the purpose of providing subsidy aid to assist and make
17 available non-institutional care, support, and training when it is found to be in the best interests of
18 the health and welfare of the institutionalized person and where that placement may be made and
19 certified by the director of behavioral healthcare, developmental disabilities and hospitals to the
20 qualified parent applicant.

21 (c) The director of behavioral healthcare, developmental disabilities and hospitals is hereby
22 vested with the authority to promulgate such rules and regulations as are deemed necessary and in
23 the public interest to establish and place into operation the parent deinstitutionalization program
24 and authorize the payment of subsidy aid to the qualified parent applicant or an appropriate relative
25 who receives into his or her care, custody, and control a person under the legal authority and control
26 of the director of behavioral healthcare, developmental disabilities and hospitals who is or has been
27 a resident or patient of the Dr. Joseph H. Ladd Center, the Dr. U.E. Zambarano Memorial Hospital,
28 at the institute of mental health or the general hospital or a resident or patient in an out-of-state
29 institution who would have been eligible for placement in the Dr. Joseph H. Ladd Center, Dr. U.E.
30 Zambarano Memorial Hospital, or the institute of mental health, or the general hospital.

31 (d) Rules and regulations promulgated pursuant to subsection (c) shall include, but not be
32 limited to, the following areas of concern:

33 (1) The establishment of eligibility and other requirements for the qualification and
34 certification of the parent applicant applying for subsidy aid under this chapter;

1 (2) The establishment of eligibility and other requirements for the qualification and
2 certification of a person to be removed and placed from the Dr. Joseph H. Ladd Center or Dr. U.E.
3 Zambarano Memorial Hospital, or the institute of mental health or the general hospital, under this
4 program as set forth in this chapter or a resident or patient in an out-of-state institution under this
5 program as set forth in this chapter;

6 (3) The establishment of such other eligibility, certification, and qualification standards
7 and guidelines for the person or the parent applicant or an appropriate relative to which the program
8 applies as may be deemed reasonable and in the public interest;

9 (4) The establishment of such licensing, regulating, inspection, monitoring, investigation,
10 and evaluation standards and requirements for the placement, care, support, custody, and training
11 of the person as are deemed reasonable and in the public interest under this chapter;

12 (5) The periodic inspection, review, and evaluation of the care, support, and treatment
13 afforded the person placed in the home of the qualified parent applicant or an appropriate relative
14 under this program and the making and implementation of such recommendations as are deemed
15 necessary for the continued health, safety, and welfare of the person in accordance with the
16 provisions of this chapter;

17 (6) The establishment and implementation of such other standards, safeguards, and
18 protections as are deemed necessary and in the public interest to protect the health, safety, and
19 welfare of the person placed under the program or in determining and certifying initial and/or
20 continuing eligibility requirements as the director of the department of behavioral healthcare,
21 developmental disabilities and hospitals shall in his or her discretion deem to be necessary and
22 appropriate including specifically the authority to recall and return the child or adult to the custody
23 and control of the state and the director of behavioral healthcare, developmental disabilities and
24 hospitals into any such care or placement program as the director may in his or her discretion order
25 and direct, including therein summary removal from the custody of the qualified parent applicant
26 or an appropriate relative and return to the state institution or out-of-state institution.

27 (e) For the purpose of this chapter the words "qualified parent applicant" shall mean any
28 natural parent, adoptive parent, or foster parent or both natural parents jointly, both adoptive parents
29 jointly, or a court appointed guardian or both foster parents jointly, or as defined by rules or
30 regulations established by the department of behavioral healthcare, developmental disabilities and
31 hospitals who may apply for inclusion in the behavioral healthcare, developmental disabilities and
32 hospitals deinstitutionalization subsidy aid program as set forth in this chapter. For the situation
33 where the natural or adoptive parents are divorced or separated, or where one of the parents is
34 deceased, the words "parent" or "parent applicant" shall mean the parent legally having or giving

1 custody to the person who may apply for inclusion in behavioral healthcare, developmental
2 disabilities and hospitals deinstitutionalization subsidy aid program as set forth in this chapter.

3 (f)(1) For the purpose of this chapter, the words "appropriate relative" shall mean an
4 interested and approved relative of the adult.

5 (2) For the purpose of this chapter the words "subsidy aid" shall mean payment or
6 continued payment to a parent applicant pursuant to the rules and regulations established by the
7 director of behavioral healthcare, developmental disabilities and hospitals for deinstitutionalization
8 subsidy aid program as set forth in this chapter.

9 (g) Alternatives to institutional care. The department of behavioral healthcare,
10 developmental disabilities and hospitals is hereby directed to develop options, fiscal impact
11 analysis, and recommendations for the expansion of shared living services to siblings of individuals
12 with developmental disabilities who are no longer able to be cared for at home by aging parents.
13 The department shall submit these recommendations to the governor, and to the general assembly
14 by December 31, 2013.

15 SECTION 38. Section 40.1-5-2 of the General Laws in Chapter 40.1-5 entitled "Mental
16 Health Law" is hereby amended to read as follows:

17 **40.1-5-2. Definitions.**

18 Whenever used in this chapter, or in any order, rule, or regulation made or promulgated
19 pursuant to this chapter, or in any printed forms prepared by the department or the director, unless
20 otherwise expressly stated, or unless the context or subject matter otherwise requires:

21 (1) "Alternatives to admission or certification" means alternatives to a particular facility or
22 treatment program, and shall include, but not be limited to, voluntary or court-ordered outpatient
23 treatment, day treatment in a hospital, night treatment in a hospital, placement in the custody of a
24 friend or relative, placement in a nursing home, referral to a community mental health clinic and
25 home health aide services, or any other services that may be deemed appropriate.

26 (2) "Care and treatment" means psychiatric care, together with such medical, nursing,
27 psychological, social, rehabilitative, and maintenance services as may be required by a patient in
28 association with the psychiatric care provided pursuant to an individualized treatment plan recorded
29 in the patient's medical record.

30 (3) "Department" means the state department of behavioral healthcare, developmental
31 disabilities and hospitals.

32 (4) "Director" means the director of the state department of behavioral healthcare,
33 developmental disabilities and hospitals.

34 (5) "Facility" means a state hospital or psychiatric inpatient facility in the department, a

1 psychiatric inpatient facility maintained by a political subdivision of the state for the care and/or
2 treatment of the mentally disabled; a general or specialized hospital maintaining staff and facilities
3 for such purpose; any of the several community mental health services established pursuant to
4 chapter 8.5 of this title; and any other facility within the state providing inpatient psychiatric care
5 and/or treatment and approved by the director upon application of this facility. Included within this
6 definition shall be all hospitals, institutions, facilities, and services under the control and direction
7 of the director and the department, as provided in this chapter. Nothing contained herein shall be
8 construed to amend or repeal any of the provisions of chapter 16 of title 23.

9 (6) "Indigent person" means a person who has not sufficient property or income to support
10 himself or herself, and to support the members of his or her family dependent upon him or her for
11 support, and/or is unable to pay the fees and costs incurred pursuant to any legal proceedings
12 conducted under the provisions of this chapter.

13 (7) "Likelihood of serious harm" means:

14 (i) A substantial risk of physical harm to the person himself or herself as manifested by
15 behavior evidencing serious threats of, or attempts at, suicide;

16 (ii) A substantial risk of physical harm to other persons as manifested by behavior or threats
17 evidencing homicidal or other violent behavior; or

18 (iii) A substantial risk of physical harm to the mentally disabled person as manifested by
19 behavior that has created a grave, clear, and present risk to his or her physical health and safety.

20 (iv) In determining whether there exists a likelihood of serious harm, the physician and the
21 court may consider previous acts, diagnosis, words, or thoughts of the patient. If a patient has been
22 incarcerated, or institutionalized, or in a controlled environment of any kind, the court may give
23 great weight to such prior acts, diagnosis, words, or thoughts.

24 (8) "Mental disability" means a mental disorder in which the capacity of a person to
25 exercise self-control or judgment in the conduct of his or her affairs and social relations, or to care
26 for his or her own personal needs, is significantly impaired.

27 (9) "Mental health professional" means a psychiatrist, psychologist, or social worker and
28 such other persons, including psychiatric nurse clinicians, as may be defined by rules and
29 regulations promulgated by the director.

30 (10) "NICS database" means the National Instant Criminal Background Check System as
31 created pursuant to section 103~~(H)~~ (b) of the Brady Handgun Violence Prevention Act (Brady Act),
32 Pub. L. 103-159, 107 Stat. 1536 as established by 28 C.F.R. 25.1.

33 (11) "Patient" means a person certified or admitted to a facility according to the provisions
34 of this chapter.

1 (12) "Physician" means a person duly licensed to practice medicine or osteopathy in this
2 state.

3 (13) "Psychiatric nurse clinician" means a licensed, professional registered nurse with a
4 master's degree in psychiatric nursing or related field who is currently working in the mental health
5 field as defined by the American Nurses Association.

6 (14) "Psychiatrist" means a person duly licensed to practice medicine or osteopathy in this
7 state who has, in addition, completed three (3) years of graduate psychiatric training in a program
8 approved by the American Medical Association or American Osteopathic Association.

9 (15) "Psychologist" means a person certified pursuant to chapter 44 of title 5.

10 (16) "Social worker" means a person with a masters or further advanced degree from a
11 school of social work, that is accredited by the council of social work education.

12 SECTION 39. Sections 40.1-22-3, 40.1-22-6 and 40.1-22-19 of the General Laws in
13 Chapter 40.1-22 entitled "Developmental Disabilities" are hereby amended to read as follows:

14 **40.1-22-3. Definitions.**

15 Whenever used in this chapter, or in any order, rule, or regulation made or promulgated
16 pursuant to this chapter, or in the printed forms prepared by the director, unless otherwise expressly
17 stated, or unless the context or subject matter otherwise requires:

18 (1) "A qualified ~~mental-retardation~~ intellectual disability professional (~~QMRP~~)
19 (QIDP)" means a person as defined in 42 CFR 483.430, as amended.

20 (2) "Client" means any developmentally disabled adult who is in potential need of, or is
21 receiving, services aimed at alleviating his or her condition of functional dependence.

22 (3) "Department" means the department of behavioral healthcare, developmental
23 disabilities and hospitals.

24 (4) "Development, education, rehabilitation, and care" means physical development,
25 application of these abilities to meaningful occupations, development of personal and social skills,
26 all of which are directed to the objective of independent living and self-maintenance. Care also
27 includes medical care, surgical attendance, medication, as well as food, clothing, supervision, and
28 maintenance furnished to a resident.

29 (5) "Director" means the director of the department of behavioral healthcare,
30 developmental disabilities and hospitals or his or her designees.

31 (6) "Facility" means any public or private facility, inpatient rehabilitation center, hospital,
32 institution, or other domiciliary facility, the office of developmental disabilities or any part thereof,
33 equipped to habilitate, on a residential basis, persons who are developmentally disabled and in need
34 of residential care. This shall include any facility maintaining adequate staff and facilities within

1 the state providing in-residence supervision and habilitation and approved by the director upon
2 application of the facility. Included within this definition shall be all institutions and facilities under
3 the control and direction of the director. Nothing contained herein shall be construed to amend or
4 repeal any of the provisions of chapters 17 or 17.4 of title 23, or of chapter 15 of title 40, or of
5 chapter 21 of this title or of chapter 72.1 of title 42. Whenever it shall be brought to the attention
6 of the director that any private facility may not have adequate staff, or facilities as determined by
7 regulations of the director, then the facility shall not be approved for the placement of
8 developmentally disabled adults under the provisions of this chapter.

9 (7) "Notice" means written notice in as simple and non-technical language as practicable
10 as required by the department, or the court of competent jurisdiction. The notice shall be in writing
11 to the director of the department by registered or certified mail, return receipt required. Notice sent
12 to a client shall also include verbal reading of the written notice by duly authorized agents of the
13 department, and/or court. The agents shall make verified return of the oral notification as well as
14 the written. This requirement of oral notice to anyone alleged to be developmentally disabled shall
15 be required because of the recognized limitation that many retarded and developmentally disabled
16 persons are unable to comprehend written notices.

17 (8) "Objection." If an objection is raised it shall be in writing, of a timely nature, and filed
18 with the clerk of the family or district court, a copy of which is to be sent to the director of the
19 department via registered or certified mail, return receipt requested.

20 (9) "Parent" means the natural, adoptive, foster parent or caretaker of the child.

21 (10) "Team" means an interdisciplinary team which includes such professional personnel
22 ~~designed~~ designated by the director and which shall consist of no less than three (3) persons
23 selected by order of the director, no less than one of whom shall be a licensed physician, no less
24 than one of whom shall be a member of the social work profession, and no less than one of whom
25 shall be a ~~mental-retardation~~ qualified intellectual disability professional (~~QMRP~~) (QIDP).

26 **40.1-22-6. Admission as a resident in a facility.**

27 (a) Any person alleged to be developmentally disabled, warranting observation and
28 possible residential care and treatment in a facility, public or private, as herein defined, who is not
29 held to answer presently to a criminal charge may be admitted to and received and retained as a
30 resident in a facility by complying with any one of the following admission procedures applicable
31 to the case:

- 32 (1) Voluntary admission; or
33 (2) Admission on a certificate of one physician and a team evaluation certificate.
34 (b) The director shall prescribe and furnish forms for use in the procedures for admission

1 under this section, and admission shall be had only upon such forms.

2 (c) A developmentally disabled person, as herein described in this chapter, shall be
3 admitted to a facility as herein defined, designated by the director, or pursuant to an administrative
4 order authorized by law, or pursuant to an authorization, or order of a court of competent
5 jurisdiction.

6 (d) No member of a team, or any physician signing a certificate for emergency admission,
7 shall be related by blood or marriage to the person applying for the admission of a person alleged
8 to be developmentally disabled or to the person alleged to be developmentally disabled; nor shall
9 he or she be a guardian or conservator of the person; nor shall he or she have any interest,
10 contractually, testamentary, or otherwise (other than reasonable and proper charges for professional
11 services rendered), in or against the estate or assets of the person alleged to be developmentally
12 disabled; nor shall he or she be a manager, trustee, proprietor, officer, stockholder, or have any
13 pecuniary interest, directly, or indirectly, or except as otherwise provided, be a director or resident
14 physician, in any facility to which it is proposed to admit the person.

15 (e) A certificate, as required by this section, must show that the person is developmentally
16 disabled as herein defined, and unable to function independently, and if required to be made by one
17 examining physician, that the physician made an examination of the person alleged to be
18 developmentally disabled within ten (10) days next before and inclusive of the date of admission
19 unless otherwise herein provided. The date of the certificate shall be the date of the commencement
20 of the examination, and in the event the examination or examinations are conducted separately or
21 over a period of days, then the ten (10) day period above referred to (unless otherwise expressly
22 provided) shall be measured from the date of the commencement of the first examination. The
23 certificate shall contain the reasons upon which the judgment of the physician is based and shall
24 show that the condition of the person examined is such as to require development, education,
25 rehabilitation, and care in a facility as herein defined, and shall contain such other information as
26 the director by rule or regulation shall require.

27 (f)(1) A developmentally disabled person shall enjoy all the civil and constitutional rights
28 conferred on citizens or residents of the state (as the case may be) by the constitution and laws of
29 the United States and of this state, except as expressly otherwise provided by law.

30 (2) No person of eighteen (18) years of age or older shall be admitted to, detained in, or
31 returned to a state residential facility against his or her will unless he or she has been adjudicated
32 incompetent, has been admitted on any ten (10) day one physician certificate basis, or as otherwise
33 expressly provided in this chapter.

34 (3) As soon as reasonably practicable upon the admission as provided by this section of

1 any patient to any facility, the superintendent or official in charge thereof shall inform the client of
2 his or her rights to have a judicial hearing and review, to be represented by counsel and to seek
3 independent professional opinion; and further, pursuant to rules established by the director, each
4 client upon admission shall be given the opportunity to communicate by telephone, or if not
5 possible, by the next expeditious method, with any person.

6 (g) As to all persons admitted to any facility pursuant to this section, the director may make
7 a request of the superintendent or official in charge of any facility to examine at any time a record
8 of admission which shall contain such information as the director by rule or regulation may require.
9 Similarly, the director may examine records of transfers, discharges, conditional releases, and
10 revocation of conditional releases, as well as other dispositions of cases of clients admitted
11 hereunder.

12 (h) No requirement shall be made, by rule, regulation, or otherwise, as a condition to
13 admission and retention, that any person applying for admission shall have the legal capacity to
14 contract.

15 **40.1-22-19. Aliens and nonresidents.**

16 (a) The director shall be responsible for the investigation and examination of all alien and
17 nonresident persons who are developmentally disabled in any facility under the jurisdiction of the
18 department of health, department of human services or elsewhere if admitted pursuant to the
19 provisions of this chapter, and to attend to the deportation or removal of such persons to their
20 respective countries or places of residence.

21 (b) The director may make reciprocal agreements with other states or political subdivisions
22 thereof to provide for prompt humane return under proper supervision of developmentally disabled
23 residents of other states or political subdivisions thereof.

24 (c) In the case of nonresidents the director shall cause them to be removed to the state of
25 their residence, except that he or she may defer the action where the removal would cause the
26 developmentally disabled person undue hardship unless the interests of the state and other clients
27 would be materially harmed by the deferment.

28 (d) The director shall designate such person or persons as deemed necessary to accompany
29 clients, unless it be certified by the director that clients are in a condition to travel alone in safety.

30 (e) The director in his or her discretion may, upon the request of any developmentally
31 disabled person resident in a facility or upon the written consent of a relative, legal representative,
32 or qualified friend, remove the person to any country, other state, or place in which he or she may
33 properly belong.

34 (f) For the purposes of this section the director, or his or her duly designated representative

1 acting in his or her behalf in the matter, shall have the power to administer oaths, hold hearings,
2 take testimony, issue subpoenas duces tecum, and subpoena, and compel the attendance of
3 witnesses who may have information in respect to the residence of the developmentally disabled
4 person under investigation. Subpoenas issued under this section shall be regulated by civil practice
5 law and rules.

6 SECTION 40. Section 41-5-7.1 of the General Laws in Chapter 41-5 entitled "Boxing and
7 Wrestling" is hereby amended to read as follows:

8 **41-5-7.1. Required information on boxer's application for license -- Medical**
9 **examination.**

10 (a) After a license is granted under § 41-5-1 for a boxing or sparring match or exhibition,
11 no person shall perform as a boxer in the match or exhibition unless he or she shall have been
12 licensed by the division of gaming and athletics licensing at least twenty-four (24) hours prior to
13 the starting time for the first event in the match or exhibition. In addition to such other information
14 and references as the division may require, an application to be licensed as a boxer shall be sworn
15 to by the applicant under oath, upon the pains and penalties of perjury, and shall include:

16 (1) A detailed summary of the contractual agreement between the applicant and the licensee
17 for the boxing or sparring match or exhibition for which the applicant seeks to be licensed as a
18 boxer, including, among other things, the pecuniary gain or other consideration to be paid to, or on
19 behalf of, the applicant by reason of his or her performance in the match or exhibition;

20 (2) A detailed description of every illness, injury, or other incapacity suffered by the
21 licensee within six (6) months of the boxing or sparring match or exhibition for which the applicant
22 seeks to be licensed as a boxer, including the dates of each illness, injury, or other incapacity, the
23 name and address of all persons who treated or examined the applicant, the nature of the treatment
24 prescribed (including the generic name for any medications or medicines prescribed), and whether
25 the applicant has recovered;

26 (3) The complete fight record of the applicant for the twelve (12) months prior to the boxing
27 or sparring match or exhibition for which the applicant seeks to be licensed as a boxer, including
28 the full, legal name of his or her opponent, any professional or stage name used by his or her
29 opponent at the time of the match or exhibition, and the date, place, and results of the match or
30 exhibition;

31 (4) The date and circumstances of any disqualification, sanction, or denial of permission to
32 box imposed against the applicant by any state authority governing boxing within nine (9) months
33 of the boxing or sparring match for which the applicant seeks to be licensed as a boxer;

34 (5) The full, legal name of the applicant, every professional or stage name used by him or

1 her, and his or her date of birth and social security number; and

2 (6) A current passport-type photograph of the applicant.

3 (b) Notwithstanding the issuance of a license to an applicant, the license shall not be valid
4 unless the holder thereof shall file with the division a sworn, supplementary application updating
5 his or her original application. The supplementary application shall be filed not more than forty-
6 eight (48) nor less than twenty-four (24) hours prior to the starting time for the first event in the
7 match or exhibition for which the holder has been licensed; provided, however, that no
8 supplementary application shall be required when an original application has been filed within such
9 time; provided further, however, that in no event shall an original or supplementary application be
10 filed with the division less than six (6) hours of the closing of business on the last ordinary business
11 day of the division next occurring before the day on which the match or exhibition is scheduled to
12 be conducted.

13 (c) Every application for a license under § ~~41-5-7~~ 41-5-3 by a person seeking to be licensed
14 as a boxer shall be accompanied by the report of a physician duly licensed by the division. The
15 report shall certify whether the applicant is fit to perform as a boxer and shall be based on a recently
16 conducted complete examination of the applicant. The report shall contain a complete medical
17 history of the applicant and the results of such tests conducted by or on behalf of the examining
18 physician as the medical history of the applicant warrants or as are material to the physician's
19 certification.

20 **ARTICLE II—Statutory Construction**

21 SECTION 1. Section 5-37.3-4 of the General Laws in Chapter 5-37.3 entitled
22 “Confidentiality of Health Care Communications and Information Act” is hereby amended to read
23 as follows:

24 **5-37.3-4. Limitations on and permitted disclosures.**

25 (a)(1) Except as provided in subsection (b), or as specifically provided by the law, a
26 patient's confidential healthcare information shall not be released or transferred without the written
27 consent of the patient, or his or her authorized representative, on a consent form meeting the
28 requirements of subsection (d). A copy of any notice used pursuant to subsection (d) and of any
29 signed consent shall, upon request, be provided to the patient prior to his or her signing a consent
30 form. Any and all managed-care entities and managed-care contractors writing policies in the state
31 shall be prohibited from providing any information related to enrollees that is personal in nature
32 and could reasonably lead to identification of an individual and is not essential for the compilation
33 of statistical data related to enrollees, to any international, national, regional, or local medical-
34 information database. This provision shall not restrict or prohibit the transfer of information to the

1 department of health to carry out its statutory duties and responsibilities.

2 (2) Any person who violates the provisions of this section may be liable for actual and
3 punitive damages.

4 (3) The court may award a reasonable attorney's fee at its discretion to the prevailing party
5 in any civil action under this section.

6 (4) Any person who knowingly and intentionally violates the provisions of this section
7 shall, upon conviction, be fined not more than five thousand (\$5,000) dollars for each violation, or
8 imprisoned not more than six (6) months for each violation, or both.

9 (5) Any contract or agreement that purports to waive the provisions of this section shall be
10 declared null and void as against public policy.

11 (b) No consent for release or transfer of confidential healthcare information shall be
12 required in the following situations:

13 (1) To a physician, dentist, or other medical personnel who believes, in good faith, that the
14 information is necessary for diagnosis or treatment of that individual in a medical or dental
15 emergency;

16 (2) To medical and dental peer-review boards, or the board of medical licensure and
17 discipline, or board of examiners in dentistry;

18 (3) To qualified personnel for the purpose of conducting scientific research, management
19 audits, financial audits, program evaluations, actuarial, insurance underwriting, or similar studies;
20 provided, that personnel shall not identify, directly or indirectly, any individual patient in any report
21 of that research, audit, or evaluation, or otherwise disclose patient identities in any manner;

22 (4)(i) By a healthcare provider to appropriate law-enforcement personnel, or to a person if
23 the healthcare provider believes that person, or his or her family, is in danger from a patient; or to
24 appropriate law-enforcement personnel if the patient has, or is attempting to obtain, narcotic drugs
25 from the healthcare provider illegally; or to appropriate law-enforcement personnel, or appropriate
26 child-protective agencies, if the patient is a minor child or the parent or guardian of said child and/or
27 the healthcare provider believes, after providing healthcare services to the patient, that the child is,
28 or has been, physically, psychologically, or sexually abused and neglected as reportable pursuant
29 to § 40-11-3; or to appropriate law-enforcement personnel or the office of healthy aging if the
30 patient is an elder person and the healthcare provider believes, after providing healthcare services
31 to the patient, that the elder person is, or has been, abused, neglected, or exploited as reportable
32 pursuant to § 42-66-8; or to law-enforcement personnel in the case of a gunshot wound reportable
33 under § 11-47-48, or to patient emergency contacts and certified peer recovery specialists notified
34 in the case of an opioid overdose reportable under § 23-17.26-3;

1 (ii) A healthcare provider may disclose protected health information in response to a law-
2 enforcement official's request for such information for the purpose of identifying or locating a
3 suspect, fugitive, material witness, or missing person, provided that the healthcare provider may
4 disclose only the following information:

5 (A) Name and address;

6 (B) Date and place of birth;

7 (C) Social security number;

8 (D) ABO blood type and RH factor;

9 (E) Type of injury;

10 (F) Date and time of treatment;

11 (G) Date and time of death, if applicable; and

12 (H) A description of distinguishing physical characteristics, including height, weight,
13 gender, race, hair and eye color, presence or absence of facial hair (beard or moustache), scars, and
14 tattoos.

15 (I) Except as permitted by this subsection, the healthcare provider may not disclose for the
16 purposes of identification or location under this subsection any protected health information related
17 to the patient's DNA or DNA analysis, dental records, or typing, samples, or analysis of body fluids
18 or tissue;

19 (iii) A healthcare provider may disclose protected health information in response to a law-
20 enforcement official's request for such information about a patient who is, or is suspected to be, a
21 victim of a crime, other than disclosures that are subject to subsection (b)(4)(vii), if:

22 (A) The patient agrees to the disclosure; or

23 (B) The healthcare provider is unable to obtain the patient's agreement because of
24 incapacity or other emergency circumstances provided that:

25 (1) The law-enforcement official represents that ~~such~~ the information is needed to
26 determine whether a violation of law by a person other than the victim has occurred, and such
27 information is not intended to be used against the victim;

28 (2) The law-enforcement official represents that immediate law-enforcement activity that
29 depends upon the disclosure would be materially and adversely affected by waiting until the patient
30 is able to agree to the disclosure; and

31 (3) The disclosure is in the best interests of the patient as determined by the healthcare
32 provider in the exercise of professional judgment;

33 (iv) A healthcare provider may disclose protected health information about a patient who
34 has died to a law-enforcement official for the purpose of alerting law enforcement of the death of

1 the patient if the healthcare provider has a suspicion that such death may have resulted from
2 criminal conduct;

3 (v) A healthcare provider may disclose to a law-enforcement official protected health
4 information that the healthcare provider believes in good faith constitutes evidence of criminal
5 conduct that occurred on the premises of the healthcare provider;

6 (vi)(A) A healthcare provider providing emergency health care in response to a medical
7 emergency, other than such emergency on the premises of the covered healthcare provider, may
8 disclose protected health information to a law-enforcement official if such disclosure appears
9 necessary to alert law enforcement to:

10 (1) The commission and nature of a crime;

11 (2) The location of such crime or of the victim(s) of such crime; and

12 (3) The identity, description, and location of the perpetrator of such crime.

13 (B) If a healthcare provider believes that the medical emergency described in subsection
14 (b)(4)(vi)(A) is the result of abuse, neglect, or domestic violence of the individual in need of
15 emergency health care, subsection (b)(4)(vi)(A) does not apply and any disclosure to a law-
16 enforcement official for law-enforcement purposes is subject to subsection (b)(4)(vii);

17 (vii)(A) Except for reports permitted by subsection (b)(4)(i), a healthcare provider may
18 disclose protected health information about a patient the healthcare provider reasonably believes to
19 be a victim of abuse, neglect, or domestic violence to law enforcement or a government authority,
20 including a social-service or protective-services agency, authorized by law to receive reports of
21 such abuse, neglect, or domestic violence:

22 (1) To the extent the disclosure is required by law and the disclosure complies with, and is
23 limited to, the relevant requirements of such law;

24 (2) If the patient agrees to the disclosure; or

25 (3) To the extent the disclosure is expressly authorized by statute or regulation and:

26 (i) The healthcare provider, in the exercise of professional judgment, believes the
27 disclosure is necessary to prevent serious harm to the patient or other potential victims; or

28 (ii) If the patient is unable to agree because of incapacity, a law-enforcement or other public
29 official authorized to receive the report represents that the protected health information for which
30 disclosure is sought is not intended to be used against the patient and that an immediate enforcement
31 activity that depends upon the disclosure would be materially and adversely affected by waiting
32 until the patient is able to agree to the disclosure.

33 (B) A healthcare provider that makes a disclosure permitted by subsection (b)(4)(vii)(A)
34 must promptly inform the patient that such a report has been, or will be, made, except if:

1 (1) The healthcare facility, in the exercise of professional judgment, believes informing the
2 patient would place the individual at risk of serious harm; or

3 (2) The healthcare provider would be informing a personal representative, and the
4 healthcare provider reasonably believes the personal representative is responsible for the abuse,
5 neglect, or other injury, and that informing such person would not be in the best interests of the
6 individual as determined by the covered entity in the exercise of professional judgment;

7 (viii) The disclosures authorized by this subsection shall be limited to the minimum amount
8 of information necessary to accomplish the intended purpose of the release of information;

9 (5) Between, or among, qualified personnel and healthcare providers within the healthcare
10 system for purposes of coordination of healthcare services given to the patient and for purposes of
11 education and training within the same healthcare facility;

12 (6) To third-party health insurers, including to utilization review agents as provided by §
13 23-17.12-9(c)(4), third-party administrators licensed pursuant to chapter 20.7 of title 27, and other
14 entities that provide operational support to adjudicate health insurance claims or administer health
15 benefits;

16 (7) To a malpractice insurance carrier or lawyer if the healthcare provider has reason to
17 anticipate a medical-liability action;

18 (8)(i) To the healthcare provider's own lawyer or medical-liability insurance carrier if the
19 patient whose information is at issue brings a medical-liability action against a healthcare provider.

20 (ii) Disclosure by a healthcare provider of a patient's healthcare information that is relevant
21 to a civil action brought by the patient against any person or persons other than that healthcare
22 provider may occur only under the discovery methods provided by the applicable rules of civil
23 procedure (federal or state). This disclosure shall not be through ex parte contacts and not through
24 informal ex parte contacts with the provider by persons other than the patient or his or her legal
25 representative.

26 Nothing in this section shall limit the right of a patient, or his or her attorney, to consult
27 with that patient's own physician and to obtain that patient's own healthcare information;

28 (9) To public-health authorities in order to carry out their functions as described in this title
29 and titles 21 and 23 and rules promulgated under those titles. These functions include, but are not
30 restricted to, investigations into the causes of disease, the control of public-health hazards,
31 enforcement of sanitary laws, investigation of reportable diseases, certification and licensure of
32 health professionals and facilities, review of health care such as that required by the federal
33 government and other governmental agencies;

34 (10) To the state medical examiner in the event of a fatality that comes under his or her

1 jurisdiction;

2 (11) In relation to information that is directly related to a current claim for workers'
3 compensation benefits or to any proceeding before the workers' compensation commission or
4 before any court proceeding relating to workers' compensation;

5 (12) To the attorneys for a healthcare provider whenever that provider considers that
6 release of information to be necessary in order to receive adequate legal representation;

7 (13) By a healthcare provider to appropriate school authorities of disease, health screening,
8 and/or immunization information required by the school; or when a school-age child transfers from
9 one school or school district to another school or school district;

10 (14) To a law-enforcement authority to protect the legal interest of an insurance institution,
11 agent, or insurance-support organization in preventing and prosecuting the perpetration of fraud
12 upon them;

13 (15) To a grand jury, or to a court of competent jurisdiction, pursuant to a subpoena or
14 subpoena duces tecum when that information is required for the investigation or prosecution of
15 criminal wrongdoing by a healthcare provider relating to his, her, or its provisions of healthcare
16 services and that information is unavailable from any other source; provided, that any information
17 so obtained, is not admissible in any criminal proceeding against the patient to whom that
18 information pertains;

19 (16) To the state board of elections pursuant to a subpoena or subpoena duces tecum when
20 that information is required to determine the eligibility of a person to vote by mail ballot and/or the
21 legitimacy of a certification by a physician attesting to a voter's illness or disability;

22 (17) To certify, pursuant to chapter 20 of title 17, the nature and permanency of a person's
23 illness or disability, the date when that person was last examined and that it would be an undue
24 hardship for the person to vote at the polls so that the person may obtain a mail ballot;

25 (18) To the central cancer registry;

26 (19) To the Medicaid fraud-control unit of the attorney general's office for the investigation
27 or prosecution of criminal or civil wrongdoing by a healthcare provider relating to his, her, or its
28 provision of healthcare services to then-Medicaid-eligible recipients or patients, residents, or
29 former patients or residents of long-term residential-care facilities; provided, that any information
30 obtained shall not be admissible in any criminal proceeding against the patient to whom that
31 information pertains;

32 (20) To the state department of children, youth and families pertaining to the disclosure of
33 healthcare records of children in the custody of the department;

34 (21) To the foster parent, or parents, pertaining to the disclosure of healthcare records of

1 children in the custody of the foster parent, or parents; provided, that the foster parent or parents
2 receive appropriate training and have ongoing availability of supervisory assistance in the use of
3 sensitive information that may be the source of distress to these children;

4 (22) A hospital may release the fact of a patient's admission and a general description of a
5 patient's condition to persons representing themselves as relatives or friends of the patient or as a
6 representative of the news media. The access to confidential healthcare information to persons in
7 accredited educational programs under appropriate provider supervision shall not be deemed
8 subject to release or transfer of that information under subsection (a);

9 (23) To the workers' compensation fraud-prevention unit for purposes of investigation
10 under §§ 42-16.1-12 -- 42-16.1-16. The release or transfer of confidential healthcare information
11 under any of the above exceptions is not the basis for any legal liability, civil or criminal, nor
12 considered a violation of this chapter; or

13 (24) To a probate court of competent jurisdiction, petitioner, respondent, and/or their
14 attorneys, when the information is contained within a decision-making assessment tool that
15 conforms to the provisions of § 33-15-47.

16 (c) Third parties receiving, and retaining, a patient's confidential healthcare information
17 must establish at least the following security procedures:

18 (1) Limit authorized access to personally identifiable confidential healthcare information
19 to persons having a "need to know" that information; additional employees or agents may have
20 access to that information that does not contain information from which an individual can be
21 identified;

22 (2) Identify an individual, or individuals, who have responsibility for maintaining security
23 procedures for confidential healthcare information;

24 (3) Provide a written statement to each employee or agent as to the necessity of maintaining
25 the security and confidentiality of confidential healthcare information, and of the penalties provided
26 for in this chapter for the unauthorized release, use, or disclosure of this information. The receipt
27 of that statement shall be acknowledged by the employee or agent, who signs and returns the
28 statement to his or her employer or principal, who retains the signed original. The employee or
29 agent shall be furnished with a copy of the signed statement; and

30 (4) Take no disciplinary or punitive action against any employee or agent solely for
31 bringing evidence of violation of this chapter to the attention of any person.

32 (d) Consent forms for the release or transfer of confidential healthcare information shall
33 contain, or in the course of an application or claim for insurance be accompanied by a notice
34 containing, the following information in a clear and conspicuous manner:

1 (1) A statement of the need for and proposed uses of that information;
2 (2) A statement that all information is to be released or clearly indicating the extent of the
3 information to be released; and

4 (3) A statement that the consent for release or transfer of information may be withdrawn at
5 any future time and is subject to revocation, except where an authorization is executed in connection
6 with an application for a life or health insurance policy in which case the authorization expires two
7 (2) years from the issue date of the insurance policy, and when signed in connection with a claim
8 for benefits under any insurance policy, the authorization shall be valid during the pendency of that
9 claim. Any revocation shall be transmitted in writing.

10 (e) Except as specifically provided by law, an individual's confidential healthcare
11 information shall not be given, sold, transferred, or in any way relayed to any other person not
12 specified in the consent form or notice meeting the requirements of subsection (d) without first
13 obtaining the individual's additional written consent on a form stating the need for the proposed
14 new use of this information or the need for its transfer to another person.

15 (f) Nothing contained in this chapter shall be construed to limit the permitted disclosure of
16 confidential healthcare information and communications described in subsection (b).

17 SECTION 2. Section 5-65-10 of the General Laws in Chapter 5-65 entitled "Contractors'
18 Registration and Licensing Board" is hereby amended to read as follows:

19 **5-65-10. Grounds for discipline -- Injunctions. [Effective January 1, 2020.]**

20 (a) The board or office may revoke, suspend, or refuse to issue, reinstate, or reissue a
21 certificate of registration if the board or office determines, after notice and opportunity for a
22 hearing:

- 23 (1) That the registrant or applicant has violated § 5-65-3.
24 (2) That the insurance required by § 5-65-7 is not currently in effect.
25 (3) That the registrant, licensee, or applicant has engaged in conduct as a contractor that is
26 dishonest or fraudulent that the board finds injurious to the welfare of the public.

27 (4) Has violated a rule or order of the board.

28 (5) That the registrant has knowingly assisted an unregistered person to act in violation of
29 this chapter.

30 (6) That a lien was filed on a structure under chapter 28 of title 34 because the registrant or
31 applicant wrongfully failed to perform a contractual duty to pay money to the person claiming the
32 lien.

33 (7) That the registrant has substantially violated state or local building codes.

34 (8) That the registrant has made false or fraudulent statements on his or her application.

1 (9) That a registrant has engaged in repeated acts in violation of this chapter and the board's
2 rules and regulations inclusive of substandard workmanship and any misuse of registration.

3 (10) The board may take disciplinary action against a contractor who performed work, or
4 arranged to perform work, while the registration was suspended, invalidated, or revoked. Deposits
5 received by a contractor and ordered returned are not considered a monetary award when no
6 services or supplies have been received.

7 (11) That the registrant breached a contract.

8 (12) That the registrant performed negligent and/or improper work.

9 (13) That the registrant has advertised with a license number instead of using a registration
10 number.

11 (14) That the registrant has failed to complete a project(s) for construction or ~~a willful~~
12 ~~failure~~ willfully failed to comply with the terms of a contract or written warranty.

13 (15) That the registrant has misrepresented his or her registration status as valid when the
14 registration ~~is~~ was suspended, revoked, invalidated, inactive, or unregistered as required by the
15 board.

16 (16) That the registrant has failed to pay a fine or comply with any order issued by the
17 board.

18 (17) That the registrant has failed to obtain or maintain the required continuing
19 education/units required by the board, or failed to sign the statement required by the board for
20 registration or renewal.

21 (18) When a violation for hiring a nonregistered contractor, working as a nonregistered
22 contractor, or not maintaining the insurance required is issued, the registration may become
23 invalidated until the violation is resolved or hearing is requested on this offense.

24 (19) That the registrant has violated any of the provisions of chapter 3 of title 25; 3, 12, 14,
25 36, or 50 of title 28; or 13 of title 37. A finding that the registrant has violated any of those chapters
26 shall not be grounds for imposition of a monetary penalty under subsection (c) below.

27 (b) In addition to all other remedies, when it appears to the board that a person has engaged
28 in, or is engaging in, any act, practice, or transaction that violates the provisions of this chapter, the
29 board may direct the attorney general to apply to the court for an injunction restraining the person
30 from violating the provisions of this chapter. An injunction shall not be issued for failure to
31 maintain the list provided for in § 5-65-3(h) unless the court determines that the failure is
32 intentional.

33 (c)(1) For each first violation of a particular section of this chapter or any rule or regulation
34 promulgated by the board, a fine not to exceed five thousand dollars (\$5,000) may be imposed after

1 a hearing by the board. Provided, further, that the board, at its discretion, may, after a hearing,
2 impose an additional fine up to but not to exceed the face value of the contract or the actual damages
3 caused by the contractor, whichever shall be greater. Where the claim is for actual damages, the
4 board shall require proof satisfactory to the board indicating the damages. Where corrective work
5 is completed as ordered by the board, the fine assessed may be reduced as determined by the board.
6 Fines and decisions on claims or violations, inclusive of monetary awards, can be imposed against
7 registered, as well as contractors required to be registered, by the board.

8 (2) For each subsequent violation of a particular subsection of this chapter or of a rule or
9 regulation promulgated by the board, a fine not to exceed ten thousand dollars (\$10,000) may be
10 imposed after a hearing by the board. All fines collected by the board shall be deposited as general
11 revenues until June 30, 2008, to be used to enforce the provisions of this chapter. Beginning July
12 1, 2008, all fines collected by the board shall be deposited into a restricted-receipt account to be
13 used to enforce the provisions of this chapter.

14 (3) For the first violation of § 5-65-3, only for nonregistered contractors, a fine of up to
15 five thousand dollars (\$5,000) for a first offense and up to ten thousand dollars (\$10,000) for each
16 subsequent offense shall be imposed.

17 (d) The hearing officer, upon rendering a conclusion, may require the registrant, in lieu of
18 a fine, to attend continuing education courses as appropriate. Failure to adhere to the requirement
19 may result in immediate revocation of registration.

20 (e) The expiration of a registration by operation of law or by order or decision of the board
21 or a court, or the voluntary surrender of registration by the registrant, does not deprive the board of
22 jurisdiction of an action or disciplinary proceeding against the registrant, or to render a decision
23 suspending or revoking a registration.

24 (f) In emergency situations, when a registrant is acting to the detriment of the health,
25 welfare, and safety of the general public, the director of the department of business regulation, or
26 the director's designee, may revoke or suspend a registration without a hearing for just cause for a
27 period of thirty (30) days.

28 (g) A registrant may petition the board to partially or completely expunge his or her record
29 provided that notice of the expungement proceedings has been provided to the claimant who was
30 the subject of the violation. For purposes of this subsection, "notice" shall consist of a mailing to
31 the last-known address of the claimant and need not be actual notice.

32 (h) Any person or contractor, registered or not, who or that uses another contractor's
33 registration, contractor's registration identification card, or allows another person to use their
34 contractor's registration fraudulently in any way, will be subject to a fine not exceeding ten

1 thousand dollars (\$10,000).

2 (i) When the use of fraudulent advertising entices an individual to hire an unregistered
3 contractor, a fine of up to ten thousand dollars (\$10,000) may be imposed by the board.

4 (j) It shall be unlawful to retain a social security number or copy of the driver's license from
5 a registrant by a building official as a condition of obtaining a permit.

6 (k) The board is further authorized upon certain findings or violations to:

7 (1) Put a lien on property held by a contractor.

8 (2) Take action on registrant when the continuing-education requirements have failed to be
9 attained as required in rules and regulations.

10 (3) When upon investigation a complaint reveals: serious code infractions; unsatisfied
11 mechanic's liens; abandonment of a job for a substantial period of time without apparent cause; or
12 any other conduct detrimental to the public, the board can double the fines.

13 (4) Suspend, revoke, or refuse to issue, reinstate, or reissue a certificate of registration to
14 any registrant who has contracted, advertised, offered to contract, or submitted a bid when the
15 contractor's registration is suspended, revoked, invalidated, inactive, or unregistered as required by
16 the board.

17 (l) No person shall register as a contractor with the contractors' registration board for the
18 purpose of deceiving or circumventing the registration process by enabling a person whose
19 registration has been suspended or revoked to conduct business. Provided, further, that any person
20 who, in good faith, relies on the board or the contractor's registration website for information
21 regarding registration status of another, shall be exempt from violations pursuant to this section if
22 the information is not correct. Violators of this section shall be jointly and individually liable for
23 damages resulting from their activities as contractors pursuant to this chapter. Violations of this
24 subsection may result in a revocation of registration and/or fines not to exceed ten thousand dollars
25 (\$10,000) and/or up to one year in jail. Furthermore, the director of the department of business
26 regulation, or the director's designee, shall require that all applicants for registration shall sign a
27 statement that they are aware of this provision and its implications.

28 (m) Upon receipt of notice of a final determination, after the exhaustion of all appeals, by
29 the department of labor and training, consent agreement, or court order that a registered contractor
30 violated any of the provisions of chapter 3 of title 25; 3, 12, 14, 36, or 50 of title 28; or 13 of title
31 37 and owes any wages, benefits, or other sums arising out of the violation, the board shall
32 immediately suspend the contractor's registration of the contractor in accordance with this
33 subsection. The suspension shall continue until all wages, benefits, or other sums owed have been
34 paid or the contractor has entered into a written, binding agreement to pay the same acceptable to

1 the department of labor and training and is not in default in payment under the agreement. If the
2 contractor fails to remain current in payment under the agreement, the department of labor and
3 training shall notify the contractors' registration board and the suspension shall be imposed or
4 reinstated, as the case may be. The foregoing sanction is mandatory, but shall not be grounds for
5 imposition of a monetary penalty under subsection (c) above.

6 (n) When the registration of a contractor has been revoked or suspended, neither the
7 contractor nor any successor entity or sole proprietorship that: (1) Has one or more of the same
8 principals or officers as the partnership, limited partnership, limited-liability partnership, joint
9 venture, limited-liability company, corporation, or sole proprietorship as the subject contractor; and
10 (2) Is engaged in the same or equivalent trade or activity shall be qualified to register or retain a
11 registration as a contractor under this chapter, unless and until the board shall determine that the
12 basis of the revocation or suspension has been satisfied or removed and that the registrant or
13 applicant otherwise satisfies the requirements for registration under this chapter. Notwithstanding
14 the foregoing, a natural person may obtain relief from the application and enforcement of this
15 subsection as to him or her if he or she can establish that he or she was not responsible for, and did
16 not acquiesce to, the misconduct that is the basis of the revocation, suspension, or denial of
17 registration.

18 SECTION 3. Section 9-1-51 of the General Laws in Chapter 9-1 entitled "causes of Action"
19 is hereby amended to read as follows:

20 **9-1-51. Limitation on actions based on sexual abuse or exploitation of a child.**

21 (a)(1) All claims or causes of action brought against a perpetrator defendant by any person
22 for recovery of damages for injury suffered as a result of sexual abuse shall be commenced within
23 the later to expire of:

24 (i) Thirty-five (35) years of the act alleged to have caused the injury or condition; or

25 (ii) Seven (7) years from the time the victim discovered or reasonably should have
26 discovered that the injury or condition was caused by the act.

27 Provided, however, that the time limit or commencement of such an action under this
28 section shall be tolled for a child until the child reaches eighteen (18) years of age. For the purposes
29 of this section, "sexual abuse" shall have the same meaning as in subsection (e) of this section.

30 (2) All claims or causes of action brought against a non-perpetrator defendant by any
31 person alleging negligent supervision of a person that sexually abused a minor, or that the non-
32 perpetrator defendant's conduct caused or contributed to the childhood sexual abuse by another
33 person to include, but not be limited to, wrongful conduct, neglect or default in supervision, hiring,
34 employment, training, monitoring, or failure to report and/or the concealment of sexual abuse of a

1 child shall be commenced within the later to expire of:

2 (i) Thirty-five (35) years of the act or acts alleged to have caused an injury or condition to
3 the minor; or

4 (ii) Seven (7) years from the time the victim discovered or reasonably should have
5 discovered that the injury or condition was caused by the act.

6 Provided, however, that the time limit or commencement of such an action under this
7 section shall be tolled for a child until the child reaches eighteen (18) years of age.

8 For purposes of this section "sexual abuse" shall have the same meaning as in subsection
9 (e) of this section.

10 (3) As to a perpetrator defendant, any claim or cause of action based on conduct of sexual
11 abuse may be commenced within the time period enumerated in subsections (a)(1)(i) and (a)(1)(ii)
12 regardless if the claim was time-barred under previous version of the general laws.

13 (4) Except as provided in subsection (a)(3) herein, any claim or cause of action based on
14 conduct of sexual abuse or conduct that caused or contributed to sexual abuse, if the action is not
15 otherwise time-barred under previous version of the general laws on the effective date of this
16 section, may be commenced within the time period enumerated in subsections (a)(1) and (a)(2) of
17 this section.

18 (b) The victim need not establish which act in a series of continuing sexual abuse or
19 exploitation incidents ~~cause~~ caused the injury complained of, but may compute the date of
20 discovery from the date of the last act by the same perpetrator which is part of a common scheme
21 or plan of sexual abuse or exploitation.

22 (c) The knowledge of a custodial parent or guardian shall not be imputed to a person under
23 the age of eighteen (18) years.

24 (d) For purposes of this section, "child" means a person under the age of eighteen (18)
25 years.

26 (e) As used in this section, "sexual abuse" means any act committed by the defendant
27 against a complainant who was less than eighteen (18) years of age at the time of the act and which
28 act would have been a criminal violation of chapter 37 of title 11.

29 SECTION 4. Section 12-5.1-1 of the General Laws in Chapter 12-5.1 entitled "Interception
30 of Wire and Oral Communications" is hereby amended to read as follows:

31 **12-5.1-1. Definitions.**

32 As used in this chapter:

33 (1) "Aggrieved person" means an individual who was a party to any intercepted wire,
34 electronic, or oral communication or against whom the interception was directed.

1 (2) "Communications common carrier" has the same meaning given the term "common
2 carrier" by 47 U.S.C. § 153~~(10)~~(11).

3 (3) "Contents", when used with respect to any wire, electronic, or oral communication,
4 includes any information concerning the identity of the parties to that communication or the
5 existence, substance, purport, or meaning of that communication.

6 (4) "Designated offense" means the offenses of:

7 (i) Murder, robbery, kidnapping, extortion, assault with a dangerous weapon, and assault
8 with intent to rob or murder;

9 (ii) Arson in the first degree, arson in the second degree, or arson in the third degree;

10 (iii) Bribery or larceny involving the receipt of stolen property of a value of more than five
11 hundred dollars (\$500);

12 (iv) Any violation of chapter 28 of title 21 where the offense is punishable by imprisonment
13 for more than one year;

14 (v) Any violation of chapters 19, 47, or 51 of title 11, where the offense is punishable by
15 imprisonment for more than one year;

16 (vi) The lending of money at a rate of interest in violation of law;

17 (vii) Being a fugitive from justice for any of the offenses provided in this subdivision; and

18 (viii) Conspiracy to commit any of the offenses provided in this subdivision.

19 (5) "Electronic communication" means any transfer of signs, signals, writing, images,
20 sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio,
21 electromagnetic, photoelectronic or photooptical system, but does not include:

22 (i) Any wire or oral communication;

23 (ii) Any communication made through a tone-only paging device; or

24 (iii) Any communication from a tracking device.

25 (6) "Electronic communication service" means any service which provides to users the
26 ability to send or receive wire or electronic communications.

27 (7) "Electronic, mechanical, or other device" means any device or apparatus which can be
28 used to intercept wire, electronic, or oral communications other than:

29 (i) Any telephone or telegraph instrument, equipment, or facility or any component of
30 telephone or telegraph instruments, equipment, or facilities, furnished to the subscriber or user by
31 a provider of wire or electronic communication service in the ordinary course of its business, and
32 being used by the subscriber or user in the ordinary course of business, or by an investigative or
33 law enforcement officer in the ordinary course of his or her duties; or

34 (ii) A hearing aid or similar device which is being used to correct subnormal hearing to

1 normal.

2 (8) "Intercept" means aural or other acquisition of the contents of any wire, electronic, or
3 oral communication through the use of any electronic, mechanical, or other device.

4 (9) "Investigative or law enforcement officer" means any officer of the United States, this
5 state, or a political subdivision of this state, who is empowered by law to conduct investigations of,
6 or to make arrests for, the designated offenses, the attorney general, and his or her assistants.

7 (10) "Oral communications" means any oral communication uttered by a person exhibiting
8 an expectation that the communication is not subject to interception under circumstances justifying
9 that expectation, but the term does not include any electronic communication.

10 (11) "Person" means any individual, partnership, association, joint stock company, trust,
11 or corporation, whether or not any of the foregoing is an officer, agent, or employee of the United
12 States, a state, or a political subdivision of a state.

13 (12) "User" means any person or entity who:

14 (i) Uses an electronic communication service; and

15 (ii) Is duly authorized by the provider of the service to engage in that use; photooptical or
16 photoelectronic facilities for the transmission of electronic communications, and any computer
17 facilities or related electronic equipment for the electronic storage of the communications.

18 (13) "Wire communications" means any aural transfer made in whole or in part through
19 the use of facilities for the transmission of communications by the aid of wire, cable, or other like
20 connection between the point of origin and the point of reception, (including the use of the
21 connection in a switching station) furnished or operated by any person engaged in providing or
22 operating the facilities for the transmission of communications. The term includes any electronic
23 storage of the communication.

24 SECTION 5. Section 15-15-1 of the General Laws in Chapter 15-15 entitled "Domestic
25 Abuse Prevention" is hereby amended to read as follows:

26 **15-15-1. Definitions.**

27 The following words as used in this chapter have the following meanings:

28 (1) "Course of conduct" means a pattern of conduct composed of a series of acts over a
29 period of time, evidencing a continuity of purpose. Constitutionally protected activity is not
30 included within the meaning of "course of conduct."

31 (2) "Courts" means the family court.

32 (3) "Cyberstalking" means transmitting any communication by computer to any person or
33 causing any person to be contacted for the sole purpose of harassing that person or his or her family.

34 (4) "Domestic abuse" means:

1 The occurrence of one or more of the following acts between present or former family
2 members, parents, stepparents, a plaintiff parent's minor child(ren) to which the defendant is not a
3 blood relative or relative by marriage, or persons who are or have been in a substantive dating or
4 engagement relationship within the past one year in which at least one of the persons is a minor:

5 (i) Attempting to cause or causing physical harm;

6 (ii) Placing another in fear of imminent serious physical harm;

7 (iii) Causing another to engage involuntarily in sexual relations by force, threat of force, or
8 duress; or

9 (iv) Stalking or cyberstalking.

10 (5) "Harassing" means following a knowing and willful course of conduct directed at a
11 specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no
12 legitimate purpose. The course of conduct must be such as would cause a reasonable person to
13 suffer substantial emotional distress, or be in fear of bodily injury.

14 (6) "Parents" mean persons who together are the legal parents of one or more children,
15 regardless of their marital status or whether they have lived together at any time.

16 (7) "Present or former family member" means the spouse, former spouse, minor children,
17 stepchildren, a plaintiff parent's minor child(ren) to which the defendant is not a blood relative or
18 relative by marriage, minor children of substantive dating partners, or persons who are related by
19 blood or marriage.

20 (8) "Sexual exploitation" means the occurrence of any of the following acts by any person
21 who knowingly or willfully encourages, aids, or coerces any child under the age of eighteen (18)
22 years:

23 (i) Recruiting, employing, enticing, soliciting, isolating, harboring, transporting, providing,
24 persuading, obtaining, or maintaining, or so ~~attempts~~ attempting, any minor for the purposes of
25 commercial sex acts or sexually explicit performances; or selling or purchasing a minor for the
26 purposes of commercial sex acts.

27 (A) "Commercial sex act" means any sex act or sexually explicit performance on account
28 of which anything of value is given, promised to, or received, directly or indirectly, by any person.

29 (B) "Sexually-explicit performance" means an act or show, intended to arouse, satisfy the
30 sexual desires of, or appeal to the prurient interests of patrons or viewers, whether public or private,
31 live, photographed, recorded, or videotaped.

32 (9) "Stalking" means harassing another person or willfully, maliciously, and repeatedly
33 following another person with the intent to place that person in reasonable fear of bodily injury.

34 (10) "Substantive dating" or "engagement relationship" means a significant and

1 personal/intimate relationship that shall be adjudged by the court's consideration of the following
2 factors:

- 3 (i) The length of time of the relationship;
- 4 (ii) The type of relationship; and
- 5 (iii) The frequency of interaction between the parties.

6 SECTION 6. Section 16-11.4-6 of the General Laws in chapter 16-11.4 entitled "Rhode
7 Island Certification Standards Board" is hereby amended to read as follows

8 **16-11.4-6. Right to read act.**

9 (a) This section shall be known and may be cited as the "Right to Read Act."

10 (b) No later than 2025, the following shall have proficient knowledge and skills to teach
11 reading consistent with the best practices of scientific reading instruction and structured literacy
12 instruction:

- 13 (1) A person who completes a state-approved educator preparation program; and
- 14 (2) A person seeking teacher licensure by reciprocity or by adding an endorsement.

15 In addition, no later than 2025, a person who completes a state-approved educator
16 preparation program, other than a teacher of elementary education program, shall demonstrate an
17 awareness of the best practices of scientific reading instruction and structured literacy instruction.

18 (c) Beginning no later than the 2024-2025 school year, each state-approved educator
19 preparation program shall post on its website information describing its program to prepare teachers
20 to teach reading with scientific reading instruction and structured literacy instruction; aligned with,
21 but not limited to, the content measured by the stand-alone reading assessment adopted by the
22 Rhode Island board of education act.

23 (d) Beginning with the 2020-2021 school year, a public school district and an open-
24 enrollment public charter school shall provide the following professional development in scientific
25 reading instruction and structured literacy instruction:

26 (1) For teachers licensed at the elementary level, professional development for one of the
27 prescribed pathways to obtaining a proficiency credential in knowledge and practices in scientific
28 reading instruction and structured literacy instruction; and

29 (2) For teachers licensed at a level other than the elementary level, professional
30 development for one of the prescribed pathways to obtaining an awareness credential in knowledge
31 and practices in scientific reading instruction and structured literacy instruction.

32 (e) Beginning with the 2022-2023 school year, a public school that does not provide the
33 professional development pursuant to the provisions of subsection (d) shall:

- 34 (1) Be placed on probationary status; and

1 (2) Provide notice to parents that the public school district has not met the requirements of
2 this section.

3 (f) By the beginning of the 2023-2024 school year:

4 (1) All teachers employed in a teaching position that requires an elementary education (K-
5 6) license or (K-12) license shall demonstrate proficiency in knowledge and practices of scientific
6 reading and structured literacy instruction; and

7 (2) All other teachers shall demonstrate awareness in knowledge and practices of scientific
8 reading instruction and structured literacy instruction.

9 (g) All teachers who begin employment in the 2023-2024 school year and each school year
10 thereafter shall demonstrate proficiency or awareness in knowledge and practices in scientific
11 reading instruction and structured literacy instruction as is applicable to their teaching position by
12 completing the prescribed proficiency or awareness in knowledge and practices of the scientific
13 reading instruction credential and a structured literacy instruction credential either:

14 (1) As a condition of licensure; or

15 (2) Within one year if the teacher is:

16 (i) Already licensed; or

17 (ii) Employed under a waiver from licensure.

18 (h) A provider of a state-approved educator preparation program shall include in its annual
19 report to the department of elementary and secondary education (the "department") a description
20 of program to prepare educators to teach reading using scientific reading instruction and structured
21 literacy instruction.

22 (i) A public school district that employs an educator in violation of this section or that does
23 not provide the professional development as required under this section shall be in violation of the
24 standards for accreditation of the Rhode Island board of education act, and the school district may
25 be placed on probationary status by the department. A public school district placed on probationary
26 status pursuant to the provisions of this subsection shall send written notification to the parents of
27 the students in the public school district of the reason for being placed on probationary status.

28 (j) A provider of a state-approved educator preparation program that does not comply with
29 the requirements of this section may be subject to penalties up to and including having the
30 provider's approval status revoked.

31 (k) The department is vested with the authority to, and shall enforce, this section.

32 (l) The department shall promulgate rules to implement the provisions of this section.

33 (m) As used in this section:

34 (1) The term "scientific reading instruction" means instruction that is instructional

1 centered, empirically based, and further based on the study of the relationship between cognitive
2 science and educational outcomes; and

3 (2) The term "structured literacy instruction" means an approach by which licensed
4 personnel teach reading, which includes syllables, morphology, sound-symbol correspondence,
5 semantics, and syntax, in an explicit, systematic, and diagnostic manner.

6 SECTION 7 Section 16-16-22 of the General Laws in Chapter 16-16 entitled "Teachers'
7 Retirement [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby
8 amended to read as follows:

9 **16-16-22. Contributions to state system. [Effective until July 1, 2020.]**

10 (a) Prior to July 1, 2012, each teacher shall contribute into the system nine and one-half
11 percent (9.5%) of compensation as his or her share of the cost of annuities, benefits, and allowances.
12 Effective July 1, 2012, each teacher shall contribute an amount equal to three and three quarters
13 percent (3.75%) of his or her compensation. Effective July 1, 2015, each teacher with twenty (20)
14 or more years of total service as of June 30, 2012, shall contribute an amount equal to eleven percent
15 (11%) of his or her compensation. The employer contribution on behalf of teacher members of the
16 system shall be in an amount that will pay a rate percent of the compensation paid to the members,
17 according to the method of financing prescribed in the State Retirement Act in chapters 8 -- 10 and
18 10.3 of title 36. This amount shall be paid forty percent (40%) by the state, and sixty percent (60%)
19 by the city, town, local educational agency, or any formalized commissioner- approved cooperative
20 service arrangement by whom the teacher members are employed, with the exception of teachers
21 who work in federally funded projects and further with the exception of any supplemental
22 contributions by a local municipality employer under chapter 36-10.3 which supplemental
23 employer contributions shall be made wholly by the local municipality. Provided, however, that
24 the rate percent paid shall be rounded to the nearest hundredth of one percent (.01%).

25 (b) The employer contribution on behalf of teacher members of the system who work in
26 fully or partially federally funded programs shall be prorated in accordance with the share of the
27 contribution paid from the funds of the federal, city, town, or local educational agency, or any
28 formalized commissioner- approved cooperative service arrangement by whom the teacher
29 members are ~~approved~~ employed.

30 (c) In case of the failure of any city, town, or local educational agency, or any formalized
31 commissioner- approved cooperative service arrangement to pay to the state retirement system the
32 amounts due from it under this section within the time prescribed, the general treasurer is authorized
33 to deduct the amount from any money due the city, town, or local educational agency from the
34 state.

1 (d) The employer's contribution shared by the state shall be paid in the amounts prescribed
2 in this section for the city, town, or local educational agency and under the same payment schedule.
3 Notwithstanding any other provisions of this chapter, the city, town, or local educational agency or
4 any formalized commissioner-approved cooperative service arrangement shall remit to the general
5 treasurer of the state the local employer's share of the teacher's retirement payments on a monthly
6 basis, payable by the fifteenth (15th) of the following month. The amounts that would have been
7 contributed shall be deposited by the state in a special fund and not used for any purpose. The
8 general treasurer, upon receipt of the local employer's share, shall effect transfer of a matching
9 amount of money from the state funds appropriated for this purpose by the general assembly into
10 the retirement fund.

11 Upon reconciliation of the final amount owed to the retirement fund for the employer share,
12 the state shall ensure that any local education aid reduction assumed for the FY 2010 revised budget
13 in excess of the actual savings is restored to the respective local entities.

14 (e) This section is not subject to §§ 45-13-7 through 45-13-10.

15 **16-16-22. Contributions to state system. [Effective July 1, 2020.]**

16 (a) Prior to July 1, 2012, each teacher shall contribute into the system nine and one-half
17 percent (9.5%) of compensation as his or her share of the cost of annuities, benefits, and allowances.
18 Effective July 1, 2012, each teacher shall contribute an amount equal to three and three quarters
19 percent (3.75%) of his or her compensation. Effective July 1, 2015, each teacher with twenty (20)
20 or more years of total service as of June 30, 2012, shall contribute an amount equal to eleven percent
21 (11%) of his or her compensation. The employer contribution on behalf of teacher members of the
22 system shall be in an amount that will pay a rate percent of the compensation paid to the members,
23 according to the method of financing prescribed in the state retirement act in chapters 8 -- 10 and
24 10.3 of title 36. This amount shall be paid forty percent (40%) by the state and sixty percent (60%)
25 by the city, town, local educational agency, or any formalized commissioner-approved cooperative
26 service arrangement by whom the teacher members are employed, with the exception of teachers
27 who work in federally funded projects and further with the exception of any supplemental
28 contributions by a local municipality employer under chapter 10.3 of title 36 which supplemental
29 employer contributions shall be made wholly by the local municipality. Provided, however, that
30 the rate percent paid shall be rounded to the nearest hundredth of one percent (.01%).

31 (b) The employer contribution on behalf of teacher members of the system who work in
32 fully or partially federally funded programs shall be prorated in accordance with the share of the
33 contribution paid from the funds of the federal, city, town, or local educational agency, or any
34 formalized commissioner-approved cooperative service arrangement by whom the teacher

1 members are ~~approved~~ employed.

2 (c) In case of the failure of any city, town, or local educational agency, or any formalized
3 commissioner-approved cooperative service arrangement, to pay to the state retirement system the
4 amounts due from it under this section within the time prescribed, the general treasurer is authorized
5 to deduct the amount from any money due the city, town, or local educational agency from the
6 state.

7 (d) The employer's contribution shared by the state shall be paid in the amounts prescribed
8 in this section for the city, town, or local educational agency and under the same payment schedule.
9 Notwithstanding any other provisions of this chapter, the city, town, or local educational agency or
10 any formalized commissioner-approved cooperative service arrangement shall remit to the general
11 treasurer of the state the local employer's share of the teacher's retirement on the date contributions
12 are withheld but no later than three (3) business days following the pay period ending in which
13 contributions were withheld. The amounts that would have been contributed shall be deposited by
14 the state in a special fund and not used for any purpose. The general treasurer, upon receipt of the
15 local employer's share, shall effect transfer of a matching amount of money from the state funds
16 appropriated for this purpose by the general assembly into the retirement fund.

17 Upon reconciliation of the final amount owed to the retirement fund for the employer share,
18 the state shall ensure that any local education aid reduction assumed for the FY 2010 revised budget
19 in excess of the actual savings is restored to the respective local entities.

20 (e) This section is not subject to §§ 45-13-7 through 45-13-10.

21 SECTION 8. Section 16-32-2.2 of the General Laws in Chapter 16-32 entitled 'University
22 of Rhode Island is hereby amended to read as follows:

23 **16-32-2.2. Appointment and removal of the board of trustees. [Effective February 1,**
24 **2020.]**

25 (a) There is hereby established a board of trustees for the university of Rhode Island
26 consisting of seventeen (17) members. The governor shall appoint the members, with the advice
27 and consent of the senate, to serve on the board of trustees, until the expiration of their term and
28 their successor is appointed. In making these appointments the governor shall give due
29 consideration to recommendations from the president of the university of Rhode Island and at least
30 three (3) of those members appointed by the governor shall be residents of the State of Rhode
31 Island, at least one of those members shall be selected from a list of names of at least five (5)
32 individuals submitted by the speaker of the house of representatives, and at least one of those
33 members shall be selected from a list of names of at least five (5) individuals submitted by the
34 president of the senate. In addition, the president of the university of Rhode Island shall appoint

1 one faculty member and one student member who shall be a full-time student in good standing at
2 the university and who shall both serve in a non-voting, ex officio capacity for a single two (2) year
3 term. The chair of the board of education and the chair of the council on postsecondary education
4 shall serve in a non-voting, ex-officio capacity on the board of trustees. Six (6) of the members
5 initially appointed pursuant to this section shall serve terms of three (3) years; seven (7) members
6 initially appointed pursuant to this section shall serve terms of two (2) years, including the member
7 appointed from the list submitted by the speaker of the house of representatives and the member
8 appointed from the list submitted by the president of the senate; and, four (4) members initially
9 appointed pursuant to this section shall serve terms of one year. Thirteen (13) voting members of
10 the board shall constitute a quorum and the vote of a majority of those present and voting shall be
11 required for action.

12 (b) After the initial terms of appointment have expired, the governor shall appoint nine (9)
13 members with the advice and consent of the senate to serve as members of the board of trustees
14 with two ~~(2)~~ three (3) members appointed for a term of three (3) years; with two ~~(2)~~ three (3)
15 members appointed for a term of two (2) years, including the member appointed from the list
16 submitted by the speaker of the house of representatives and the member appointed from the list
17 submitted by the president of the senate; and with two ~~(2)~~ three (3) members appointed for a term
18 of one year and shall be eligible to be reappointed to a term of two (2) years. In making these
19 appointments the governor shall give due consideration to recommendations from the president of
20 the university of Rhode Island and at least three (3) of those members appointed by the governor
21 shall be residents of the state of Rhode Island, at least one of those members shall be selected from
22 a list of names of at least five (5) individuals submitted by the speaker of the house of
23 representatives, and at least one of those members shall be selected from a list of names of at least
24 five (5) individuals submitted by the president of the senate. The remaining eight (8) voting
25 members shall be self-perpetuating members appointed by the board pursuant to rules adopted by
26 the board regarding the nomination and appointment of members and shall serve terms as defined
27 by the board pursuant to the adopted rules and be eligible for reappointment. In making these
28 appointments the board shall give due consideration to recommendations from the president of the
29 university of Rhode Island.

30 (c) A majority of the board shall elect the chair of the board from among the seventeen (17)
31 voting board members pursuant to rules and regulations adopted by the board establishing the
32 procedure for electing a chair.

33 (d) Public members of the board shall be removable by the appointing authority of the
34 member for cause only, and removal solely for partisan or personal reasons unrelated to capacity

1 or fitness for the office shall be unlawful. No removal shall be made for any cause except after ten
2 (10) days' notice in writing of specific charges, with opportunity for the member to be present in
3 person and with counsel at a public hearing before the appointing authority, to introduce witnesses
4 and documentary evidence in his or her own defense, and to confront and cross-examine adversary
5 witnesses; and appeal shall lie to the superior court from the governor's determination.

6 SECTION 9. Section 17-19-24.2 of the General Laws in Chapter 17-19 entitled "Conduct
7 of Election and Voting Equipment, and Supplies" is hereby amended to read as follows:

8 **17-19-24.2. Voter identification.**

9 (a) Beginning on January 1, 2012, any person claiming to be a registered and eligible voter
10 who desires to vote at a primary election, special election, or general election shall provide proof
11 of identity. For purposes of this section, proof of identity shall be valid if unexpired or expired no
12 more than six (6) months prior to voting, and shall include:

13 (1) A valid and current document showing a photograph of the person to whom the
14 document was issued, including without limitation:

- 15 (i) Rhode Island driver's license;
- 16 (ii) Rhode Island voter identification card;
- 17 (iii) United States passport;
- 18 (iv) Identification card issued by a United States educational institution;
- 19 (v) United States military identification card;
- 20 (vi) Identification card issued by the United States or the State of Rhode Island;
- 21 (vii) Government issued medical card.

22 (2) A valid and current document without a photograph of the person to whom the
23 document was issued, including without limitation:

- 24 (i) Birth certificate;
- 25 (ii) Social security card;
- 26 (iii) Government issued medical card.

27 (b) From and after January 1, 2014, any person claiming to be a registered and eligible
28 voter who desires to vote at a primary election, special election, or general election shall provide
29 proof of identity listed in subsection (a)(1).

30 (c) No later than January 1, 2012, Rhode Island voter identification cards will be issued
31 upon request, and at no expense to the voters, at locations and in accordance with procedures
32 established by rules and regulations promulgated by the secretary of state. The purpose of this
33 section is to provide voter identification cards to those voters who do not possess the identification
34 listed in subsection (a)(1).

1 (d) If the person claiming to be a registered and eligible voter is unable to provide proof of
2 identity as required in subsections (a)(1) and (a)(2) above, the person claiming to be a registered
3 voter shall be allowed to vote a provisional ballot pursuant to § ~~17-19-24.2~~ 17-19-24.3 upon
4 completing a provisional ballot voter's certificate and affirmation. The local board shall determine
5 the validity of the provisional ballot pursuant to § 17-19-24.3.

6 SECTION 10. Section 19-14-26 of the General Laws in Chapter 19-14 entitled "Licensed
7 Activities" is hereby amended to read as follows:

8 **19-14-26. Penalty for violations. [Effective January 1, 2020.]**

9 (a) If a person other than a licensee engages in activity for which licensure is required by
10 this title with or on behalf of a resident in violation of this chapter, the department may assess a
11 civil penalty against the person in an amount not to exceed five thousand dollars (\$5,000) for each
12 day of violation and/or may order that the person cease and desist from all activities requiring
13 licensure.

14 (b) If a licensee materially violates or participates in the violation of any of the applicable
15 provisions of this title, or any regulation promulgated under this title, the department may assess a
16 civil penalty of not more than one thousand dollars (\$1,000) for each violation or in the case of
17 identifiable measured transactions per transaction, or by imprisonment not exceeding one year, or
18 both. Each violation constitutes a separate offense. Complaints under the provisions of this chapter
19 may be made by the director, or the director's designee, and shall not be required to give surety for
20 costs. The attorney general shall prosecute all criminal activities under this chapter.

21 (c) A civil penalty under this section continues to accrue until the earlier of the following:

22 (1) The date the violation ceases; or

23 (2) A date specified by the department.

24 (d) In addition to the remedies set forth in subsections (a) and (b) of this section, upon proof
25 of a material violation by a licensee, the department may take any of the following actions:

26 (1) Suspend or revoke a license or registration under this chapter;

27 (2) Order a person to cease and desist from doing activity for which a license or **registrant**
28 **registration** is required with or on behalf of a resident;

29 (3) Request the court to appoint a receiver for the assets of a licensee or registrant;

30 (4) Request the court to issue temporary, preliminary, or permanent injunctive relief against
31 a licensee or registrant;

32 (5) Recover on the bond or security posted by the licensee or registrant; or

33 (6) Impose necessary or appropriate conditions on the conduct of business activity with or
34 on behalf of a resident.

1 (e) All actions of the department under this section shall be taken in accordance with the
2 requirements of chapter 35 of title 42 (the administrative procedures act).

3 SECTION 11. Section 19-14.3-1.2 of the General Laws in Chapter 19-14 entitled “Sale of
4 checks and Electronic Money Transfers” is hereby amended to read as follows:

5 **19-14.3-1.2. License by reciprocity. [Effective January 1, 2020.]**

6 A person licensed by another state to engage in currency transmission business activity in
7 that state may engage in currency transmission business activity with or on behalf of a resident to
8 the same extent as a licensee if:

9 (1) The department determines that the state in which the person is licensed has in force
10 laws regulating currency transmission business activity that are substantially similar to, or more
11 protective of rights of users than, this chapter and enters into a reciprocity agreement with the other
12 state that the state will allow reciprocal licensing of persons licensed under this chapter.

13 (2) An application under this section is filed with the registry and the applicant shall notify
14 the department in a record that the applicant has submitted the application to the registry and shall
15 submit to the department:

16 (i) A certification of license history from the agency responsible for issuing a license in
17 each state in which the applicant has been licensed to conduct currency transmission business
18 activity;

19 (ii) A nonrefundable reciprocal licensing application fee in the amount required by § ~~19-~~
20 ~~14-6~~19-14-4;

21 (iii) All other information requested by the department in the application for licensure on
22 the registry.

23 SECTION 12. Section 19-33-8 of the General Laws in Chapter 19-33 entitled “Student
24 Loan Bill of Rights Act” is hereby amended to read as follows:

25 **19-33-8. Responsibilities of student loan servicers.**

26 (a) A student loan servicer shall provide annually, and at the request of a student loan
27 borrower, the terms of their loan, progress toward repayment, and eligibility for any loan relief
28 programs including, but not limited to, income-driven repayment plans, public service loan
29 forgiveness, forbearance, and deferment.

30 (b) A student loan servicer shall establish policies and procedures, and implement them
31 consistently, in order to facilitate evaluation of private student loan alternative repayment
32 arrangement requests, including providing accurate information regarding any private student loan
33 alternative repayment arrangements that may be available to the borrower through the promissory
34 note, or that may have been marketed to the borrower through marketing materials.

1 (c) A private student loan alternative repayment arrangement shall consider the
2 affordability of repayment plans for a distressed borrower, as well as the investor, guarantor, and
3 insurer guidelines, and previous outcome and performance information.

4 (d) If a student loan servicer offers private student loan repayment arrangements, a student
5 loan servicer shall consistently present and offer those arrangements to borrowers with similar
6 financial circumstances.

7 (e) If a borrower inquires of a servicer of private student loans about consolidating or
8 refinancing a federal student loan into a private student loan, the servicer of private student loans
9 must disclose in advance of the refinancing or consolidation, any benefits or protections exclusive
10 to federal student loans that may be lost as a result of the consolidation or refinancing.

11 (f)(1) A student loan servicer shall respond to a written inquiry from a student loan
12 borrower, or the representative of a student loan borrower, within ten (10) business days after
13 receipt of the request, and provide information relating to the request and, if applicable, the action
14 the student loan servicer will take to correct the account or an explanation for the student loan
15 servicer's position that the borrower's account is correct.

16 (2) The ten-day (10) period described in subsection ~~(e)~~ (f)(1) may be extended for not more
17 than fifteen (15) days, if before the end of the ten-day (10) period the student loan servicer notifies
18 the borrower or the borrower's representative of the extension and the reasons for the delay in
19 responding.

20 (3) After receipt of a written request related to a credit reporting dispute on a borrower's
21 payment on a student education loan, a student loan servicer shall not furnish adverse information
22 to a consumer reporting agency regarding a payment that is the subject of the written inquiry.

23 (g) Except as provided by federal law or required by a student loan agreement, a student
24 loan servicer shall inquire of a borrower how to apply an overpayment to a student education loan.
25 A borrower's direction on how to apply an overpayment to a student education loan shall stay in
26 effect for any future overpayments during the term of a student education loan until the borrower
27 provides different directions. For purposes of this section, "overpayment" means a payment on a
28 student education loan in excess of the monthly amount due from a borrower on a student education
29 loan, also commonly referred to as a prepayment.

30 (h) Where a borrower has multiple loans at the same level of delinquency, a student loan
31 servicer shall apply partial payments in a manner that minimizes late fees and negative credit
32 reporting by applying such payments to satisfy as many individual loan payments as possible on a
33 borrower's account. For purposes of this section, "partial payment" means a payment on a student
34 loan account that contains multiple individual loans in an amount less than the amount necessary

1 to satisfy the outstanding payment due on all loans in the student loan account, also commonly
2 referred to as an underpayment.

3 (i) In the event of the sale, assignment, or other transfer of the servicing of a student
4 education loan that results in a change in the identity of the person to whom a student loan borrower
5 is required to send payments or direct any communication concerning the student education loan,
6 the following provisions apply:

7 (1) As a condition of a sale, an assignment, or any other transfer of the servicing of a student
8 education loan, a student loan lender shall require the new student loan servicer to honor all benefits
9 originally represented as available to a student loan borrower during the repayment of the student
10 education loan and preserve the availability of the benefits, including any benefits for which the
11 student loan borrower has not yet qualified.

12 (2) A student loan servicer shall transfer to the new student loan servicer all records
13 regarding the student loan borrower, the account of the student loan borrower, and the student
14 education loan of the student loan borrower.

15 (3) The records required under subsection (h)(2) shall include the repayment status of the
16 student loan borrower and any benefits associated with the student education loan of the student
17 loan borrower.

18 (4) The student loan servicer shall complete the transfer of records required under
19 subsection (h)(2) within forty-five (45) days after the sale, assignment, or other transfer of the
20 servicing of a student education loan.

21 (5) The parties shall notify all student loan borrowers impacted by the sale, assignment, or
22 other transfer of the servicing of a student education loan at least seven (7) days before the next
23 payment on the loan is due. Notice must include: The identity of the new loan holder and/or
24 servicer; the effective date of the transfer; the date on which the old servicer will no longer accept
25 payments; the date on which the new servicer will begin to accept payments; and contact and billing
26 information for loan payments.

27 (j) A student loan servicer that services a student education loan shall adopt policies and
28 procedures to verify that the student loan servicer has received all records regarding the student
29 loan borrower; the account of the student loan borrower; and the student education loan of the
30 student loan borrower, including the repayment status of the student loan borrower and any benefits
31 associated with the student education loan of the student loan borrower.

32 (k) When a prior student loan servicer receives a payment intended for the new student
33 loan servicer, the prior student loan servicer must promptly transfer the payment to the new
34 servicer, along with the date the prior servicer received the payment.

1 (l) When a new servicer receives a payment from a prior servicer under subsection (j), the
2 payment must be applied as of the date received by the prior servicer. A student loan servicer must
3 implement processes and controls to ensure a student loan borrower does not incur additional
4 interest, fees, or delinquency due to complications related to the sale, assignment, or other transfer
5 of the servicing of a student education loan.

6 SECTION 13. Section 23-17.26-3 of the General Laws in Chapter 23-17.26 entitled
7 “Comprehensive Discharge Planning” is hereby amended to read as follows:

8 **23-17.26-3. Comprehensive discharge planning.**

9 (a) On or before January 1, 2017, each hospital and freestanding, emergency-care facility
10 operating in the state of Rhode Island shall submit to the director a comprehensive discharge plan
11 that includes:

12 (1) Evidence of participation in a high-quality, comprehensive discharge-planning and
13 transitions-improvement project operated by a nonprofit organization in this state; or

14 (2) A plan for the provision of comprehensive discharge planning and information to be
15 shared with patients transitioning from the hospital's or freestanding, emergency-care facility's care.

16 Such plan shall contain the adoption of evidence-based practices including, but not limited to:

17 (i) Providing education in the hospital or freestanding, emergency-care facility prior to
18 discharge;

19 (ii) Ensuring patient involvement such that, at discharge, patients and caregivers
20 understand the patient's conditions and medications and have a point of contact for follow-up
21 questions;

22 (iii) Encouraging notification of the person(s) listed as the patient's emergency contacts
23 and certified peer recovery specialist to the extent permitted by lawful patient consent or applicable
24 law, including, but not limited to, the Federal Health Insurance Portability and Accountability Act
25 of 1996, as amended, and 42 C.F.R. Part 2, as amended. The policy shall also require all **such**
26 attempts at notification to be noted in the patient's medical record;

27 (iv) Attempting to identify patients' primary care providers and assisting with scheduling
28 post-discharge follow-up appointments prior to patient discharge;

29 (v) Expanding the transmission of the department of health's continuity-of-care form, or
30 successor program, to include primary care providers' receipt of information at patient discharge
31 when the primary care provider is identified by the patient; and

32 (vi) Coordinating and improving communication with outpatient providers.

33 (3) The discharge plan and transition process shall include recovery planning tools for
34 patients with substance-use disorders, opioid overdoses, and chronic addiction, which plan and

1 transition process shall include the elements contained in subsections (a)(1) or (a)(2), as applicable.

2 In addition, such discharge plan and transition process shall also include:

3 (i) That, with patient consent, each patient presenting to a hospital or freestanding,
4 emergency-care facility with indication of a substance-use disorder, opioid overdose, or chronic
5 addiction shall receive a substance-use evaluation, in accordance with the standards in subsection
6 (a)(4)(ii), before discharge. Prior to the dissemination of the standards in subsection (a)(4)(ii), with
7 patient consent, each patient presenting to a hospital or freestanding, emergency-care facility with
8 indication of a substance-use disorder, opioid overdose, or chronic addiction shall receive a
9 substance-use evaluation, in accordance with best practices standards, before discharge;

10 (ii) That if, after the completion of a substance-use evaluation, in accordance with the
11 standards in subsection (a)(4)(ii), the clinically appropriate inpatient and outpatient services for the
12 treatment of substance-use disorders, opioid overdose, or chronic addiction contained in subsection
13 (a)(3)(iv) are not immediately available, the hospital or freestanding, emergency-care facility shall
14 provide medically necessary and appropriate services with patient consent, until the appropriate
15 transfer of care is completed;

16 (iii) That, with patient consent, pursuant to 21 C.F.R. § 1306.07, a physician in a hospital
17 or freestanding, emergency-care facility, who is not specifically registered to conduct a narcotic
18 treatment program, may administer narcotic drugs, including buprenorphine, to a person for the
19 purpose of relieving acute, opioid-withdrawal symptoms, when necessary, while arrangements are
20 being made for referral for treatment. Not more than one day's medication may be administered to
21 the person or for the person's use at one time. Such emergency treatment may be carried out for not
22 more than three (3) days and may not be renewed or extended;

23 (iv) That each patient presenting to a hospital or freestanding, emergency-care facility with
24 indication of a substance-use disorder, opioid overdose, or chronic addiction, shall receive
25 information, made available to the hospital or freestanding, emergency-care facility in accordance
26 with subsection (a)(4)(v), about the availability of clinically appropriate inpatient and outpatient
27 services for the treatment of substance-use disorders, opioid overdose, or chronic addiction,
28 including:

29 (A) Detoxification;

30 (B) Stabilization;

31 (C) Medication-assisted treatment or medication-assisted maintenance services, including
32 methadone, buprenorphine, naltrexone, or other clinically appropriate medications;

33 (D) Inpatient and residential treatment;

34 (E) Licensed clinicians with expertise in the treatment of substance-use disorders, opioid

1 overdoses, and chronic addiction;

2 (F) Certified peer recovery specialists; and

3 (v) That, when the real-time patient-services database outlined in subsection (a)(4)(vi)
4 becomes available, each patient shall receive real-time information from the hospital or
5 freestanding, emergency-care facility about the availability of clinically appropriate inpatient and
6 outpatient services.

7 (4) On or before January 1, 2017, the director of the department of health, with the director
8 of the department of behavioral healthcare, developmental disabilities and hospitals, shall:

9 (i) Develop and disseminate, to all hospitals and freestanding, emergency-care facilities, a
10 regulatory standard for the early introduction of a certified peer recovery specialist during the pre-
11 admission and/or admission process for patients with substance-use disorders, opioid overdose, or
12 chronic addiction;

13 (ii) Develop and disseminate, to all hospitals and freestanding, emergency-care facilities,
14 substance use evaluation standards for patients with substance-use disorders, opioid overdose, or
15 chronic addiction;

16 (iii) Develop and disseminate, to all hospitals and freestanding, emergency-care facilities,
17 pre-admission, admission, and discharge regulatory standards, a recovery plan, and voluntary
18 transition process for patients with substance-use disorders, opioid overdose, or chronic addiction.
19 Recommendations from the 2015 Rhode Island governor's overdose prevention and intervention
20 task force strategic plan may be incorporated into the standards as a guide, but may be amended
21 and modified to meet the specific needs of each hospital and freestanding, emergency-care facility;

22 (iv) Develop and disseminate best practices standards for health care clinics, urgent-care
23 centers, and emergency-diversion facilities regarding protocols for patient screening, transfer, and
24 referral to clinically appropriate inpatient and outpatient services contained in subsection (a)(3)(iv);

25 (v) Develop regulations for patients presenting to hospitals and freestanding, emergency-
26 care facilities with indication of a substance-use disorder, opioid overdose, or chronic addiction to
27 ensure prompt, voluntary access to clinically appropriate inpatient and outpatient services
28 contained in subsection (a)(3)(iv);

29 (vi) Develop a strategy to assess, create, implement, and maintain a database of real-time
30 availability of clinically appropriate inpatient and outpatient services contained in subsection
31 (a)(3)(iv) of this section on or before January 1, 2018.

32 (b) Nothing contained in this chapter shall be construed to limit the permitted disclosure of
33 confidential health care information and communications permitted in § 5-37.3-4(b)(4)(i) of the
34 confidentiality of health care communications act.

1 (c) On or before September 1, 2017, each hospital and freestanding, emergency-care
2 facility operating in the state of Rhode Island shall submit to the director a discharge plan and
3 transition process that shall include provisions for patients with a primary diagnosis of a mental
4 health disorder without a co-occurring substance-use disorder.

5 (d) On or before January 1, 2018, the director of the department of health, with the director
6 of the department of behavioral healthcare, developmental disabilities and hospitals, shall develop
7 and disseminate mental health best practices standards for health care clinics, urgent care centers,
8 and emergency diversion facilities regarding protocols for patient screening, transfer, and referral
9 to clinically appropriate inpatient and outpatient services. The best practice standards shall include
10 information and strategies to facilitate clinically appropriate prompt transfers and referrals from
11 hospitals and freestanding, emergency-care facilities to less intensive settings.

12 SECTION 14. Section 23-27.3-107.1.1 of the General Laws in Chapter 23-27.3 entitled
13 “State Building Code” is hereby amended to read as follows:

14 **23-27.3-107.1.1. Local inspector.**

15 (a) The appropriate local authority may appoint one or more local full-time or part-time
16 inspectors to assist the building official in the performance of his or her duties and in the
17 enforcement of this code.

18 (b)(1) Building Inspectors-1 shall have a minimum of three (3) years' experience in general
19 building construction and except for the length of experience required shall possess similar
20 qualifications of a local building official as required by § 23-27.3-107.5, and shall possess an
21 International Code Council (ICC) certification as a Residential Building Inspector. However, ICC
22 certification as a Residential Building Inspector shall not be required in the case of a building
23 inspector holding a current state certification prior to July 1, 2010. A Building Inspector-1 is
24 responsible to enforce the provisions of the state residential code SBC-2.

25 Building Inspectors-2 shall have a minimum of three (3) years' experience in general
26 building construction; shall possess ICC certifications as a Residential Building Inspector and
27 Commercial Building Inspector; and shall possess similar qualifications of a local building official,
28 as required by § 23-27.3-107.5. However, ICC certification as a Residential Building Inspector and
29 a Commercial Building Inspector shall not be required in the case of a building inspector holding
30 a current state certification prior to July 1, 2010. A Building Inspector- 2 is authorized to enforce
31 the provisions of both the state building code SBC-1 and the state residential code SBC-2.

32 (2) Electrical inspectors shall have a minimum of five (5) years experience and a Rhode
33 Island Class A or Class B electricians' license.

34 (3) Mechanical inspectors shall have a minimum of five (5) years experience and a valid

1 Rhode Island master pipe fitters I or journeyperson contractors' license.

2 (4) Plumbing inspectors shall have a minimum of five (5) years experience and a Rhode
3 Island master or journeyperson plumbers' license.

4 (5) Mechanical and plumbing inspectors who have been enforcing either code prior to
5 January 1, 1986, may continue to do so.

6 (c) Inspectors listed in this section shall have the authority to affix their signature to permits
7 that pertain to the work they inspect.

8 SECTION 15. Section 27-4.8-1 of the General Laws in Chapter 27-4.8 entitled "Group
9 Life Insurance" is hereby amended to read as follows:

10 **27-4.8-1. Group life insurance definitions.**

11 Except as provided in § 27-4.8-2, no policy of group life insurance shall be delivered in
12 this state unless it conforms to one of the following descriptions:

13 (1) A policy issued to an employer, or to the trustees of a fund established by an employer,
14 which employer or trustees shall be deemed the policyholder, to insure employees of the employer
15 for the benefit of persons other than the employer, subject to the following requirements:

16 (i) The employees eligible for insurance under the policy shall be all of the employees of
17 the employer, or all of any class or classes thereof. The policy may provide that the term
18 "employees" shall include the employees of one or more subsidiary corporations, and the
19 employees, individual proprietors, and partners of one or more affiliated corporations,
20 proprietorships, or partnerships if the business of the employer and of the affiliated corporations,
21 proprietorships, or partnerships is under common control. The policy may provide that the term
22 "employees" shall include the individual proprietor or partners if the employer is an individual
23 proprietorship or partnership. The policy may provide that the term "employees" may include
24 retired employees, former employees, and directors of a corporate employer. A policy issued to
25 insure the employees of a public body may provide that the term "employees" shall include elected
26 or appointed officials.

27 (ii) The premium for the policy shall be paid either from the employer's funds or from funds
28 contributed by the insured employees, or from both. Except as provided in subsection (1)(iii), a
29 policy on which no part of the premium is to be derived from funds contributed by the insured
30 employees shall insure all eligible employees, except those who reject the coverage in writing.

31 (iii) An insurer may exclude or limit the coverage on any person as to whom evidence of
32 individual insurability is not satisfactory to the insurer; provided, however, that any exclusion or
33 limitation shall not be based solely on the fact that the person has a prescription to carry or possess
34 the drug naloxone.

1 (2) A policy issued to a creditor or its parent holding company or to a trustee or trustees or
2 agent designated by two (2) or more creditors, which creditor, holding company, affiliate, trustee,
3 trustees, or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors
4 subject to the following requirements:

5 (i) The debtors eligible for insurance under the policy shall be all of the debtors of the
6 creditor or creditors, or all of any class or classes thereof. The policy may provide that the term
7 "debtors" shall include:

8 (A) Borrowers of money or purchasers or lessees of goods, services, or property for which
9 payment is arranged through a credit transaction;

10 (B) The debtors of one or more subsidiary corporations; and

11 (C) The debtors of one or more affiliated corporations, proprietorships, or partnerships if
12 the business of the policyholder and of the affiliated corporations, proprietorships, or partnerships
13 is under common control.

14 (ii) The premium for the policy shall be paid either from the creditor's funds, or from
15 charges collected from the insured debtors, or from both. Except as provided in subsection (2)(iii),
16 a policy on which no part of the premium is to be derived from the funds contributed by insured
17 debtors specifically for their insurance shall insure all eligible debtors.

18 (iii) An insurer may exclude any debtors as to whom evidence of individual insurability is
19 not satisfactory to the insurer; provided, however, that any exclusion shall not be based solely on
20 the fact that the person has a prescription to carry or possess the drug naloxone.

21 (iv) The amount of the insurance on the life of any debtor shall at no time exceed the greater
22 of the scheduled or actual amount of unpaid indebtedness to the creditor, except that insurance
23 written in connection with open-end credit having a credit limit exceeding ten thousand dollars
24 (\$10,000) may be in an amount not exceeding the credit limit.

25 (v) The insurance may be payable to the creditor or any successor to the right, title, and
26 interest of the creditor. The payment shall reduce or extinguish the unpaid indebtedness of the
27 debtor to the extent of the payment and any excess of the insurance shall be payable to the estate
28 of the insured.

29 (vi) Notwithstanding the provisions of the above subsections, insurance on agricultural
30 credit transaction commitments may be written up to the amount of the loan commitment on a non-
31 decreasing or level term plan. Insurance on educational credit transaction commitments may be
32 written up to the amount of the loan commitment less the amount of any repayments made on the
33 loan.

34 (3) A policy issued to a labor union, or similar employee organization, which shall be

1 deemed to be the policyholder, to insure members of the union or organization for the benefit of
2 persons other than the union or organization or any of its officials, representatives, or agents,
3 subject to the following requirements:

4 (i) The members eligible for insurance under the policy shall be all of the members of the
5 union or organization, or all of any class or classes thereof.

6 (ii) The premium for the policy shall be paid either from funds of the union or organization,
7 or from funds contributed by the insured members specifically for their insurance, or from both.
8 Except as provided in subsection (3)(iii), a policy on which no part of the premium is to be derived
9 from funds contributed by the insured members specifically for their insurance shall insure all
10 eligible members, except those who reject the coverage in writing.

11 (iii) An insurer may exclude or limit the coverage on any persons as to whom evidence of
12 individual insurability is not satisfactory to the insurer; provided, however, that any exclusion or
13 limitation shall not be based solely on the fact that the person has a prescription to carry or possess
14 the drug naloxone.

15 (4) A policy issued to a trust or to the trustees of a fund established or adopted by two (2)
16 or more employers, or by one or more labor unions or similar employee organizations, or by one
17 or more employers and one or more labor unions or similar employee organizations, which trust or
18 trustees shall be deemed the policyholder, to insure employees of the employers or members of the
19 unions or organizations for the benefit of person other than the employers or the unions or
20 organizations, subject to the following requirements:

21 (i) The persons eligible for insurance shall be all of the employees of the employers or all
22 of the members of the unions or organizations, or all of any class or classes thereof. The policy may
23 provide that the term "employees" shall include the employees of one or more subsidiary
24 corporations, and the employees, individual proprietors, and partners of one or more affiliated
25 corporations, proprietorships, or partnerships if the business of the employer and of the affiliated
26 corporations, proprietorships, or partnerships is under common control. The policy may provide
27 that the term "employees" shall include the individual proprietor or partners if the employer is an
28 individual proprietorship or partnership. The policy may provide that the term "employees" shall
29 include retired employees, former employees, and directors of a corporate employer. The policy
30 may provide that the term "employees" shall include the trustees or their employees, or both, if
31 their duties are principally connected with the trusteeship.

32 (ii) The premium for the policy shall be paid from funds contributed by the employer or
33 employers of the insured persons, or by the union or unions or similar employee organizations, or
34 by both, or from funds contributed by the insured persons or from both the insured persons and the

1 employers or unions or similar employee organizations. Except as provided in subsection (4)(iii),
2 a policy on which no part of the premium is to be derived from funds contributed by the insured
3 persons specifically for their insurance shall insure all eligible persons, except those who reject the
4 coverage in writing.

5 (iii) An insurer may exclude or limit the coverage on any person as to whom evidence of
6 individual insurability is not satisfactory to the insurer; provided, however, that any exclusion or
7 limitation shall not be based solely on the fact that the person has a prescription to carry or possess
8 the drug naloxone.

9 (5) A policy issued to an association or to a trust or to the trustees of a fund established,
10 created, or maintained for the benefit of members of one or more associations. The association or
11 associations shall have at the outset a minimum of one hundred (100) persons; shall have been
12 organized and maintained in good faith for purposes other than ~~that~~ obtaining insurance; shall have
13 been in active existence for at least two (2) years; and shall have a constitution and bylaws ~~which~~
14 ~~that provides~~ provide that:

15 (i) The association or associations hold regular meetings not less than annually to further
16 purposes of the members;

17 (ii) Except for credit unions, the association or associations, collect dues or solicit
18 contributions from members; and

19 (iii) The members have voting privileges and representation on the governing board and
20 committees. The policy shall be subject to the following requirements:

21 (A) The policy may insure members of the association or associations, employees thereof,
22 or employees of members, or one or more of the preceding or all of any class or classes thereof for
23 the benefit of persons other than the employee's employer.

24 (B) The premium for the policy shall be paid from funds contributed by the association or
25 associations, or by employer members, or by both, or from funds contributed by the covered
26 persons or from both the covered persons and the association, associations, or employer members.

27 (C) Except as provided in subsection (5)(iii)(D), a policy on which no part of the premium
28 is to be derived from funds contributed by the covered persons specifically for the insurance shall
29 insure all eligible persons, except those who reject the coverage in writing.

30 (D) An insurer may exclude or limit the coverage on any person as to whom evidence of
31 individual insurability is not satisfactory to the insurer; provided, however, that any exclusion or
32 limitation shall not be based solely on the fact that the person has a prescription to carry or possess
33 the drug naloxone.

34 (6) A policy issued to a credit union or to a trustee or trustees or agent designated by two

1 (2) or more credit unions, which credit union, trustee, trustees, or agent shall be deemed
2 policyholder, to insure members of the credit union or credit unions for the benefit of persons other
3 than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject
4 to the following requirements:

5 (i) The members eligible for insurance shall be all of the members of the credit union or
6 credit unions, or all of any class or classes thereof.

7 (ii) The premium for the policy shall be paid by the policyholder from the credit union's
8 funds and, except as provided in subsection (6)(iii), shall insure all eligible members.

9 (iii) An insurer may exclude or limit the coverage on any member as to whom evidence of
10 individual insurability is not satisfactory to the insurer; provided, however, that any exclusion or
11 limitation shall not be based solely on the fact that the person has a prescription to carry or possess
12 the drug naloxone.

13 SECTION 16. Section 27-79.1-3 of the General Laws in Chapter 27-79.1 entitled "Travel
14 Insurance Act" is hereby amended to read as follows:

15 **27-79.1-3. Definitions.**

16 As used in this chapter, the following terms shall have the following meanings:

17 (1) "Aggregator site" means a website that provides access to information regarding
18 insurance products from more than one insurer, including product and insurer information, for use
19 in comparison shopping.

20 (2) "Blanket travel insurance" means a policy of travel insurance issued to any eligible
21 group providing coverage for specific classes of persons defined in the policy, with coverage
22 provided to all members of the eligible group without a separate charge to individual members of
23 the eligible group.

24 (3) "Cancellation fee waiver" means a contractual agreement between a supplier of travel
25 services and its customer to waive some or all of the non-refundable cancellation fee provisions of
26 the supplier's underlying travel contract, with or without regard to the reason for the cancellation
27 or form of reimbursement. A cancellation fee waiver is not insurance.

28 (4) "Eligible group," for the purposes of travel insurance, means two (2) or more persons
29 who are engaged in a common enterprise, or have an economic, educational, or social affinity or
30 relationship, including, but not limited to, any of the following:

31 (i) Any entity engaged in the business of providing travel or travel services, including, but
32 not limited to, tour operators, lodging providers, vacation property owners, hotels and resorts, travel
33 clubs, travel agencies, property managers, cultural exchange programs, and common carriers or the
34 operator, owner, or lessor of a means of transportation of passengers, including, but not limited to,

1 airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein, with regard
2 to any particular travel or type of travel or travelers, all members or customers of the group must
3 have a common exposure to risk attendant to the travel;

4 (ii) Any college, school, or other institution of learning covering students, teachers, or
5 employees or volunteers;

6 (iii) Any employer covering any group of employees, volunteers, contractors, board of
7 directors, dependents, or guests;

8 (iv) Any sports team, camp, or sponsor thereof covering participants, members, campers,
9 employees, officials, supervisors, or volunteers;

10 (v) Any religious, charitable, recreational, educational, or civic organization or branch
11 thereof covering any group of members, participants, or volunteers;

12 (vi) Any financial institution or financial institution vendor, or parent holding company,
13 trustee, or agent of, or designated by, one or more financial institutions or financial institution
14 vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;

15 (vii) Any incorporated or unincorporated association, including labor unions, having a
16 common interest, constitution, and bylaws, and organized and maintained in good faith for purposes
17 other than obtaining insurance for members or participants of ~~such~~ the association covering its
18 members;

19 (viii) Any trust or the trustees of a fund established, created, or maintained for the benefit
20 of and covering members, employees, or customers, subject to the insurance commissioner
21 permitting the use of a trust and the state's premium tax provisions in § 27-79.1-6 of one or more
22 associations meeting the requirements of subsection (4)(vii) of this section;

23 (ix) Any entertainment production company covering any group of participants, volunteers,
24 audience members, contestants, or workers;

25 (x) Any volunteer fire department, ambulance, rescue, police, court or any first aid, civil
26 defense, or other such volunteer group;

27 (xi) Preschools, daycare institutions for children or adults, and senior citizen clubs;

28 (xii) Any automobile or truck rental or leasing company covering a group of individuals
29 who may become renters, lessees, or passengers defined by their travel status on the rented or leased
30 vehicles. The common carrier, the operator, owner, or lessor of a means of transportation, or the
31 automobile or truck rental or leasing company, is the policyholder under a policy to which this
32 section applies; or

33 (xiii) Any other group where the commissioner has determined that the members are
34 engaged in a common enterprise, or have an economic, educational, or social affinity or

1 relationship, and that issuance of the policy would not be contrary to the public interest.

2 (5) "Fulfillment materials" means documentation sent to the purchaser of a travel protection
3 plan confirming the purchase and providing the travel protection plan's coverage and assistance
4 details.

5 (6) "Group travel insurance" means travel insurance issued to any eligible group.

6 (7) "Limited lines travel insurance producer" means:

7 (i) Licensed managing general agent or third-party administrator;

8 (ii) Licensed insurance producer, including a limited lines producer; or

9 (iii) Travel administrator.

10 (8) "Offer and disseminate" means providing general information, including a description
11 of the coverage and price, as well as processing the application and collecting premiums.

12 (9) "Primary certificate holder" means an individual person who elects and purchases travel
13 insurance under a group policy.

14 (10) "Primary policyholder" means an individual person who elects and purchases
15 individual travel insurance.

16 (11) "Travel administrator" means a person who directly or indirectly underwrites, collects
17 charges, collateral, or premiums from, or adjusts or settles claims on residents of this state, in
18 connection with travel insurance, except that a person shall not be considered a travel administrator
19 if that person's only actions that would otherwise cause it to be considered a travel administrator
20 are among the following:

21 (i) A person working for a travel administrator to the extent that the person's activities are
22 subject to the supervision and control of the travel administrator;

23 (ii) An insurance producer selling insurance or engaged in administrative and claims-
24 related activities within the scope of the producer's license;

25 (iii) A travel retailer offering and disseminating travel insurance and registered under the
26 license of a limited lines travel insurance producer in accordance with this chapter;

27 (iv) An individual adjusting or settling claims in the normal course of that individual's
28 practice or employment as an attorney at law and who does not collect charges or premiums in
29 connection with insurance coverage; or

30 (v) A business entity that is affiliated with a licensed insurer while acting as a travel
31 administrator for the direct and assumed insurance business of an affiliated insurer.

32 (12) "Travel assistance services" means non-insurance services for which the consumer is
33 not indemnified based on a fortuitous event, and where providing the service does not result in
34 transfer or shifting of risk that would constitute the business of insurance. Travel assistance services

1 include, but are not limited to: security advisories; destination information; vaccination and
2 immunization information services; travel reservation services; entertainment; activity and event
3 planning; translation assistance; emergency messaging; international legal and medical referrals;
4 medical case monitoring; coordination of transportation arrangements; emergency cash transfer
5 assistance; medical prescription replacement assistance; passport and travel document replacement
6 assistance; lost luggage assistance; concierge services; and any other service that is furnished in
7 connection with planned travel. Travel assistance services are not insurance and not related to
8 insurance.

9 (13) "Travel insurance" means insurance coverage for personal risks incident to planned
10 travel, including:

- 11 (i) Interruption or cancellation of trip or event;
- 12 (ii) Loss of baggage or personal effects;
- 13 (iii) Damages to accommodations or rental vehicles;
- 14 (iv) Sickness, accident, disability, or death occurring during travel;
- 15 (v) Emergency evacuation;
- 16 (vi) Repatriation of remains; or
- 17 (vii) Any other contractual obligations to indemnify or pay a specified amount to the
18 traveler upon determinable contingencies related to travel as approved by the commissioner.

19 Travel insurance does not include major medical plans that provide comprehensive medical
20 protection for travelers with trips lasting longer than six (6) months, including, for example, those
21 working or residing overseas as an expatriate, or any other product that requires a specific insurance
22 producer license.

23 (14) "Travel protection plans" means plans that provide one or more of the following:

- 24 (i) Travel insurance;
- 25 (ii) Travel assistance services; and
- 26 (iii) Cancellation fee waivers.

27 (15) "Travel retailer" means a business entity that makes, arranges, or offers planned travel
28 services, and may offer and disseminate travel insurance as a service to its customers on behalf of,
29 and under the direction of, a limited lines travel insurance producer.

30 SECTION 17. Section 33-27.1-12 of the General Laws in Chapter 33-27.1 entitled
31 "Revised Uniform Fiduciary Access To Digital Assets Act" is hereby amended to read as follows:

32 **33-27.1-12. Disclosure of content of electronic communications held in trust when**
33 **trustee is not original user.**

34 Unless otherwise ordered by the court, directed by the user, or provided in a trust, a

1 custodian shall disclose to a trustee who or that is not an original user of an account the content of
2 an electronic communication sent or received by an original or successor user and carried,
3 maintained, processed, received, or stored by the custodian in the account of the trust if the trustee
4 gives the custodian:

5 (1) A written request for disclosure in physical or electronic form;

6 (2) A certified copy of the trust instrument that includes consent to disclosure of the content
7 of electronic communications to the trustee;

8 (3) An affidavit or memorandum by the trustee, under penalty of perjury, pursuant to § 34-
9 4-27, that the trust exists and the trustee is a currently acting trustee of the trust; ~~assigned by the~~
10 ~~custodian to identify the trust's account;~~

11 (4) A number, username, address, or other unique subscriber or account identifier assigned
12 by the custodian to identify the trust's account; and

13 (5) Evidence linking the account to the trust.

14 SECTION 18. Section 36-3-5 of the General Laws in Chapter 336-3 entitled "Division of
15 Personnel Administration" is hereby amended to read as follows:

16 **36-3-5. Powers and duties of the administrator. [Effective January 1, 2020.]**

17 In addition to the duties imposed upon the personnel administrator elsewhere in the law
18 and the personnel rules, it shall be the duty of the personnel administrator:

19 (1) As executive head of the division of personnel administration, to direct, supervise,
20 develop, and authorize all personnel-related administrative and technical activities including
21 personnel administration and personnel management.

22 (2) To prepare and recommend to the director of administration ~~such~~ those rules as are
23 deemed necessary to carry out the provisions of the law.

24 (3) To supervise the operation of the classification plan and to recommend to the director
25 amendments and additions thereto.

26 (4) To supervise the operation of the pay plan and to recommend to the director
27 amendments and additions thereto.

28 (5) To establish and supervise the maintenance of employment lists, promotion lists, and
29 reemployment lists; to develop recruitment procedures, monitor agency recruitment processes for
30 compliance with the statutes and policies, and make available to state agencies qualified candidates
31 as vacancies occur; direct and supervise equal opportunity programs; manage employee benefit
32 plans, including the coordination of health insurance, prescription/vision care, group life insurance,
33 dental care, prepaid legal services, deferred compensation and cancer programs, and any other
34 programs established by the legislature related to employee benefits; and to manage career awards

1 programs and state and local enforcement firefighters incentive training programs.

2 (6) To perform any other lawful act which he or she may consider necessary or desirable
3 to carry out the purposes and provisions of this chapter, and chapter 4 of this title, and the rules and
4 to conduct innovative demonstration projects to improve state personnel management.

5 (7) To facilitate and/or coordinate state and national background checks for applicants
6 and/or employees in state positions with access to federal tax information, as defined in § 36-3-
7 16(a)(6).

8 (8) The personnel administrator is authorized and empowered to revise state job
9 descriptions to ensure the use of appropriate disability language as required by § 43-3-7.1.

10 SECTION 19. Section 36-4-31 of the General Laws in Chapter 36-4 entitled “Merit
11 System” is hereby amended to read as follows:

12 **36-4-31. Temporary appointment when no list available.**

13 (a)~~(1)~~(1) Whenever it is not possible to certify the required number of eligible persons for
14 appointment to a vacancy in the classified service because no appropriate list exists, the appointing
15 authority may nominate a person to the personnel administrator and if the nominee is found by the
16 personnel administrator to have had experience and education that appear to qualify him or her for
17 the position and meets such other requirements as are established by this chapter and the personnel
18 rules, he or she may be temporarily appointed to fill the vacancy. All persons with temporary status
19 who have been or who shall be temporarily appointed to those vacancies shall serve at the pleasure
20 of the appointing authority or until removed in accordance with other provisions of this chapter.
21 The personnel administrator shall within one year of the appointment of the temporary appointee
22 establish an appropriate list. In the event the personnel administrator has failed or fails to establish
23 an appropriate list within one year of a temporary appointment, the temporary employee shall
24 become a provisional employee until a suitable list is established, at which time the appropriate
25 merit system laws, rules, and regulations shall apply.

26 ~~(2)~~(2) Whenever any provisional employee who is serving in a competitive branch position
27 within the classified service completes five (5) consecutive years of satisfactory service, and the
28 personnel administrator has failed to establish a timely appropriate list as required by subsection
29 (a)~~(1)~~(1) during that time, that provisional employee shall be deemed to have qualified for his or her
30 position and shall be awarded permanent status, without the need of examination.

31 ~~(2)~~(3) When an appropriate list is established for a position held by a temporary or
32 provisional appointee, the position shall be deemed to be vacant for the purposes of certification
33 and appointment, and no salary or other compensation shall be paid to any temporary or provisional
34 appointee for services in the position for more than fifteen (15) days after certification of at least

1 three (3) available eligibles from the appropriate list.

2 (b) Any employee who holds temporary or provisional status for at least twelve (12)
3 consecutive months in the class in which he or she is serving and who takes the appropriate
4 examination for the position shall receive in addition to his or her test score five (5) additional
5 points for each year of state service, which shall be added to his or her test score; provided,
6 however, that in no case shall an employee receive credit for more than four (4) years of service.
7 An employee who holds temporary provisional status for at least twelve (12) consecutive months
8 in the class in which he or she is serving and is found to be reachable for certification to the position
9 he or she holds shall be appointed to the position unless the appointing authority certifies to the
10 personnel administrator that the individual's service has been unsatisfactory.

11 SECTION 20. Section 36-6-17 of the General Laws in Chapter 36-6 entitled "Salaries and
12 Traveling Expenses" is hereby amended to read as follows:

13 **36-6-17. Deductions for union dues.**

14 (a) Upon written authorization of any state employee who is a member of any bona fide
15 labor union or who voluntarily elects to pay dues or fees to a union, the state controller shall deduct
16 from the employee's salary his or her dues as a member or fees and shall remit, together with a list
17 by departments of the members or fee payers whose payments have been deducted, the amounts so
18 deducted, to the treasurer of the labor union, designated by the employee in the request; provided,
19 however, that where a labor union has been recognized as the sole and exclusive bargaining
20 representative for an appropriate unit, only the dues or fees for the sole and exclusive bargaining
21 representative shall be deducted. The state controller shall make dues or fee deductions, on an
22 ongoing basis, unless the employee files a written notice requesting termination of the payments,
23 with the exclusive bargaining representative.

24 (b) In the case of an employee employed in an area where there is no certified exclusive
25 bargaining organization, the request for dues deductions or fees to a bona fide labor union shall be
26 voluntary and shall take effect thirty (30) days after presentation. ~~If~~ **If** the employer and the selected
27 sole and exclusive bargaining representative have reached an agreement regarding the payment of
28 dues or fees or the employee on a voluntary basis elects to pay dues or fees, then the state controller
29 shall make dues or fee deductions on an ongoing basis, unless the employee files a written notice
30 requesting termination of the payments with the exclusive bargaining representative.

31 SECTION 21. Section 36-10-9.2 of the General Laws in Chapter 36-10 entitled
32 "Retirement System - Contributions and Benefits" is hereby amended to read as follows:

33 **36-10-9.2. Retirement on service allowance -- Correctional officers.**

34 (a) This section shall apply to the retirement of members employed as assistant director

1 (adult services), assistant deputy director, chief of inspection, and associate directors, correctional
2 officer, chief of security, work rehabilitation program supervisor, supervisor of custodial records
3 and reports, and classification counselor within the department of corrections.

4 (b)(1) Any member who has attained the age of fifty (50) years may be retired subsequent
5 to the proper execution and filing of a written application; provided, however, that the member
6 shall have completed twenty (20) years of total service within the department of corrections and
7 who retires before October 1, 2009, or is eligible to retire as of September 30, 2009.

8 (2) For members who become eligible to retire on or after October 1, 2009, benefits are
9 available to members who have attained the age of fifty-five (55) and have completed at least
10 twenty-five (25) years of total contributory service within the department of corrections. For
11 members in service as of October 1, 2009, who were not eligible to retire as of September 30, 2009,
12 but who are eligible to retire on or prior to June 30, 2012, the minimum retirement age of fifty-five
13 (55) will be adjusted downward in proportion to the amount of service the member has earned as
14 of September 30, 2009. The proportional formula shall work as follows:

15 (i) The formula shall determine the first age of retirement eligibility under the laws in effect
16 on September 30, 2009, which shall then be subtracted from the minimum retirement age of fifty-
17 five (55).

18 (ii) The formula shall then take the member's total service credit as of September 30, 2009,
19 as the numerator and the years of service credit determined under (2)(i) as the denominator.

20 (iii) The fraction determined in (2)(ii) shall then be multiplied by the age difference
21 determined in (2)(i) to apply a reduction in years from age fifty-five (55).

22 (c) Any member with contributory service on or after July 1, 2012, who has completed at
23 least five (5) years of contributory service but who has not completed twenty-five (25) years of
24 contributory service, shall be eligible to retire upon the attainment of the member's Social Security
25 retirement age or, notwithstanding any other provisions, effective July 1, 2015, members in active
26 service shall be eligible to retire upon the earlier of:

27 (1) The attainment of at least age sixty-five (65) and the completion of at least thirty (30)
28 years of total service, or the attainment of at least age sixty-four (64) and the completion ~~on~~ of at
29 least thirty-one (31) years of total service, or the attainment of at least age sixty-three (63) and the
30 completion ~~on~~ of at least thirty-two (32) years of total service, or the attainment of at least age
31 sixty-two (62) and the completion ~~on~~ of at least thirty-three (33) years of total service; or

32 (2) The member's retirement eligibility date under § 36-10-9(1)(c)(ii).

33 (d) Any member who shall have rendered service both as a state employee under § 36-10-
34 9, and service under § 36-10-9.2(a), shall be eligible to elect to combine the member's service under

1 § 36-10-9.2(a) and service under § 36-10-9 to determine the member's retirement eligibility date
2 under § 36-10-9. For any member making this election, the member will receive a single benefit
3 equal to the accrued benefit computed under § 36-10-10.2, plus the accrued benefit computed under
4 § 36-10-10.

5 (e) The provisions of subsection (d) shall also apply to members who have retired on a
6 service retirement allowance on or after July 1, 2012. Any such request for adjustment shall be in
7 writing to the retirement board and shall apply prospectively from the date the request is received
8 by the retirement board.

9 SECTION 22. Section 39-18.1-5 of the General Laws in Chapter 39-18.5 entitled
10 "Transportation Investment and Debt Reduction Act of 2011" is hereby amended to read as follows:

11 **39-18.1-5. Allocation of funds.**

12 (a) The monies in the highway maintenance fund to be directed to the department of
13 transportation pursuant to ~~subsection (a)(1) § 39-18.1-4(b)(1) – (b)(3) of this section~~ shall be
14 allocated through the transportation improvement program process to provide the state match for
15 federal transportation funds, in place of borrowing, as approved by the state planning council. The
16 expenditure of moneys in the highway maintenance fund shall only be authorized for projects that
17 appear in the state's transportation improvement program.

18 (b) Provided, however, that beginning with fiscal year 2015 and annually thereafter, the
19 department of transportation will allocate necessary funding to programs that are designed to
20 eliminate structural deficiencies of the state's bridge, road, and maintenance systems and
21 infrastructure.

22 (c) Provided, further, that beginning July 1, 2015, five percent (5%) of available proceeds
23 in the Rhode Island highway maintenance account shall be allocated annually to the Rhode Island
24 public transit authority for operating expenditures.

25 (d) Provided, further, that from July 1, 2017, and annually thereafter, in addition to the
26 amount above, the Rhode Island public transit authority shall receive an amount of not less than
27 five million dollars (\$5,000,000) each fiscal year.

28 (e) Provided, further, that the Rhode Island public transit authority shall convene a
29 coordinating council consisting of those state agencies responsible for meeting the needs of low-
30 income seniors and persons with disabilities, along with those stakeholders that the authority deems
31 appropriate and are necessary to inform, develop, and implement the federally required
32 Coordinated Public Transit Human Services Transportation Plan.

33 The council shall develop, as part of the state's federally required plan, recommendations
34 for the appropriate and sustainable funding of the free-fare program for low-income seniors and

1 persons with disabilities, while maximizing the use of federal funds available to support the
2 transportation needs of this population.

3 The council shall report these recommendations to the governor, the speaker of the house
4 of representatives, and the president of the senate no later than November 1, 2018.

5 SECTION 23. Section 42-7.4-2 of the General Laws in Chapter 42-7.4 entitled "The Health
6 Care Services Funding Plan Act" is hereby amended to read as follows:

7 **42-7.4-2. Definitions.**

8 The following words and phrases as used in this chapter shall have the following meaning:

9 (1)(i) "Contribution enrollee" means an individual residing in this state, with respect to
10 whom an insurer administers, provides, pays for, insures, or covers healthcare services, unless
11 excepted by this section.

12 (ii) "Contribution enrollee" shall not include an individual whose healthcare services are
13 paid or reimbursed by Part A or Part B of the Medicare program, a Medicare supplemental policy
14 as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss(g)(1), or Medicare
15 managed care policy, the federal employees' health benefit program, the Veterans' healthcare
16 program, the Indian health service program, or any local governmental corporation, district, or
17 agency providing health benefits coverage on a self-insured basis;

18 (iii) Delayed applicability for state employees, retirees, and dependents and not-for-profit
19 healthcare corporations. An individual whose healthcare services are paid or reimbursed by the
20 state of Rhode Island pursuant to chapter 12 of title 36 or a not-for-profit healthcare corporation
21 that controls or operates hospitals licensed under chapter 17 of title 23 or a not-for-profit healthcare
22 corporation that controls or operates hospitals licensed under chapter 17 of title 23, and facilities
23 and programs providing rehabilitation, psychological support, and social guidance to individuals
24 who are alcoholic, drug abusers, mentally ill, or who are persons with developmental disabilities
25 or cognitive disabilities, such as brain injury, licensed under chapter 24 of title 40.1 shall not be
26 treated as a "contribution enrollee" until July 1, 2016.

27 (2) "Healthcare services funding contribution" means per capita amount each contributing
28 insurer must contribute to support the programs funded by the method established under this
29 section, with respect to each contribution enrollee; provided, however, that, with respect to an
30 insurer that is a Medicaid managed care organization offering managed Medicaid, the healthcare
31 funding services contribution for any contribution enrollee whose healthcare services are paid or
32 reimbursed under Title XIX of the Social Security Act (Medicaid) shall not include the children's
33 health services funding requirement described in § 42-12-29.

34 (3)(i) "Insurer" means all persons offering, administering, and/or insuring healthcare

1 services, including, but not limited to:

2 (A) Policies of accident and sickness insurance, as defined by chapter 18 of title 27:

3 (B) Nonprofit hospital or medical-service plans, as defined by chapters 19 and 20 of title
4 27;

5 (C) Any person whose primary function is to provide diagnostic, therapeutic, or preventive
6 services to a defined population on the basis of a periodic premium;

7 (D) All domestic, foreign, or alien insurance companies, mutual associations, and
8 organizations;

9 (E) Health maintenance organizations, as defined by chapter 41 of title 27;

10 (F) All persons providing health benefits coverage on a self-insurance basis;

11 (G) All third-party administrators described in chapter 20.7 of title 27; and

12 (H) All persons providing health benefit coverage under Title XIX of the Social Security
13 Act (Medicaid) as a Medicaid managed care organization offering managed Medicaid.

14 (ii) "Insurer" shall not include any nonprofit dental service corporation as defined in § 27-
15 20.1-2, nor any insurer offering only those coverages described in § ~~42-7.4-14~~ [42-7.4-13](#).

16 (4) "Person" means any individual, corporation, company, association, partnership, limited
17 liability company, firm, state governmental corporations, districts, and agencies, joint stock
18 associations, trusts, and the legal successor thereof.

19 (5) "Secretary" means the secretary of health and human services.

20 SECTION 24. Section 42-12-19 of the General Laws in Chapter 42-12 entitled
21 "Department of Human Services" is hereby amended to read as follows:

22 **42-12-19. Permanent advisory commission on traumatic brain injuries -- Commission**
23 **established.**

24 (a) There is hereby established a permanent advisory commission on traumatic brain
25 injuries.

26 (b) The purpose of the commission shall be to:

27 (1) Report on all matters relating to traumatic brain injury in Rhode Island to the governor
28 and the general assembly.

29 (2) Advise the executive office of health and human services, the department of behavioral
30 healthcare, developmental disabilities and hospitals, and the department of health regarding the
31 development of priorities and criteria for disbursement of moneys in response to both individual
32 requests and grant-seeking entities from the traumatic brain injury fund. The priorities and criteria
33 shall be in accordance with the expenditure guidelines set forth in § 42-12-28 of this chapter.

34 (3) Advise the executive office of health and human services, the department of behavioral

1 healthcare, developmental disabilities and hospitals, and the department of health on all matters
2 regarding traumatic brain injury.

3 (c) The commission shall consist of twenty-six (26) members. They shall meet not less than
4 four (4) times a year and report their findings annually to the governor and general assembly. The
5 members of the commission shall serve without compensation. The commissioners shall elect their
6 own officers on a biennial basis.

7 (d) The membership of the commission shall be as follows: The secretary of the executive
8 office of health and human services or his or her designee, the director of the department of
9 behavioral healthcare, developmental disabilities and hospitals or his or her designee; the director
10 of the department of health or his or her designee; the director of the department of human services
11 or his or her designee; the director of the department of education or his or her designee, all of
12 whom shall serve ex-officio; the chief of neurosurgery at Rhode Island Hospital or his or her
13 designee; the president and executive director or two (2) designees of the Brain Injury Association
14 of Rhode Island; the director of the Rhode Island Disability Law Center or his or her designee; the
15 governor or his or her designee; and sixteen (16) persons appointed by the governor as follows:
16 eight (8) persons who are unrelated, seven (7) of whom must have a traumatic brain injury, and one
17 of whom may be an immediate family member of an individual with a traumatic brain injury; one
18 person who is a neurologist; one person who is a physiatrist; one person who is a neuropsychologist;
19 one person who is a cognitive rehabilitation specialist; one of whom is a traumatic brain injury case
20 manager; one of whom is a physical therapist or occupational therapist; one of whom is a
21 representative of a post-acute rehabilitation facility; and one person who is a community-based
22 service provider.

23 (e) The first meeting of the members of the commission shall be called to order by the
24 governor or his or her designee within ninety (90) days of the effective date of this act [July 7,
25 2006]. Of the ~~ten (10)~~ sixteen (16) members appointed by the governor, three (3) shall serve a term
26 of one year, three (3) shall serve a term of two (2) years, and four (4) shall serve a term of three (3)
27 years. Upon expiration of the initial term, commission members shall serve terms of three (3) years.
28 The initial terms of commission members shall be determined by lot.

29 SECTION 25. Section 44-30-84 of the General Laws in Chapter 44-30 entitled "Personal
30 Income Tax" is hereby amended to read as follows:

31 **44-30-84. Interest on underpayment.**

32 (a) General.

33 (1) If any amount of Rhode Island personal income tax, including any amount of the tax
34 withheld by an employer, is not paid on or before the due date, interest on the amount at the annual

1 rate provided by § 44-1-7 shall be paid for the period from the due date to the date paid, whether
2 or not any extension of time for payment was granted. The interest shall not be paid if its amount
3 is less than two dollars (\$2.00).

4 (2) Interest prescribed under this section may be waived by the tax administrator in the
5 event the underpayment results from the state's closing of banks and credit unions in which the
6 taxpayer's monies are deposited and the taxpayer has no other funds from which to pay his or her
7 tax.

8 (b) Estimated tax. If an individual fails to file a declaration of estimated Rhode Island
9 personal income tax as required by § 44-30-55, or to pay any installment of the tax as required by
10 § 44-30-56, the individual shall pay interest at the annual rate provided by § 44-1-7 for the period
11 the failure continues, until the fifteenth day of the fourth month following the close of the taxable
12 year. The interest in respect of any unpaid installment shall be computed on the amount by which
13 his or her actual payments and credits in respect of the tax are less than eighty percent (80%) of the
14 installment at the time it is due. Notwithstanding the foregoing, no interest shall be payable if one
15 of the exceptions specified in ~~26 U.S.C. § 6654(d)(1) or (2)~~ 26 U.S.C. § 6654(e)(1) or (2) would
16 apply if the exceptions referred to the corresponding Rhode Island tax amounts and returns.

17 (c) Payment prior to notice of deficiency. If, prior to the mailing to the taxpayer of notice
18 of deficiency under § 44-30-81, the tax administrator mails to the taxpayer a notice of proposed
19 increase of tax and within thirty (30) days after the date of the notice of the proposed increase the
20 taxpayer pays all amounts shown on the notice to be due to the tax administrator, no interest under
21 this section on the amount so paid shall be imposed for the period after the date of the notice of
22 proposed increase.

23 (d) Payment within ten (10) days after notice and demand. If notice and demand is made
24 for payment of any amount, and the amount is paid within ten (10) days after the effective date of
25 the notice and demand under § 44-30-81(b), interest under this section on the amount so paid shall
26 not be imposed for the period after the date of the notice and demand.

27 (e) Suspension of interest on deficiencies. If a waiver of restrictions on assessment of a
28 deficiency has been filed by the taxpayer, and if notice and demand by the tax administrator for
29 payment of the deficiency is not made within thirty (30) days after the filing of the waiver, interest
30 shall thereupon cease to accrue until the date of notice and demand.

31 (f) Interest treated as tax. Interest under this section shall be paid upon notice and demand
32 and shall be assessed, collected, and paid in the same manner as the tax, except that interest under
33 subsection (b) of this section may be assessed without regard to the restrictions of § 44-30-81.

34 (g) No interest on interest. No interest shall be imposed on any interest provided in this

1 section.

2 (h) Interest on civil penalties and additions to tax. Interest shall be imposed under
3 subsection (a) of this section in respect of any assessable civil penalty or addition to tax only if the
4 assessable penalty or addition to tax is not paid within fifteen (15) days from the effective date of
5 notice and demand therefor under § 44-30-81(b), and in that case interest shall be imposed only for
6 the period from the effective date of the notice and demand to the date of payment.

7 (i) Tax reduced by carryback. If the amount of tax for any taxable year is reduced by reason
8 of a carryback of a net operating loss, the reduction in tax shall not affect the computation of interest
9 under this section for the period ending with the last day of the taxable year in which the net
10 operating loss arises.

11 (j) Limitation on assessment or collection. Interest prescribed under this section may be
12 assessed or collected at any time during the period within which the tax or other amount to which
13 the interest relates may be assessed or collected.

14 (k) Interest on erroneous refund. Any portion of tax or other amount which has been
15 erroneously refunded, and which is recoverable by the tax administrator, shall bear interest at the
16 annual rate provided by § 44-1-7 from the date of the payment of the refund.

17 (l) Timely deposits for withheld tax. If an entity fails to remit withheld tax at the times
18 prescribed by the tax administrator, there may be interest assessed at the annual rate provided by §
19 44-1-7 for the period the failure continues, until the thirty-first day of the first month following the
20 close of the taxable year. The interest with respect to any failed remittances shall be computed as
21 prescribed by the tax administrator.

22 SECTION 26. Section 44-31.3-2 in Chapter 44-31.3 entitled Musical and Theatrical
23 Production tax credits is hereby amended to read as follows:

24 **44-31.3-2. Musical and theatrical production tax credits.**

25 (a) Definitions. As used in this chapter:

26 (1) "Accredited theater production" means a for-profit live stage presentation in a qualified
27 production facility, as defined in this chapter that is either: (i) A pre-Broadway production, or (ii)
28 A post-Broadway production.

29 (2) "Accredited theater production certificate" means a certificate issued by the film office
30 certifying that the production is an accredited theater production that meets the guidelines of this
31 chapter.

32 (3) "Advertising and public relations expenditure" means costs incurred within the state by
33 the accredited theater productions for goods or services related to the national marketing, public
34 relations, creation and placement of print, electronic, television, billboards and other forms of

1 advertising to promote the accredited theater production.

2 (4) "Payroll" means all salaries, wages, fees, and other compensation including related
3 benefits for services performed and costs incurred within Rhode Island.

4 (5) "Pre-Broadway production" means a live stage production that, in its original or
5 adaptive version, is performed in a qualified production facility having a presentation scheduled
6 for Broadway's theater district in New York City within (12) months after its Rhode Island
7 presentation.

8 (6) "Post-Broadway production" means a live stage production that, in its original or
9 adaptive version, is performed in a qualified production facility and opens its U.S. tour in Rhode
10 Island after a presentation scheduled for Broadway's theater district in New York City.

11 (7) "Production and performance expenditures" means a contemporaneous exchange of
12 cash or cash equivalent for goods or services related to development, production, performance, or
13 operating expenditures incurred in this state for a qualified theater production including, but not
14 limited to, expenditures for design, construction and operation, including sets, special and visual
15 effects, costumes, wardrobes, make-up, accessories; costs associated with sound, lighting, staging,
16 payroll, transportation expenditures, advertising and public relations expenditures, facility
17 expenses, rentals, per diems, accommodations and other related costs.

18 (8) "Qualified production facility" means a facility located in the state of Rhode Island in
19 which live theatrical productions are, or are intended to be, exclusively presented that contains at
20 least one stage, a seating capacity of one thousand (1,000) or more seats, and dressing rooms,
21 storage areas, and other ancillary amenities necessary for the accredited theater production.

22 (9) "Resident" or "Rhode Island resident" means, for the purpose of determination of
23 eligibility for the tax incentives provided by this chapter, an individual who is domiciled in the state
24 of Rhode Island or who is not domiciled in this state but maintains a permanent place of abode in
25 this state and is in this state for an aggregate of more than one hundred eighty-three (183) days of
26 the taxable year, unless the individual is in the armed forces of the United States.

27 (10) "Rhode Island film and television office" means the office within the department of
28 administration that has been established in order to promote and encourage the locating of film and
29 television productions within the state of Rhode Island. The office is also referred to as the "film
30 office."

31 (11)(i) "Transportation expenditures" means expenditures for the packaging, crating, and
32 transportation both to the state for use in a qualified theater production of sets, costumes, or other
33 tangible property constructed or manufactured out of state, and/or from the state after use in a
34 qualified theater production of sets, costumes, or other tangible property constructed or

1 manufactured in this state and the transportation of the cast and crew to and from the state. Such
2 term shall include the packaging, crating, and transporting of property and equipment used for
3 special and visual effects, sound, lighting and staging, costumes, wardrobes, make-up, and related
4 accessories and materials, as well as any other performance or production-related property and
5 equipment.

6 (ii) Transportation expenditures shall not include any costs to transport property and
7 equipment to be used only for filming and not in a qualified theater production, any indirect costs,
8 and expenditures that are later reimbursed by a third party,; or any amounts that are paid to persons
9 or entities as a result of their participation in profits from the exploitation of the production.

10 (b) Tax credit.

11 (1) Any person, firm, partnership, trust, estate, or other entity that receives an accredited
12 theater production certificate shall be allowed a tax credit equal to thirty percent (30%) of the total
13 production and performance expenditures and transportation expenditures for the accredited theater
14 production and to be computed as provided in this chapter against a tax imposed by chapters 11,
15 12, 13, 14, 17, and 30 of this title. Said credit shall not exceed five million dollars (\$5,000,000) and
16 shall be limited to certified production costs directly attributable to activities in the state and
17 transportation expenditures defined above. The total production budget shall be a minimum of one
18 hundred thousand dollars (\$100,000).

19 (2) No more than fifteen million dollars (\$15,000,000) in total may be issued for any tax
20 year for motion picture tax credits pursuant to chapter 31.2 of this title and/or musical and theatrical
21 production tax credits pursuant to this chapter. Said credits shall be equally available to motion
22 picture productions and musical and theatrical productions. No specific amount shall be set aside
23 for either type of production.

24 (3) The tax credit shall be allowed against the tax for the taxable period in which the credit
25 is earned and can be carried forward for not more than three (3) succeeding tax years.

26 (4) Credits allowed to a company that is a subchapter S corporation, partnership, or a
27 limited-liability company that is taxed as a partnership, shall be passed through respectively to
28 persons designated as partners, members, or owners on a pro rata basis or pursuant to an executed
29 agreement among such persons designated as subchapter S corporation shareholders, partners, or
30 members documenting an alternate distribution method without regard to their sharing of other tax
31 or economic attributes of such entity.

32 (5) If the company has not claimed the tax credits in whole or part, taxpayers eligible for
33 the tax credits may assign, transfer, or convey the tax credits, in whole or in part, by sale or
34 otherwise, to any individual or entity and ~~such~~ the assignee of the tax credits that has not claimed

1 the tax credits in whole or part may assign, transfer, or convey the tax credits, in whole or in part,
2 by sale or otherwise, to any individual or entity. The assignee of the tax credits may use acquired
3 credits to offset up to one hundred percent (100%) of the tax liabilities otherwise imposed pursuant
4 to chapter 11, 12, 13 (other than the tax imposed under § 44-13-13), 14, 17, or 30 of this title. The
5 assignee may apply the tax credit against taxes imposed on the assignee for not more than three (3)
6 succeeding tax years. The assignor shall perfect the transfer by notifying the state of Rhode Island
7 division of taxation, in writing, within thirty (30) calendar days following the effective date of the
8 transfer and shall provide any information as may be required by the division of taxation to
9 administer and carry out the provisions of this section.

10 (6) For purposes of this chapter, any assignment or sales proceeds received by the assignor
11 for its assignment or sale of the tax credits allowed pursuant to this section shall be exempt from
12 this title.

13 (7) In the case of a corporation, this credit is only allowed against the tax of a corporation
14 included in a consolidated return that qualifies for the credit and not against the tax of other
15 corporations that may join in the filing of a consolidated tax return.

16 (c) Certification and administration.

17 (1) The applicant shall properly prepare, sign, and submit to the film office an application
18 for initial certification of the theater production. The application shall include ~~such~~ the information
19 and data as the film office deems reasonably necessary for the proper evaluation and administration
20 of ~~said~~ the application, including, but not limited to, any information about the theater production
21 company and a specific Rhode Island live theater or musical production. The film office shall
22 review the completed application and determine whether it meets the requisite criteria and
23 qualifications for the initial certification for the production. If the initial certification is granted, the
24 film office shall issue a notice of initial certification of the accredited theater production to the
25 theater production company and to the tax administrator. The notice shall state that, after
26 appropriate review, the initial application meets the appropriate criteria for conditional eligibility.
27 The notice of initial certification will provide a unique identification number for the production and
28 is only a statement of conditional eligibility for the production and, as such, does not grant or
29 convey any Rhode Island tax benefits.

30 (2) Upon completion of an accredited theater production, the applicant shall properly
31 prepare, sign, and submit to the film office an application for final certification of the accredited
32 theater production. The final application shall also contain a cost report and an "accountant's
33 certification." The film office and tax administrator may rely without independent investigation,
34 upon the accountant's certification, in the form of an opinion, confirming the accuracy of the

1 information included in the cost report. Upon review of a duly completed and filed application and
2 upon no later than thirty (30) days of submission thereof, the division of taxation will make a
3 determination pertaining to the final certification of the accredited theater production and the
4 resultant tax credits.

5 (3) Upon determination that the company qualifies for final certification and the resultant
6 tax credits, the tax administrator of the division of taxation shall issue to the company: (i) An
7 accredited theater production certificate; and (ii) A tax credit certificate in an amount in accordance
8 with ~~this~~ section (b) hereof. A musical and theatrical production company is prohibited from using
9 state funds, state loans, or state guaranteed loans to qualify for the motion picture tax credit. All
10 documents that are issued by the film office pursuant to this section shall reference the identification
11 number that was issued to the production as part of its initial certification.

12 (4) The director of the department of administration, in consultation as needed with the tax
13 administrator, shall promulgate ~~such~~ rules and regulations as are necessary to carry out the intent
14 and purposes of this chapter in accordance with the general guidelines provided herein for the
15 certification of the production and the resultant production credit.

16 (5) If information comes to the attention of the film office that is materially inconsistent
17 with representations made in an application, the film office may deny the requested certification.
18 In the event that tax credits or a portion of tax credits are subject to recapture for ineligible costs
19 and ~~such~~ the tax credits have been transferred, assigned, and/or allocated, the state will pursue its
20 recapture remedies and rights against the applicant of the theater production tax credits. No redress
21 shall be sought against assignees, sellers, transferees, or allocates of ~~such~~ the credits.

22 (d) Information requests.

23 (1) The director of the film office, and his or her agents, for the purpose of ascertaining the
24 correctness of any credit claimed under the provisions of this chapter, may examine any books,
25 paper, records, or memoranda bearing upon the matters required to be included in the return, report,
26 or other statement, and may require the attendance of the person executing the return, report, or
27 other statement, or of any officer or employee of any taxpayer, or the attendance of any other
28 person, and may examine the person under oath respecting any matter that the director, or his or
29 her agent, deems pertinent or material in administration and application of this chapter and where
30 not inconsistent with other legal provisions, the director may request information from the tax
31 administrator.

32 (2) The tax administrator, and his or her agents, for the purpose of ascertaining the
33 correctness of any credit claimed under the provisions of this chapter, may examine any books,
34 paper, records, or memoranda bearing upon the matters required to be included in the return, report,

1 or other statement, and may require the attendance of the person executing the return, report, or
2 other statement, or of any officer or employee of any taxpayer, or the attendance of any other
3 person, and may examine the person under oath respecting any matter ~~which~~ the tax administrator
4 or his or her agent deems pertinent or material in determining the eligibility for credits claimed and
5 may request information from the film office, and the film office shall provide the information in
6 all cases to the tax administrator.

7 (e) The film office shall comply with the impact analysis and periodic reporting provisions
8 of § 44-31.2-6.1.

9 SECTION 27. Section 42-66.13-3 of the General Laws in Chapter 42-66.13 entitled
10 “Supported decision-Making Act” is hereby amended to read as follows:

11 **42-66.13-3. Definitions.**

12 For the purposes of this chapter:

13 (1) "Adult" means an individual who is eighteen (18) years of age or older.

14 (2) "Affairs" means personal, healthcare, and matters arising in the course of activities of
15 daily living and including those healthcare and personal affairs in which adults make their own
16 healthcare decisions, including monitoring their own health; obtaining, scheduling, and
17 coordinating health and support services; understanding healthcare information and options; and
18 making personal decisions, including those to provide for their own care and comfort.

19 (3) "Disability" means a physical or mental impairment that substantially limits one or
20 more major life activities of a person.

21 (4) "Good faith" means honesty in fact and the observance of reasonable standards of fair
22 dealing.

23 (5) "Immediate family member" means a spouse, child, sibling, parent, grandparent,
24 grandchild, stepparent, stepchild, or stepsibling.

25 (6) "Person" means an adult; healthcare institution; healthcare provider; corporation;
26 partnership; limited-liability company; association; joint venture; government; governmental
27 subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

28 (7) "Principal" means an adult with a disability who seeks to enter, or has entered, into a
29 supported decision-making agreement with a supporter under this chapter.

30 (8) "Supported decision-making" means a process of supporting and accommodating an
31 adult to enable the adult to make life decisions, including decisions related to where the adult wants
32 to live;~~;~~ the services, supports, and medical care the adult wants to receive;~~;~~ with whom the adult
33 wants to live ~~with;~~ and where the adult wants to work, without impeding the self-determination
34 of the adult.

1 (9) "Supported decision-making agreement" or "the agreement" means an agreement
2 between a principal and a supporter entered into under this chapter.

3 (10) "Supporter" means a person who is named in a supported decision-making agreement
4 and is not prohibited from acting pursuant to § 42-66.13-6(b).

5 (11) "Support services" means a coordinated system of social and other services supplied
6 by private, state, institutional, or community providers designed to help maintain the independence
7 of an adult, including any of the following:

8 (i) Homemaker-type services, including house repair, home cleaning, laundry, shopping,
9 and meal-provision;

10 (ii) Companion-type services, including transportation, escort, and facilitation of written,
11 oral, and electronic communication;

12 (iii) Visiting nurse and attendant care;

13 (iv) Healthcare provision;

14 (v) Physical and psychosocial assessments;

15 (vi) Legal assessments and advisement;

16 (vii) Education and educational assessment and advisement;

17 (viii) Hands-on treatment or care, including assistance with activities of daily living, such
18 as bathing, dressing, eating, range of motion, toileting, transferring, and ambulation;

19 (ix) Care planning; and

20 (x) Other services needed to maintain the independence of an adult.

21 SECTION 28. Section 45-62-5.1 of the General Laws in Chapter 54-62 entitled
22 "Confidentiality of Health Care Communications and Information Act" is hereby amended to read
23 as follows:

24 **45-62-5.1. Immunity from civil liability.**

25 Pascoag Reservoir Dam Management District created pursuant to this chapter shall be
26 immune from civil liability for any tort committed upon any lake bed the Pascoag Reservoir Dam
27 Management District may acquire, hold, use or lease pursuant to § ~~42-62-3~~ 45-62-3.

28 SECTION 29. Sections 1-40 of Article I of this act would take effect on December 31,
29 2020. Sections 1-29 of Article II of this act would take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATUTORY CONSTRUCTION

1 This act makes a number of technical amendments to the general laws, prepared at the
2 recommendation of the Law Revision Office. Article I contains the reenactment of titles 39, 40,
3 40.1 and 41 of the general laws. Article II includes the statutory construction provisions.

4 Sections 1-40 of Article I of this act would take effect on December 31, 2020. Sections 1-
5 29 of Article II of this act would take effect upon passage.

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